



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 16, 2018

TIME: 8:24 AM

WSR 18-09-058

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (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:** The department is amending WAC 220-340-070 to better clarify the application process for obtaining Geoduck Diver Licenses..

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 220-340-070

Suspended:

**Statutory authority for adoption:** RCW 77.04.090 and RCW 77.04.130

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 18-03-142 on January 22, 2018 (date).

Describe any changes other than editing from proposed to adopted version: None

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on the agency's own initiative:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>1</u>	Repealed	___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Negotiated rule making:	New	___	Amended	___	Repealed	___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	___

**Date Adopted:** April 14, 2018

**Name:** Brad Smith

**Title:** Chair, Fish and Wildlife Commission

**Signature:**



**WAC 220-340-070 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;

(i) Applicants renewing a geoduck diver license must submit the completed application, application fee and license fee by December 31;

(ii) New geoduck diver license applicants and renewing applicants who missed the December 31 deadline must submit the completed application and only the application fee by January 10. The license fee will be required within forty-eight hours if the individual is selected.

(c) ~~((Proof of))~~ Completion of the department of natural resources (DNR) geoduck diver safety program to be verified by the department of fish and wildlife (DFW) with DNR; ((and))

(d) ~~((For applications to renew only, a copy of a))~~ All applicants must be on a DNR geoduck harvest agreement plan of operation ((that lists the applicant on the agreement)) during the applicable current calendar year and be verified by the department with DNR on an annual basis; and

(e) The department will not consider incomplete applications for a geoduck diver license.

(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))~~ P.O. Box 43154, Olympia, WA 98504-3154;

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

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

(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))~~ will renew any geoduck diver license if all requirements listed in subsection (1) of this section are met by December 31. If less than 77 geoduck diver licenses have been issued after the department approves all qualifying applications to renew a geoduck diver license, then the department will issue additional licenses, up to the 77 geoduck diver license limit, to ((qualified)) new geoduck diver license 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)) and renewing applicants who missed the December 31 deadline. The department will complete the following process for issuing licenses to new geoduck diver license qualified applicants and renewing applicants who missed the December 31 deadline:

(a) New geoduck diver license applicants and renewing applicants who missed the December 31 deadline will be eligible if all requirements listed in subsection (1) of this section are met by January 10. A drawing will be held ten business days after January 10 for all eligible new applicants.

(b) After the initial drawing, if there are remaining licenses available up to the 77 geoduck diver license limit, then the department will issue licenses to new geoduck diver applicants and renewing applicants who missed the December 31 deadline based on the calendar date the application is received on a first-come first-serve basis. In the event there are multiple applications received on the same calendar day that exceed the quantity of remaining licenses, a drawing will be held to issue the remaining licenses.