

# Concise Explanatory Statement

## Repealing WAC 220-52-01904 – Commercial Geoduck Harvest

**The following rule is repealed as part of this rulemaking:**

WAC 220-52-01904      Commercial geoduck harvest—License application and issuance process for 2015 geoduck diver licenses.

### **Summary of reasons for rulemaking:**

HB 1764 was passed by the Washington State Legislature in 2013. This bill limited the geoduck diver licenses issued by the department to 77 licenses per calendar year beginning in 2015 and imposed new application eligibility requirements. The Department of Natural Resources and the Washington Department of Fish and Wildlife interacted with and received input from the Geoduck Diver Association in passing the underlying legislation (HB 1764) that made rule changes necessary. The meetings held regarding HB 1764 allowed the Geoduck Diver Association to participate in formulating the bill.

WAC 220-52-01904 was needed to establish an equitable process for the department to follow to comply with changes to state law to limit geoduck diver licenses to 77 per year beginning January 1, 2015. At the same time WAC 220-52-01905, Commercial geoduck harvest – Geoduck diver license application and issuance process, was also adopted. WAC 220-52-01905 details the license issuance process WDFW will use after January 1, 2015, and went into effect on that date. For these reasons, WAC 220-52-01904 will no longer necessary and should be repealed after January 1, 2015. This process was explained to the Commission prior to the adoption of both WAC 220-52-01904 and 220-52-01905 in fall, 2014.

### **Explanation of the changes in this rulemaking:**

Repeal WAC 220-52-01904 as it became unnecessary after January 1, 2015.

### **Differences between the text of the proposed rule and the text of the rule as adopted:**

There were no changes from the proposed version to the adopted version.

### **Summary of comments and WDFW's response to and consideration of the comments:**

WDFW notified stakeholders, all geoduck diver license holders, of the proposed rulemaking as required by the Administrative Procedure Act. The department also posted the rule changes on the agency website.

A public hearing was held at the February 6, 2015, Fish and Wildlife Commission Meeting. No one testified at the public hearing. The Department received no written comments as part of this rulemaking. The Fish and Wildlife Commission approved the repeal of WAC 220-52-01904 at the February 20, 2015, Commission Conference Call.