

SENATE BILL REPORT

SB 5665

As of February 20, 2013

Title: An act relating to geoduck diver licenses.

Brief Description: Concerning geoduck diver licenses.

Sponsors: Senators Pearson and Rolfes.

Brief History:

Committee Activity: Natural Resources & Parks: 2/19/13.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

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 a 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 averages approximately two million pounds per year.

A diver who harvests geoduck commercially must purchase a geoduck diver license, which is nontransferable. The license is \$185 for residents and \$295 for nonresidents.

Summary of Bill: Provides Limitations on Geoduck Diver Licenses. DFW may not issue new geoduck diver licenses after July 1, 2013. An existing license holder may only review that license if the person:

- held a geoduck diver license in either 2011 or 2012; and
- was listed on a DNR geoduck harvest agreement plan during those years.

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.

A person may own only one geoduck diver license, which is transferrable. The license holder must personally perform all geoduck harvesting.

DFW must revoke the license of a diver with two or more violations of a DNR geoduck harvest agreement, and that person may not hold another geoduck diver license for one year. DFW may reissue the revoked license to another person.

Adjusts and Establishes Fees Associated with Licenses. The annual resident geoduck diver license fee is raised to \$230 and the nonresident fee reduced to \$285. A license transfer fee of \$2,300 is established for residents and \$2,850 for nonresidents, to be paid by the person acquiring the license. Additionally, a license holder who fails to renew their license in a timely manner may pay a reissue fee of \$2,300 for residents and \$2,850 for nonresidents.

Establishes a Geoduck Dive Safety Program. DNR must establish a Diver Safety Committee consisting of one member each representing DNR, DFW, the Washington Harvester's Association, and the Harvest Diver's Union. The Committee must meet at least quarterly, and is charged with establishing a safety program for geoduck license holders by December 1, 2014. Beginning January 1, 2015, each license applicant must complete this safety program.

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 immediately.

Staff Summary of Public Testimony: PRO: This bill can allow us to approach geoduck diver licenses and profits in a more effective and fair manner between divers and boat owners and will strengthen the license and license re-issuing process.

CON: It is important to understand the difference between wild geoduck harvest and shellfish aquaculture harvest. Geoduck growers in inner and subtidal areas do work with the divers, but that is separate from the wild fisheries. Where we stand currently, the management of the geoduck fishery provides no evidence that warrants its movement to a limited-entry fishery.

OTHER: This bill brings concerns of possibly limiting new divers from the industry by nature of the transferability of the license and the approach to the misuse of licenses. This could impact the availability of divers to harvest geoduck in state owned acquired lands.

Persons Testifying: PRO: Gordon Baxter, WA Harvesters Assn.; Sam Swanson, Harvest Divers Union.

CON: Jim Jesernig, Pacific Coast Shellfish Growers; Rich Childers, DFW.

OTHER: Megan Duffy, DNR.