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**Fisheries, Ecology & Parks  
Committee**

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**ESSB 5400**

**Brief Description:** Creating a geoduck aquaculture research project.

**Sponsors:** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Swecker).

**Brief Summary of Engrossed Substitute Bill**

- Directs the Department of Natural Resources, the Department of Fish and Wildlife, and the Geoduck Harvesters Association holders of aquatic farm registrations, and recognized treaty tribes of Washington to conduct subtidal geoduck aquaculture research on state lands.

**Hearing Date:** 4/1/03

**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.

Commercial harvest of geoduck clams on state-owned aquatic lands is managed jointly by the Department of Natural Resources (DNR), the Department of Fish and Wildlife (DFW), and, as a result of a federal court decision, the Puget Sound Treaty Indian Tribes. The federal court affirmed the tribes' right to 50 percent of the annual commercial harvest of geoducks and established cooperative shellfish resource management requirements for the state and the tribes. The state and the tribes are responsible for estimating geoduck population size, determining sustainable yield, and minimizing adverse effects to the environment.

The DNR is required to manage geoducks as valuable materials and quantities commercial harvest rights to the highest bidder. Half of the revenue supports management of state-owned aquatic lands and resources, and the other half supports the Aquatic Lands Enhancement Account for public access and habitat restoration. The DFW is authorized to

issue geoduck fishery licenses for commercial harvest, license divers, and establish harvest rates. The DNR and the DFW have civil and criminal enforcement authority for state laws, regulations, and contract conditions that apply to commercial harvest.

**Summary of Bill:**

The DNR and the DFW, in cooperation with the Geoduck Harvesters Association, holders of aquatic farm registrations, and treaty tribes, must undertake research projects to examine subtidal geoduck aquaculture. The research must use scientific methods to determine the sustainability of geoduck aquaculture and assess environmental impacts. A cooperation agreement must be initiated by January 1, 2004, for a term of ten years, with an option to renew for an additional ten years. The DNR must lease the use of up to five areas of aquatic land, of approximately 10 acres each and comprising approximately 50 acres, for a fee that does not exceed \$1,000 per acre. The lessee must provide seed from hatcheries located in the state, materials, and labor. The size and location of the areas and the project design must be determined jointly. The density of geoduck clams in the areas must be below the level that constitutes a natural bed, pursuant to applicable federal court order, with the tribes retaining the right to inspect the areas. An annual progress report must be made to the Legislature.

**Appropriation:** None.

**Fiscal Note:** Requested on March 20, 2003.

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