

# FINAL BILL REPORT

## 2SHB 1764

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Synopsis as Enacted

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

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Chandler, Stanford, Blake, Appleton and Dunshee).

**House Committee on Agriculture & Natural Resources**  
**House Committee on Appropriations**  
**Senate Committee on Natural Resources & Parks**  
**Senate Committee on Ways & Means**

### **Background:**

The Washington Department of Fish and Wildlife (WDFW) is responsible for the issuance of geoduck diver licenses and geoduck fishery licenses, a combination of which are required for participants in a commercial geoduck fishery. In order to be granted a Geoduck Fishery License, the purchaser must first enter into a valid geoduck harvest agreement with the Department of Natural Resources (DNR).

A diver engaged in the commercial harvest of geoducks must have a geoduck diver license, which is nontransferable. The annual license fee is \$185 for residents and \$295 for nonresidents.

A holder of a geoduck fishery license does not necessarily have to obtain a geoduck divers license. The geoduck fishery license holder can arrange for geoduck divers to harvest the product allowed by the license. Likewise, the holder of a geoduck diver license is not required to obtain a geoduck fishery license if he or she is operating under the geoduck fishery license of another.

### **Summary:**

#### Geoduck Diver License.

A diver engaged in the commercial harvest of geoducks may only own one geoduck diver license, and must perform all geoduck harvesting personally. This licensing requirement does not apply to divers engaged in private sector cultured aquatic products cultivation.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Beginning January 1, 2015, the Washington Department of Fish and Wildlife (WDFW) may not issue more than 77 geoduck diver licenses in any year. The WDFW will allow people who held licenses in 2011, 2012, 2013, and 2014, and who were listed on a Department of Natural Resources' (DNR) geoduck harvest agreement plan of operation during the same period, the right of first refusal to purchase a geoduck diver license in 2015. The qualifying license holders will have to inform the WDFW of their intent to acquire a license.

A geoduck diver license expires on December 31 each year. Prior to the license's expiration, the license holder may apply to renew the license if he or she was included on a DNR geoduck harvest agreement plan of operation during the current year. Beginning on January 1, 2015, anyone applying for or renewing a geoduck diver license will be required to complete a safety program.

The WDFW must revoke a geoduck diver license if the license holder violated a DNR geoduck harvest agreement plan of operation two or more times. The person surrendering the geoduck diver license may not hold another license for one calendar year from the date the license was revoked.

The WDFW may adopt rules necessary for the implementation of the Geoduck Diver License program.

#### Geoduck Safety Advisory Committee.

The DNR must establish a Geoduck Harvest Safety Committee (Committee) with one representative appointed by the Commissioner of Public Lands from each of the following: the DNR, the DNR's Geoduck Diver Advisory Committee, an organization that represents the interests of geoduck harvesters, and an organization that represents the interests of geoduck divers. The Committee must meet at least quarterly and submit a safety program recommendation to the DNR for geoduck license holders by December 1, 2013.

The DNR must adopt by rule a geoduck diver safety program based on the recommendation of the Committee by December 1, 2014. Once the safety program is established, the Committee is responsible for the continued review and evaluation of the safety program's success and effectiveness. The Committee must recommend to the DNR appropriate changes to improve the geoduck diver safety program. The DNR may adopt, amend, or repeal rules as needed to improve the safety program, but must take into consideration the recommendations provided by the Committee. Beginning January 1, 2015, in order to be maintained on a DNR harvest agreement plan of operation, a geoduck diver is required to complete the safety program annually.

#### Civil Liability.

A civil suit or action may not be brought against the DNR for any actions relating to the adoption or enforcement of the geoduck diver safety program or safety requirements adopted by the DNR.

#### **Votes on Final Passage:**

House	95	0	
Senate	45	2	(Senate amended)

House 93 4 (House concurred)

**Effective:** July 28, 2013