

SENATE BILL REPORT

SHB 1239

As Reported By Senate Committee On:
Natural Resources, Energy & Water, April 4, 2003

Title: An act relating to the commercial harvest of geoduck clams.

Brief Description: Creating a geoduck management task force.

Sponsors: House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Cooper, Sump, Dunshee, Kenney, Veloria, Haigh, Berkey, Lantz and Rockefeller).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 3/20/03, 4/4/03 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hale, Hargrove, Honeyford, Oke and Regala.

Staff: Genevieve Pisarski (786-7488)

Background: Commercial harvest of geoduck clams on state-owned aquatic lands is managed jointly by the Department of Natural Resources (DNR), the Department of Fish and Wildlife (DFW), and, as a result of a federal court decision, the Puget Sound Treaty Indian Tribes. The federal court affirmed the tribes' right to 50 percent of the annual commercial harvest of geoducks and established cooperative shellfish resource management requirements for the state and the tribes. The state and the tribes are responsible for estimating geoduck population size, determining sustainable yield, and minimizing adverse effects to the environment.

DNR is required to manage geoducks as valuable materials, and commercial harvest rights are auctioned. Half of the revenue supports management of state-owned aquatic lands and resources, and the other half supports the Aquatic Lands Enhancement Account (ALEA) for public access and habitat restoration. DFW is authorized to issue geoduck fishery licenses for commercial harvest, license divers, and establish harvest rates. DNR and DFW have civil and criminal enforcement authority for state laws, regulations, and contract conditions that apply to commercial harvest.

Summary of Amended Bill: The Department of Natural Resources and the Department of Fish and Wildlife, in cooperation with the Geoduck Harvesters Association, holders of aquatic farm registrations, and treaty tribes, must undertake research projects to examine subtidal geoduck aquaculture, using scientific methods to determine sustainability and assess environmental impacts. A cooperation agreement must be initiated by January 1, 2004, for a term of ten years, renewable for an additional ten years. The Department of Natural

Resources must lease the use of up to five areas of aquatic land, of approximately 10 acres each and comprising approximately 50 acres, for a fee that does not exceed \$1,000 per acre. The lessee must provide seed from hatcheries located in the state, materials, and labor. The size and location of the areas and the project design must be determined jointly. The density of geoduck clams in the areas must be below the level that constitutes a natural bed, pursuant to applicable federal court order, with the tribes retaining the right to inspect the areas. An annual progress report must be made to the Legislature.

Amended Bill Compared to Substitute Bill: A legislative task force to study and make recommendations on geoduck management is replaced by the subtidal geoduck aquaculture research projects.

Appropriation: None.

Fiscal Note: Available for original bill.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The original bill, which removed the 200 yard buffer for geoduck harvesting, was preferable. If created, the proposed task force should address only compliance and resource enhancement issues; there is an effective management system already in place, and a limited-entry license does not merit study, because the geoduck fishery is not over-subscribed. Geoduck quota purchasers should be included among the stakeholders. Study is needed, and it should focus on issues relating to the current situation, where the state is managing a wild fishery at the same time that aquaculture is emerging and likely to become significant. Harvesters are concerned with how the Department of Natural Resources manages geoduck harvesting; this issue needs study. The harvest industry involves a lot of physical and economic risk and needs to be protected, so that the tribes do not take over entirely. Aquaculture is more remunerative than wild harvesting. A neutral investigation is needed, because there is a lot of conflicting information, but it should be combined with authorization of aquaculture research projects and removal of the 200 yard buffer.

Testimony Against: None.

Testified: PRO: Brad Nelson, Geoduck Harvesters Association; Gordon Baxter, Geoduck Harvesters Association, Inland Boatmen's Union; PRO WITH CONCERNS: Chris Cheney, Washington Shellfish, Inc.; Robin Downey, Pacific Shellfish Growers Association; Morris Barker, Department of Fish and Wildlife; NEUTRAL WITH CONCERNS: Loren Stern, Department of Natural Resources.