
SUBSTITUTE SENATE BILL 5400

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Swecker)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to geoducks; and adding a new section to chapter
2 79.96 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.96 RCW
5 to read as follows:

6 (1) By January 1, 2004, the department and the department of fish
7 and wildlife shall initiate an agreement with the geoduck harvesters
8 association for an initial term of ten years, with the option of an
9 additional term of ten years, for implementation of a joint research
10 project in coordination with federally recognized treaty tribes to
11 examine the geoduck aquaculture industry in the state of Washington.
12 The agreement and the research project may be terminated if any party
13 fails to perform.

14 (2) The geoduck aquaculture research project must use scientific
15 methods to determine sustainability of geoduck aquaculture and assess
16 potential impacts to the aquatic ecosystem.

17 (3) The department shall provide the use of state-owned aquatic
18 lands for the geoduck aquaculture research project and shall determine
19 jointly with the association the project design. The association shall

1 provide geoduck clam seed, materials, and labor. A jointly agreed upon
2 percentage of revenue from harvest of geoduck clams in the course of
3 the project must be paid to the department.

4 (a) The department shall designate no fewer than five areas of
5 aquatic lands owned by the state on which to implement the geoduck
6 aquaculture research project. The department, in cooperation with the
7 association, shall determine the size and location of the areas, which
8 shall comprise approximately fifty acres.

9 (b) Harvest of any naturally occurring geoduck clams from the areas
10 designated for the geoduck aquaculture research project is subject to
11 tribal treaty fishing rights. Efforts must be made to identify areas
12 with density of geoduck clams below the level at which a natural bed
13 determination must be made pursuant to applicable federal court order.

14 (4) At the end of the first year of the geoduck aquaculture
15 research project and each year thereafter, the department shall provide
16 a progress report on the project to the standing legislative committees
17 with jurisdiction. The second report and all subsequent reports must
18 include an assessment of geoduck aquaculture, its impact on the aquatic
19 ecosystem, and recommendations regarding continuation or expansion of
20 the research project. Each report must include the perspective of the
21 association.

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