

Summary

Meeting dates: February 20, 2015, Conference Call

Agenda item: Decision –Repeal WAC 220-52-01904

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

Background summary:

In September 2014, the Commission adopted WAC 220-52-01904 to allow the department to equitably issue geoduck dive licenses for first right of refusal applicants as established in section 2 of HB 1764.

WAC 220-52-01904 was adopted to create an on-boarding process for WDFW to issue 2015 geoduck diver licenses at the end of 2014 due to recent changes to state law limiting the number of geoduck diver licenses WDFW may issue to 77 beginning January 1, 2015. When WAC 220-52-01904 was adopted, WAC 220-52-01905, Commercial geoduck harvest – Geoduck diver license application and issuance process, was also adopted. WAC 220-52-01905 details the license issuance process WDFW will use after January 1, 2015, and went into effect on that date. For these reasons, WAC 220-52-01904 will no longer necessary and should be repealed after January 1, 2015. This process was explained to the Commission prior to the adoption of the rules in Fall, 2014.

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Policy issue(s) you are bringing to the Commission for consideration: None-Housekeeping

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: Approve the repeal of WAC 220-52-01904

Draft motion language: “I move that WAC 220-52-01904 be repealed as presented by the Department.”

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.

WDFW-Licensing has processed all right of first refusal applicants and reached 77 geoduck

diver licenses for the 2015 license year, eliminating the need for the current WAC 220-52-01904. WAC 220-52-01905 adopted back in September and effective on January 1, 2015, establishes an ongoing equitable process to comply with changes to state law to limit geoduck diver licenses to 77 per year beginning January 1, 2015.

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 this proposal is technical in nature, no extensive formal communications plan was necessary. The department held a public hearing at the February Fish and Wildlife Commission Meeting and receive public comments at that time as well.
