
**Fisheries, Ecology & Parks
Committee**

HB 2348

Brief Description: Restricting the harvest of geoducks in Hood Canal.

Sponsors: Representatives Eickmeyer, Buck, Haigh, Armstrong and Rockefeller.

Brief Summary of Bill

- Prohibits the Department and Fish and Wildlife and the Department of Natural Resources from entering into management plans that would allow for the harvest of naturally-occurring geoducks below the mean low tide line of Hood Canal, unless a rule of the Fish and Wildlife Commission allows otherwise.

Hearing Date: 1/22/04

Staff: Jason Callahan (786-7117).

Background:

State management of the geoduck resources and the commercial geoduck fishery generally occurs jointly by the Department and Fish and Wildlife (DFW) and the Department of Natural Resources (DNR) pursuant to a Memorandum of Understanding (MOU) entered into by both departments. Pursuant to the MOU, the DFW has the primary responsibility to conduct resource assessments and to set the total amount of geoduck that can be harvested annually. The DNR has the primary responsibility to manage the state harvest and sale of geoducks, including the planning and location of state sales.

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 departments have agreed in the MOU to jointly represent the state delegation in conversations with area tribes concerning the state-tribal management of the subtidal geoduck fishery. Both the DFW and DNR have agreed to work together in adopting a unified state position on geoduck

management prior to presenting the state position to the tribal co-managers, and the signature of both department heads appear on management plans agreed to by the state.

Summary of Bill:

The DFW and the DNR are prohibited from entering into management plans with state or non-state entities that would allow for the harvest of naturally-occurring geoducks below the mean low tide line of Hood Canal. The prohibition does not effect tidal geoduck harvest, or the harvest of artificially planted beds.

This prohibition may be lifted by a Fish and Wildlife Commission (Commission) rule, if the Commission members find that there exists substantial, peer-reviewed research indicating that commercial geoduck harvest does not have a significant long or short-term effect on the environmental health of Hood Canal. Any research considered must at a minimum address water quality and dissolved oxygen levels in Hood Canal, and must be specifically tailored to address the unique conditions of Hood Canal.

Before a Commission rule that lifts the prohibition takes effect, a summary of the research considered must be presented to the Legislature. The effective date of the rule must be at least thirty days after the end of the legislative session during which the research was presented.

Appropriation: None.

Fiscal Note: Requested on 1/15/2004.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.