

WAC 220-340-310 Commercial geoduck harvest license. (1) It is unlawful to commercially harvest geoducks unless the harvester possesses a valid, director-issued geoduck fishery license or geoduck diver license. A geoduck fishery license card is a "license card" under WAC 220-352-210.

(2) Only persons holding current geoduck harvest agreements from the department of natural resources or their agents may apply for a geoduck fishery license. An application for a geoduck fishery license must be fully completed on a form provided by the department and accompanied by a copy of the geoduck harvest agreement for which the license is sought.

(3) Each geoduck fishery license authorizes the use of two water jets or other units of geoduck harvest gear. Commercial geoduck harvesting gear must meet the requirements of WAC 220-340-300.

(4) Holders of geoduck fishery licenses must comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et. seq. Some of these regulations appear at 29 C.F.R. Part 1910, Subpart T.

(a) The director may suspend or revoke a geoduck fishery license used in violation of commercial diving safety regulations, including 29 C.F.R. Part 1910, Subpart T, adopted under the Occupational Safety and Health Act of 1970. The procedures of chapter 34.05 RCW apply to these suspensions or revocations.

(b) If there is a substantial probability that a violation of commercial diving safety regulations could result in death or serious physical harm to a person harvesting geoducks, the director may immediately suspend the license until the violation is corrected. If the violator fails to correct the violation within ten days of notice of the violation, the director may revoke the violator's geoduck fishery license. The director may not revoke a geoduck fishery license if the holder of the harvesting agreement corrects the violation within ten days of receiving written notice of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-340-310, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.12.047, and 77.65.410. WSR 14-20-008 (Order 14-266), § 220-52-01901, filed 9/19/14, effective 10/20/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 12-23-016 (Order 12-267), § 220-52-01901, filed 11/9/12, effective 12/10/12. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-52-01901, filed 5/19/94, effective 6/19/94; WSR 93-15-051, § 220-52-01901, filed 7/14/93, effective 8/14/93; WSR 84-08-014 (Order 84-24), § 220-52-01901, filed 3/27/84; WSR 80-13-064 (Order 80-123), § 220-52-01901, filed 9/17/80; WSR 79-12-039 (Order 79-129), § 220-52-01901, filed 11/20/79; Order 77-65, § 220-52-01901, filed 8/5/77 and 8/25/77.]