

HOUSE BILL REPORT

HB 1896

As Reported by House Committee On:
Select Committee on Hood Canal
Appropriations

Title: An act relating to geoduck harvest in Hood Canal.

Brief Description: Limiting geoduck harvest in parts of Hood Canal.

Sponsors: Representatives Appleton, Eickmeyer, Chase and Haigh.

Brief History:

Committee Activity:

Select Committee on Hood Canal: 2/17/05, 3/1/05 [DPS];
Appropriations: 3/5/05 [DP2S(w/o sub HOOD)].

Brief Summary of Second Substitute Bill

- Requires the Department of Natural Resources to conduct a comprehensive survey of geoducks and sea cucumbers in Hood Canal.

HOUSE COMMITTEE ON SELECT COMMITTEE ON HOOD CANAL

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Eickmeyer, Chair; McCoy, Vice Chair; Appleton and Chase.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; and Walsh.

Staff: Caroleen Dineen (786-7156).

Background:

The state's geoduck resources and commercial geoduck fishery are generally managed jointly by the Department of Fish and Wildlife (WDFW) and the Washington State Department of Natural Resources (DNR) pursuant to a Memorandum of Understanding (MOU). The MOU gives the WDFW primary responsibility for conducting resource assessments and setting the total amount of geoduck that can be harvested annually. The DNR has primary responsibility according to the MOU for managing the state harvest and sale of geoducks, including planning and location of state sales.

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. The University of Washington recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal. The 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

Summary of Substitute Bill:

The DNR must conduct a comprehensive survey of all geoducks and sea cucumbers in the Hood Canal by December 1, 2007. The survey must include all levels and depths, and the mapping in the survey must be done in grids in sizes determined by the DNR.

Substitute Bill Compared to Original Bill: The substitute removes all provisions of the original bill (i.e., prohibiting or restricting geoduck harvest management plans for specified Hood Canal areas and allowing the WDFW to adopt harvest management plan rules based on certain findings) with the requirement for the DNR to conduct the comprehensive geoduck and sea cucumber survey in Hood Canal.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 1, 2005.

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

Testimony For: We know that the Hood Canal is in crisis. The bill is not intended to affect revenues from the DNR leasing or prohibit the commercial harvesters or the tribes from harvesting geoduck. The DNR and the WDFW are planning to send some divers down to do a study regarding the geoduck inventory. This bill may give a little time and create some advantage to doing study. The Legislature has to do something – to do nothing is dangerous.

The tribal and nontribal harvesters need to slow down geoduck harvest until more is known about the impacts of reduced geoduck biomass on the health of Hood Canal. No holistic study has been conducted on the impacts to Hood Canal and its environmental balance. The DNR is currently marking out geoduck tracts and advertising contracts to remove five million pounds of geoducks from Hood Canal over next several years; presumably, the tribes are entitled to an equal share.

The geoduck divers support the bill as amended by the striking (first) amendment. The bill as amended will have little or no impact on immediate term. The divers' association wants to help with the Hood Canal solution without hurting their members and families. They have concerns about the timelines in the bill being open-ended and worry the survey will never be

completed. They also assume they will not be the only ones tasked to help save Hood Canal. Funding must be provided for the survey.

(Neutral) Geoduck is one of numerous bivalves filtering water in Hood Canal. An initial attempt to estimate the amount of water filtered by geoduck indicated a very tiny portion of Hood Canal might be filtered by the geoduck harvested by the state. The DNR has requested funding for more extensive surveys in Hood Canal, and the Legislature could direct that geoduck filtration studies be conducted.

(Concerns) The agencies are good managers, and the Legislature should rely on their expertise. Taking action without a scientific basis is a concern.

Testimony Against: This bill is premature, as the presence or absence of geoducks has not been identified as a cause of low dissolved oxygen. Hood Canal is a glacier-formed fjord; these areas are known to have low dissolved oxygen at great depths. Eliminating harvest should not be an initial action – the primary focus should be on identifying the cause of the low dissolved oxygen in Hood Canal. The anticipated benefits of the bill are uncertain, but its costs are real and substantial.

The intent of this bill appears to be different from its text. The bill could reduce harvest between 50,000 - 250,000 pounds annually (\$200,000 to \$1 million annual cost), depending on how section 1 is interpreted. The activities funded by geoduck revenues would need to be reduced, and there would be lost opportunities and fewer jobs for the industry and the local economies. In addition, the tribal harvesters could be negatively impacted.

The bill also creates a conflict in tribal and state geoduck harvest management. The concept of treaty sharing and foregone opportunity could affect the amount of geoduck harvesting through management plans developed under federal law. The fishery has been managed in a sustainable manner; this bill would damage state - tribal relations. Under the Centennial Accord, the tribes should be consulted on proposals like the one in this bill.

A focus on growing and harvest in Hood Canal is only one part of this complicated problem. It is more important now to look at septic tanks and other causes than the issue identified in this bill.

Persons Testifying: (In support) Representative Sherry Appelton, prime sponsor; John Ahl; and Gordon Baxter and Sam Swanson, Harvest Divers Union.

(Opposed) Morris Barker, Washington State Department of Fish and Wildlife; Keith Dublanica, Skokomish Tribe; Dave Hearn, Alaska Ice Seafoods; and Loren Stern, Washington State Department of Natural Resources.

(Neutral) Bill Taylor, Taylor Shellfish Farms.

(Concerns) Steve Robinson, Northwest Indian Fisheries Commission.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Select Committee on Hood Canal. Signed by 15 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Kessler, McDermott, Miloscia and Schual-Berke.

Minority Report: Do not pass. Signed by 13 members: Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Hinkle, Linville, Pearson, Priest, Talcott and Walsh.

Staff: Brian Enslow (786-7143).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Select Committee on Hood Canal:

The second substitute removes the requirement to survey all geoducks and shellfish. A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: Geoducks are an important part of the state economy and we believe that the current geoduck survey protocol employed by the state and the tribes would be adequate to accomplish the goals of the legislation.

Testimony Against: None.

Persons Testifying: Loren Stern, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.