

**SHB 1896** - H AMD

By Representative \_\_\_\_\_

1           Strike everything after the enacting clause and insert the  
2 following:

3           "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.65  
4 RCW to read as follows:

5           (1) Except as otherwise provided in this section, the  
6 department and the department of natural resources are prohibited  
7 from entering or reentering into any management agreements with  
8 another state agency that would, in the area of Hood Canal south of  
9 a line projected from Brown Point in Jefferson county and a  
10 location in Kitsap county due east across Hood Canal from Brown  
11 Point, allow for the harvest of any naturally occurring geoduck  
12 below the mean low tide line.

13           (2) Except as otherwise provided in this section, the  
14 department and the department of natural resources are prohibited  
15 from entering or reentering into any management agreements with  
16 another state agency that would, in the area of Hood Canal north of  
17 a line projected from Brown Point in Jefferson county and a  
18 location in Kitsap county due east across Hood Canal from Brown  
19 Point and south of a line projected from Tala Point in Jefferson  
20 county to Foulweather Bluff in Kitsap county, allow for the harvest  
21 of naturally occurring geoduck below the mean low tide line in an  
22 amount greater than seventy percent of the maximum allowable  
23 harvest level by count for geoduck tracts in that area.

24           (3) The commission may adopt a rule allowing the department to  
25 enter into management agreements with other state agencies that  
26 allow for the harvest of naturally occurring geoduck in areas  
27 otherwise prohibited or restricted by this section if a majority of  
28 the members of the commission vote to affirm that:

29           (a) A comprehensive survey of geoducks in the Hood Canal south  
30 of a line projected from Tala Point in Jefferson county to  
31 Foulweather Bluff in Kitsap county has been completed;

1 (b) The significance of geoducks in reducing oxygenation has  
2 been specifically studied; and

3 (c) The results of the survey and oxygenation study indicate  
4 that allowing the harvest of naturally occurring geoducks in Hood  
5 Canal will not have either a significant short-term adverse effect  
6 or significant long-term adverse effect on the environmental health  
7 of Hood Canal.

8 (4) If a majority of the members of the commission vote  
9 affirmatively on a rule under subsection (3) of this section, a  
10 summary of the research considered must be presented to the  
11 appropriate standing committees of the legislature. No rule may  
12 take effect until thirty days after the adjournment of the session  
13 during which the research is presented.

14 NEW SECTION. Sec. 2. A new section is added to chapter 79.96  
15 RCW to read as follows:

16 The department is prohibited from entering or reentering into  
17 a management agreement with another state agency in violation of  
18 section 1 of this act, or offering geoduck tracts for harvest on  
19 terms that conflict with the provisions of section 1 of this act,  
20 unless the department of fish and wildlife is authorized by the  
21 fish and wildlife commission to enter into such a management  
22 agreement pursuant to section 1(3) of this act."

23 Correct the title.

**EFFECT:** Replaces the requirement to conduct a comprehensive survey of geoducks and sea cucumbers in Hood Canal by 2007 with provisions: (1) Establishing an area in which management agreements for harvest of naturally occurring geoduck by the Washington State Department of Natural Resources (DNR) and the Washington Department of Fish and Wildlife (WDFW) are prohibited (south of a line projected from Brown Point to a location across Hood Canal due east of Brown Point); (2) specifying an area in which these management agreements may not allow for harvest of naturally occurring geoduck in an amount greater than 70% of the maximum allowable harvest level by count(north of a line projected from Brown Point and a location across Hood Canal due east of Brown Point and south of a line projected from Tala Point to Foulweather Bluff); and (3) allowing the Fish and Wildlife Commission (Commission) to adopt a rule permitting otherwise prohibited or restricted geoduck harvest if a majority of the Commission votes to affirm specified findings.