



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 14-267

31 days after filing.

Other (specify) January 1, 2015 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: This rule proposal makes changes to geoduck diver license rules in response to statute changes that limited the amount of geoduck diver licenses that WDFW may issue per year to 77 licenses beginning January 1, 2015. These changes create a clear, efficient process for the issuance of geoduck diver licenses in a new WAC section, WAC 220-52-01905, which will carry forward the license issuance process after January 1, 2015. Another rule project addressing the on-boarding of the license issuance process and technical changes was accomplished in tandem with this rulemaking. As this rule change is not needed until after January 1, 2015, the effective date has been postponed until that time.

Reasons supporting proposal: This rule change proposal was discussed during the Fish and Wildlife Commission meeting and public hearing on August 8, 2014. The proposed changes were adopted by the Commission at the September 19, 2014, Commission meeting. The changes provide a clear process for WDFW in issuing geoduck diver licenses in light of the license limitation imposed by the legislature and accomplish necessary technical changes for clarity.

Citation of existing rules affected by this order:

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.12.047, and 77.65.410.

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 14-14-136 on July 2, 2014.

Describe any changes other than editing from proposed to adopted version:

There were no changes to the rule after the CR-102 was filed. The rule change was adopted as initially presented in WSR 14-14-36.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: September 19, 2014

NAME (TYPE OR PRINT)

Miranda Wecker

SIGNATURE

Miranda Wecker

TITLE

Chair, Washington Fish and Wildlife Commission

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2014
TIME: 9:50 AM

WSR 14-20-009

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 220-52-01905 Commercial geoduck harvest—Geoduck diver license application and issuance process. (1) The department will not consider incomplete applications for a geoduck diver license. The following information is required to apply for or renew a geoduck diver license:

(a) A complete, legible, and signed application form;
(b) The application and license fees as provided in RCW 77.65.440;

(c) Proof of completion of the department of natural resources (DNR) geoduck diver safety program; and

(d) For applications to renew only, a copy of a DNR geoduck harvest agreement plan of operation that lists the applicant on the agreement during the applicable current calendar year.

(2) No more than 77 geoduck diver licenses may be issued per calendar year.

(3) Applicants may submit applications to the department:

(a) By mailing to 600 Capitol Way N., Olympia, WA 98501-1091;

(b) By faxing to 360-902-2945; or

(c) In person at the WDFW licensing front desk, first floor, natural resources building at 1111 Washington St. S.E., Olympia, WA 98501.

(4) The department must receive applications to renew a geoduck diver license by December 31st of the year the licensee's current geoduck diver license expires. If less than 77 geoduck diver licenses have been issued after the department approves all qualifying applications to renew a geoduck diver license, the department will issue additional licenses, up to the 77 geoduck diver license limit, to qualified applicants in the order they are received. If the department receives more than one application for a geoduck diver license in a calendar day, and issuing licenses to all applicants received in that calendar day would exceed 77 geoduck diver licenses, the department will conduct a random drawing among the applications received that calendar day to determine which of the applications received in that calendar day will be issued a geoduck diver license.