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**Select Committee on Puget Sound**

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**HB 2071**

**Brief Description:** Regarding the management of resources in aquatic rehabilitation zone one.

**Sponsors:** Representatives Eickmeyer, Upthegrove, Blake, Flannigan and Rolfes.

**Brief Summary of Bill**

- Directs the Fish and Wildlife Commission to adopt rules applicable only to Aquatic Rehabilitation Zone One that prohibits the recreational harvest of groundfish and the subtidal commercial harvest of all fish species other than hatchery-raised chum salmon.
- Requires the geoducks located in Aquatic Rehabilitation Zone One to be managed as a resource discrete from the rest of Puget Sound.
- Limits the commercial harvest of subtidal geoduck in Aquatic Rehabilitation Zone One.

**Hearing Date:** 2/16/07

**Staff:** Jason Callahan (786-7117).

**Background:**

Aquatic Rehabilitation Zone One

Aquatic rehabilitation zones may be designated by the legislature for areas whose surrounding marine water bodies pose serious environmental or public health concerns. The Aquatic Rehabilitation Zone One (ARZ-1) was designated in 2006 and includes all watersheds that drain to Hood Canal south of a line projected from Tala Point in Jefferson county to Foulweather Bluff in Kitsap county [RCW 90.88.010]. Rehabilitation of ARZ-1 is authorized in Mason, Jefferson, and Kitsap counties, with the Puget Sound Action Team serving as the lead state entity, and the Hood Canal Coordinating Council serving as the local management board [RCW 90.88.020].

Wildstock Geoduck Harvest Management Plans

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Wildstock geoduck resources and the commercial geoduck fishery are generally managed jointly by the Washington Department of Fish and Wildlife (WDFW) and the 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.

Pursuant to a federal district court decision, Washington shares management authority over the geoduck fishery with tribal co-managers. US v. Washington, 873 F. Supp 1422 (1994) [often referred to as the "Rafeedie decision" after the judge who decided the case]. The Rafeedie decision, and a later decision [US v. Washington, 898 F. Supp 1453 (1995)] describe 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 state and tribal 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.

WDFW and DNR 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 state agencies agreed to work together in adopting a unified state position on geoduck management prior to presenting the state position to the tribal co-managers. The signatures of both state agency directors appear on management plans entered into by the state and tribes.

### Fisheries Management

The primary state lead for fisheries management in ARZ-1 is the Fish and Wildlife Commission (Commission), which sets fishing seasons and take allowances, along with the WDFW, which implements the Commission's policies. As with shellfish, the fisheries resources within ARZ-1 are co-managed by both the state and tribal governments.

### **Summary of Bill:**

#### Fisheries Management

The Commission is directed to adopt rules applicable only to ARZ-1 that prohibit the recreational harvest of groundfish and the subtidal commercial harvest of all fish species other than hatchery-raised chum salmon.

The Commission is further directed to use the unharvested fish for conservation of the fish species and the overall marine ecosystem of ARZ-1.

#### Geoduck Management

The DNR and the WDFW are prohibited from entering into any management agreements that would allow for the commercial harvest of any subtidal geoducks in ARZ-1 south of a line projected from Jefferson County's Brown Point to Kitsap County. North of that line, commercial harvest of subtidal geoduck must be limited to quantities no greater than 70 percent of the maximum allowable harvest for geoduck tracks in that area.

In addition, the DNR, when developing management plans or agreements with the WDFW, may not include the geoduck biomass existing in ARZ-1 as part of a larger management plan for Puget

Sound geoduck resources. Instead, the geoduck located in ARZ-1 must be managed as a discrete resource.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 2007.

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