

# SENATE BILL REPORT

## SB 5926

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As of April 16, 2009

**Title:** An act relating to geoduck diver licenses.

**Brief Description:** Regarding geoduck diver licenses.

**Sponsors:** Senators Jacobsen and Morton.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/23/09.

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Staff:** Curt Gavigan (786-7437)

**Background:** The Department of Natural Resources (DNR) manages state-owned aquatic lands and is responsible for designating the areas of such lands that are available for geoduck harvest. Geoducks are sold as valuable materials by DNR and, after sale, DNR may enter into a geoduck harvesting agreement with the purchaser.

The Department of Fish and Wildlife (DFW) is responsible for managing the state's fishery resources, including the time, place, and manner in which shellfish are harvested. Once a purchaser has entered into a geoduck harvesting agreement with DNR, the purchaser may receive a geoduck fishery license from DFW. DFW also calculates the total allowable catch for commercial geoduck harvest each year, which is roughly 2.7 percent of the geoduck biomass on a tract. The state's portion of the total geoduck catch equates to approximately two million pounds per year.

A diver who harvests geoduck commercially must purchase a geoduck diver license. The license is \$185 for residents and \$285 for nonresidents. According to DFW, there are currently 64 resident geoduck license holders. Currently, there are no nonresident license holders.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** After July 1, 2009, a person may obtain a geoduck diver license only if a person held a geoduck diver license and was listed on a DNR harvest agreement plan of operation during at least two of the four years between 2004 and

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2007. DFW must revoke a license issued after January 1, 2009, from any person that does not meet this requirement.

A person may transfer a geoduck diver license after January 1, 2010. The person acquiring the license must pay DFW a transfer fee of \$2,300 if the person is a resident and \$2,850 if the person is a nonresident.

DFW must revoke a geoduck diver license that is not renewed by January 15 of a given year. However, DFW may reissue the license upon payment of the annual license fee and a reissue fee of \$2,300 for a resident and \$2,850 for a nonresident.

The fee for a resident geoduck diver license is increased from \$185 to \$230. The fee for a nonresident is decreased from \$295 to \$285.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2009.

**Staff Summary of Public Testimony:** PRO: Geoduck divers in support of this concept have worked with relevant stakeholders, including tribes. However, DNR has avoided working with them on the license limitation bill. Based on DNR concerns, the divers are willing to remove the language allowing transfer of licenses. There is no evidence to show that limiting the number of divers' licenses would impact revenue to the state. This is necessary to provide stability and integrity to the fishery, and to support the work the harvesters have done to secure a living wage. The measure would also give divers the ability to ignore pressure to harvest inappropriately.

CON: This measure would shift control of the fishery from folks with the most investment, such as tract holders, to divers who have the least investment. It would also keep out new persons who would like to join the fishery. Additionally, it would limit income to the state for aquatics projects that would benefit Puget Sound.

OTHER: While DNR wants to ensure diver safety and the ability to make a decent wage, DNR is concerned about potential fiscal impacts. DNR has a responsibility to the divers, but also to ensure that revenues are available to conduct habitat projects. DNR cannot support this version of the bill due to estimated fiscal impacts, but will continue to work with the divers. Because authorization to participate in the fishery requires participation in an auction and because diving is so specialized, fishery participation is limited even without license restrictions.

**Persons Testifying:** PRO: Sam Swanson, Harvest Divers Union; Gordon Baxter, Robert Mead, Washington Harvesters Association; Brad Nelson, Duc's Inc.; Mark Pearce, citizen.

CON: Joseph Chang, Kailani Divers; Michael Grayum, Puget Sound Partnership.

OTHER: Lisa Venersoso, DFW; Heath Packard, DNR.