

HOUSE BILL REPORT

HB 1297

As Reported by House Committee On:

Agriculture and Natural Resources

Title: An act relating to establishing a task force of the geoduck comanagers to identify harvest opportunities to promote tribal treaty rights to geoduck and enhance state geoduck harvest opportunities.

Brief Description: Establishing a task force of the geoduck comanagers to identify harvest opportunities to promote tribal treaty rights to geoduck and enhance state geoduck harvest opportunities.

Sponsors: Representatives Reeves, Lekanoff, Reed and Chapman; by request of Department of Natural Resources.

Brief History:

Committee Activity:

Agriculture and Natural Resources: 1/24/23, 1/31/23 [DP].

Brief Summary of Bill

- Creates the Geoduck Comanagement Task Force (Task Force) administered by the Department of Natural Resources (DNR).
- Requires the Task Force to report to the Legislature and administrator of the DNR by December 1, 2024, on the feasibility of intervention to enhance the wildstock of geoduck.
- Requires the Task Force to report to the Legislature and administrator of the DNR by December 1, 2024, on factors preventing classification of areas for commercial harvest of wildstock geoduck or leading to existing wildstock geoduck commercial tract downgrade.

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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

Majority Report: Do pass. Signed by 11 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

Staff: Rebecca Lewis (786-7339).

Background:

The United States negotiated treaties with various Indian tribes within the Washington Territory in the 1850s, before statehood. In the treaties, the signatory tribes ceded their interest in most of the lands in the Washington Territory in exchange for monetary compensation and certain parcels of land which were reserved for the exclusive use of the tribes. The treaties also reserved certain aboriginal rights on lands outside of the designated reservations, including the right to engage in fishing and hunting on usual and accustomed grounds and areas.

In 1970 the United States and several treaty tribes filed suit in federal court against the State of Washington for violating the tribes' treaty right to fish. After extensive litigation, the Supreme Court of the United States ruled that the treaties collectively entitled the tribes to a 50 percent share of the fish harvest in the state and established treaty tribes as comanagers of Washington fisheries.

Generally, the Department of Fish and Wildlife (WDFW) is responsible for establishing the time, place, manner, and methods for non-tribal harvest of fish, shellfish, and wildlife in the state; however, the Department of Natural Resources (DNR) and WDFW jointly manage the state geoduck fishery with the Puget Sound Treaty Tribes as comanagers. The DNR manages the state's share of the geoduck stock under the guidance of a Habitat Conservation Plan (HCP) developed in 2008. The HCP covers the harvest of naturally occurring geoduck on state-owned beds under marine waters.

Summary of Bill:

The Department of Natural Resources (DNR) must convene and administer a Geoduck Comanagement Task Force (Task Force) to investigate opportunities to reduce negative impacts to tribal treaty and state geoduck harvest in Washington.

Reporting Requirements.

The Task Force must investigate the feasibility of intervention, including reseeded projects to improve native stocks, to enhance the wild stock of geoduck. An evaluation of opportunities, challenges, and financial feasibility as well as joint recommendations must be submitted as a report to the DNR administrator and the Legislature by December 1, 2024.

The Task Force must also: (1) identify the important factors that are preventing classification of areas for commercial harvest of wild stock geoduck and that are leading to the downgrade of wild stock geoduck commercial tracts; and (2) develop recommendations to sustainably increase the number and area of harvestable tracts. This information must be submitted as a report to the DNR administrator and the Legislature by December 1, 2024.

This report must include several components including:

- consideration of opportunities identified, and recommendations presented in previous studies or reports;
- an inventory of wastewater treatment plan and surface water runoff point sources impacting state and tribal geoduck harvesting opportunities within the classified commercial shellfish growing areas in the Puget Sound;
- a ranking of identified outfalls and point sources prioritized for future correction to mitigate downgraded classification of areas with commercial geoduck harvest opportunity;
- an inventory of wild stock geoduck tracts that are most impacted by poor water quality or other factors impacting classification;
- consideration of the role of sediment load and urban runoff, and pathways to mitigate these impacts; and
- recommendations for future actions to improve the harvest quantity of wild stock geoduck and to prioritize areas that can attain improved classification most readily while considering the influence of outfalls.

Task Force Membership.

The administrator of the DNR must invite representatives from the following entities to participate in the Task Force:

- the DNR;
- tribes with treaty or reserved rights to geoduck harvest in Washington;
- the Department of Ecology;
- the Department of Health;
- the Department of Fish and Wildlife;
- the Puget Sound Partnership; and
- a representative of the academic community.

The member representing the DNR serves as the chair of the Task Force. Task Force members serve at the pleasure of the DNR administrator. The administrator of the DNR may invite other individuals to the task force, not to exceed the number of seats of tribal entities. The Task Force must convene at least quarterly and may consult any necessary experts in development of the reports required.

The Task Force expires January 15, 2025.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This is a good little task force bill that will help the state be a better partner with the tribes in comanaging the geoduck fishery. The bill is a result of meetings that the Commissioner of Public Lands has had with the Puyallup and Suquamish tribes, the two tribes that harvest geoduck most often. Geoducks are not expendable and geoduck harvesting is a way of life. It is important that the right people are on the task force in order to save the geoduck. Salmon are dwindling and it is vital that the comanagers prevent the geoduck from also becoming threatened. There are important aspects of geoduck fishery management that different agencies have a role in. For example, the Department of Natural Resources grants harvest agreements and the Department of Fish and Wildlife sets allowable harvest limits, and it can be difficult to coordinate between the agencies in a timely manner. The goal of this task force is to bring the comanagers together to improve coordination of the geoduck fishery.

(Opposed) None.

Persons Testifying: Representative Kristine Reeves, prime sponsor; Fred Dillon, Puyallup Tribe of Indians; and Brian Considine, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.