

# FINAL BILL REPORT

## HB 2386

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Synopsis as Enacted

**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.

**House Committee on Natural Resources, Ecology & Parks**  
**Senate Committee on Natural Resources, Ocean & Recreation**

**Background:**

The Department of Natural Resources 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.

**Summary:**

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by the line of ordinary high tide and a line 200 yards seaward from and parallel to the ordinary high tide line is repealed.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.

**Votes on Final Passage:**

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|--------|----|---|
| House  | 98 | 0 |
| Senate | 49 | 0 |

**Effective:** June 7, 2006