

# HOUSE BILL REPORT

## SB 5266

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**As Passed House - Amended:**

April 9, 2003

**Title:** An act relating to the commercial harvest of geoduck clams.

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

**Sponsors:** By Senators Oke, T. Sheldon, Swecker, B. Sheldon, Doumit, Sheahan and Esser.

**Brief History:**

**Committee Activity:**

Fisheries, Ecology & Parks: 4/1/03 [DPA].

**Floor Activity:**

Passed House - Amended: 4/9/03, 92-0.

**Brief Summary of Bill  
(As Amended by House)**

- Establishes a legislative task force to study the management and harvest of the geoduck resource and provide recommendations to the Legislature by December 1, 2003.

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### HOUSE COMMITTEE ON FISHERIES, ECOLOGY & PARKS

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Cooper, Chair; Berkey, Vice Chair; Sump, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Buck, Hatfield, O'Brien, Pearson and Upthegrove.

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

**Background:**

Geoducks (*Panopea abrupta*) are large burrowing clams found in quantities sufficient for commercial harvest in Puget Sound, Hood Canal, Admiralty Inlet, the Strait of Juan de Fuca, and the San Juan Islands.

The geoduck fishery on state-owned aquatic lands in Washington is managed jointly by

the Department of Natural Resources (DNR), the Department of Fish and Wildlife (WDFW), and, as a result of a federal court decision ("the Rafeedie decision"), and the Puget Sound Treaty Indian Tribes. The state and the tribes are responsible for estimating geoduck population size, determining sustainable yield, and minimizing adverse effects to the environment. Regional management agreements and annual harvest plans are negotiated and signed by the state and the tribes. The DNR and the WDFW have civil and criminal enforcement responsibility for state laws, regulations, and contract conditions that apply to the state's geoduck fishery.

The DNR currently designates harvest tracts, administers geoduck harvest agreements, and enforces commercial violations. It is unlawful to commercially harvest geoducks from bottoms shallower than 18 feet below the mean lower low water, or 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. The tribes are not governed by state law and manage the tribal fishery independently of state law. Tribal harvest is not restricted to 200 yards from shore, as is the state harvest.

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### **Summary of Amended Bill:**

A legislative task force (task force) is established to study and make recommendations regarding geoduck management and harvest rules. The task force is composed of eight legislative members including two members of the House of Representatives appointed by the Speaker of the House of Representatives to include one member from each of the two largest political caucuses; two members of the Senate appointed by the President of the Senate to include one member from each of the two largest political caucuses; the chair of the House of Representatives' Fisheries, Ecology and Parks Committee; the chair of the House of Representatives' Agriculture and Natural Resources Committee; the chair of the Senate Parks, Fish, and Wildlife Committee; and the chair of the Senate Natural Resources, Energy, and Water Committee.

The task force must elect a chair and agree upon procedures for conducting the business of the task force. The task force may establish an advisory committee of stakeholders including but not limited to representatives from treaty Indian tribes, the aquaculture industry, geoduck divers, private shoreline property owners, the DFW, the DNR, the Department of Health, the Department of Agriculture, local government, and other affected stakeholders. Staff support for the Task Force must be provided by the House of Representatives' Office of Program Research and the Senate Committee Services.

By December 1, 2003, the task force must report to the Legislature with recommendations for improving the coordinated management of the geoduck resource; the costs and benefits of implementing a limited entry geoduck diver license; improvements for compliance and enforcement with geoduck harvest rules on state and nonstate-owned lands; improvements to state rules of geoduck harvesting; and

recommendations for the state's potential role in aquaculture and reseedling of geoduck clams. The task force expires January 1, 2004.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Original bill) Removing the 200-yard restriction has several positive impacts including equality in harvest restrictions with the tribes, opening up beds for harvest, and making enforcement easier for the DNR. With more geoduck harvest tracts available for state harvest, the harvest can be dispersed more evenly across all geoduck beds. Geoduck divers will be better able to comply with harvest restrictions and it is safer to dive in shallower water. Local conditions may still be protected, such as environmental protections for eelgrass and mitigating impacts for local property owners. Revenues from geoduck sales will increase if the restriction is removed.

**Testimony Against:** None.

**Testified:** (Original bill) (In support) Loren Stern, Department of Natural Resources.