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**Fisheries, Ecology & Parks  
Committee**

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**HB 1239**

**Brief Description:** Concerning the commercial harvest of geoduck clams.

**Sponsors:** Representatives Cooper, Sump, Dunshee, Kenney, Veloria, Haigh, Berkey, Lantz and Rockefeller.

**Brief Summary of Bill**

- Removes the restriction to harvest geoducks within 200 yards seaward from the ordinary high tide line.

**Hearing Date:** 1/31/03

**Staff:** Jeff Olsen (786-7157).

**Background:**

The Department of Natural Resources currently designates harvest tracts and administers geoduck harvest agreements. It is unlawful to commercially harvest geoducks from bottoms shallower than 18 feet below the mean lower low water, or in an area bounded by the line of ordinary high tide, and a line 200 yards seaward from and parallel to the ordinary high tide line.

The state of Washington shares management authority over the geoduck fishery with tribal co-managers pursuant to harvest management plans. This arrangement was established by what is often referred to as the "Rafeedie decision" [US v. Washington, 873 F. Supp 1422 (1994)], named after the judge who decided the matter in federal court. The Rafeedie decision, and the associated implantation plan [US v. Washington, 898 F. Supp 1453 (1995)], sets out how the court expects the state and the tribes to share equal portions of the sustainable harvest biomass of any shellfish species, including geoduck. The co-managers are directed by the court to enter into management plans to implement the decision, and to comply with the terms of all management plans. The tribal co-managers are not subject to the state law restricting the harvest in the area 200 yards seaward from ordinary high tide.

**Summary of Bill:**

The bill removes the restriction preventing the commercial harvest of geoducks that lie in an area bounded by the line of ordinary high tide and a line 200 yards seaward from and parallel to the ordinary high tide line.

**Appropriation:** None.

**Fiscal Note:** Requested on January 29, 2003.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.