

# HOUSE BILL REPORT

## HB 2386

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**As Passed House:**  
February 10, 2006

**Title:** An act relating to commercial geoduck harvesting.

**Brief Description:** Modifying provisions related to the commercial harvest of geoduck clams.

**Sponsors:** By Representatives B. Sullivan and Chase; by request of Department of Natural Resources.

**Brief History:**

**Committee Activity:**

Natural Resources, Ecology & Parks: 1/12/06, 1/27/06 [DP].

**Floor Activity:**

Passed House: 2/10/06, 98-0.

**Brief Summary of Bill**

- Allows the harvest of geoducks within 200 yards seaward from the ordinary high tide line, provided that vessels conducting harvest operations remain seaward of the 200-yard line.

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### HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

**Majority Report:** Do pass. Signed by 11 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler, Dickerson, Eickmeyer, Hunt, Kagi and Orcutt.

**Staff:** Jeff Olsen (786-7157).

**Background:**

The Department of Natural Resources currently designates harvest tracts and administers geoduck harvest agreements. It is unlawful to commercially harvest geoducks from bottoms shallower than 18 feet below the mean lower low water, or in an area bounded by the mean high tide and a line 200 yards seaward from and parallel to the ordinary high tide line.

The State of Washington co-manages the geoduck fishery with tribal managers under jointly-developed harvest management plans. This arrangement was established by the "Rafeedie decision" [US v. Washington, 873 F. Supp 1422 (1994)], named after the judge who decided the case in federal court. The Rafeedie decision, and the associated implementation plan [US v. Washington, 898 F. Supp 1453 (1995)], established how the court expects the

state and the tribes to share equal portions of the sustainable, harvestable biomass of any shellfish species, including geoducks. The 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. The tribal co-managers are not subject to the state law restricting the harvest in the area 200 yards seaward from the ordinary high tide line.

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**Summary of Bill:**

The restriction preventing the commercial harvest of geoducks that lie in an area bounded by the line of ordinary high tide and a line 200 yards seaward from and parallel to the ordinary high tide line is repealed. However, vessels conducting harvest operations must remain seaward of the 200-yard line.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The harvest of geoducks occurs in waters between 18-feet and 70-feet deep. There is also a 200-yard restriction primarily to address concerns of shoreline property owners. This bill would keep vessels outside of 200 yards while allowing divers to harvest inside that line. This would allow for a more equitable harvest and maintain conservation measures to protect eelgrass and maintain a noise buffer.

**Testimony Against:** None.

**Persons Testifying:** Fran McNair and Sarah Dzinbal, Department of Natural Resources; and Morris Barker and Lisa Veneroso, Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** None.