

Summary

Meeting dates: August 8-9, 2014

Agenda item: Commercial geoduck harvest-License application and issuance process for 2015 – Rule Briefing and Public Hearing

Presenter(s): Frank Hawley, Licensing & Budget Policy Manager, and Joanna Eide, Criminal Justice Liaison/Rules Coordinator

Background summary:

The purpose of this proposed rule change is to establish an equitable license application and issuance process for geoduck diver licenses to comply with changes to state law to limit geoduck diver licenses to 77 per year beginning January 1, 2015. This project involves two separate CR-102 filings to accomplish a process for issuing geoduck diver licenses in light of the license limitation beginning January 1, 2015, and to establish a permanent process that WDFW will use to issue geoduck diver licenses after that date and the initial license limitation. These proposed rule changes also address additional application eligibility requirements for geoduck diver licenses as required by RCW 77.65.410.

New WAC 220-52-01904 will operate on a temporary type basis to allow the department to issue licenses for first right of refusal applicants as established in section 2 of HB 1764. WAC 220-52-01904 will be repealed after January 1, 2015, as it will no longer be needed. A separate CR-102 filing to establish a permanent rule for use after January 1, 2015, (New WAC 220-52-01905) is being done in tandem with this rulemaking. The department also proposes amending WAC 220-52-01901 to add geoduck diver licenses to rule provisions as only geoduck fishery licenses were provided for in that rule and a person may harvest geoduck under both a geoduck fishery license and a geoduck diver license. Both licenses need to be mentioned in the WAC.

Policy issue(s) you are bringing to the Commission for consideration: Establish an equitable issuance of 77 geoduck diver licenses each license year.

Public involvement process used and what you learned: DNR and WDFW interacted with and received input from the Geoduck Diver Association in passing the underlying legislation (HB 1764) that made these proposed rule changes necessary. The meetings held regarding HB 1764 allowed the Geoduck Diver Association to participate in formulating the bill. WDFW has included stakeholders in formulating the proposed new license issuance process, and notified stakeholders of the proposed rulemaking as required by the Administrative Procedure Act.

Action requested: N/A. This is a rule briefing and public hearing.

Draft motion language: N/A.

Justification for Commission action:

HB 1764 was passed by the Washington State Legislature in 2013. This bill limited the geoduck diver licenses issued by the department to 77 licenses per calendar year beginning in 2015 and imposed new application eligibility requirements.

The department needs these proposed rules to establish an equitable process the department will follow to comply with changes to state law to limit geoduck diver licenses to 77 per year beginning January 1, 2015, and to address new application requirements for geoduck diver licenses. The rule changes promote clarity and establish a clear process for issuing geoduck diver licenses.

Communications Plan: This rule proposal is listed on the department's website on the Current Rule Making Activities page. The department sent notification of the rule change proposal to members of the public who expressed interest in receiving notification of proposed rule changes. The department also shared rule changes with stakeholders and notified holders of geoduck diver licenses and those who indicated their wish to have a first right of refusal for a 2015 geoduck diver license. Because the rule changes in this proposal are administrative in nature, no extensive formal communications plan was necessary. The department will hold a public hearing at the August Fish and Wildlife Commission Meeting and receive public comments at that time as well.
