

# SENATE BILL REPORT

## SB 5266

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As Passed Senate, March 18, 2003

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

**Brief Description:** Concerning the commercial harvest of geoduck clams.

**Sponsors:** Senators Oke, T. Sheldon, Swecker, B. Sheldon, Doumit, Sheahan and Esser.

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 1/31/03, 3/5/03 [DP].  
Passed Senate: 3/18/03, 47-1.

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### SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

**Majority Report:** Do pass.

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

**Staff:** Genevieve Pisarski (786-7488)

**Background:** The geoduck (*Panopea abrupta*), one of the world's largest clams, is found along the Pacific Coast of the United States from California to Alaska. Quantities sufficient for commercial harvest are found mainly in the inland waters of Washington, British Columbia, and Alaska.

The geoduck fishery on state-owned aquatic lands in Washington is managed jointly by the Department of Natural Resources (DNR), the Department of Fish and Wildlife (WDFW), and, as a result of a federal court decision ("the Rafeedie decision"), the Puget Sound Treaty Indian Tribes. The Rafeedie decision affirmed the tribes' right to 50 percent of the annual commercial harvest of geoducks within the tribes' usual and accustomed grounds and stations on state-owned aquatic lands and defined cooperative shellfish resource management requirements for the state and the tribes. The Rafeedie decision also affirmed the tribes' right to 50 percent of the shellfish that would naturally be present on private growers' beds, if the growers had done no enhancement.

The state and the tribes are responsible for estimating geoduck population size, determining sustainable yield, and minimizing adverse effects to the environment. Regional management agreements and annual harvest plans are negotiated and signed by the state and the tribes. DNR and WDFW have civil and criminal enforcement responsibility for state laws, regulations, and contract conditions that apply to the state's geoduck fishery. The tribes are not governed by state law and manage the tribal fishery independently of state law. The tribes and the state currently harvest seaward of the -18 feet depth, corrected for tide, and shoreward of -70 feet, uncorrected. Tribal harvest is not restricted to 200 yards from shore, as is the state harvest.

Under the provisions of Chapter 79.90 RCW, the state portion of the commercial geoduck harvest is managed by DNR as valuable materials, and the right to harvest geoducks is auctioned to private companies and individuals. Over the last 10 years, the geoduck fishery has generated \$60 million of revenue to the state. 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.

**Summary of Bill:** Commercial harvest of geoduck clams may now be authorized within two hundred yards seaward of the line of ordinary high tide.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The existing statutory 200 yard buffer is impractical for harvesters, who are equipped to monitor the depth at which they are working, rather than the distance from shore. This state-imposed buffer does not apply to tribal harvesters. Issues regarding upland property owners and protection of other resources will be addressed on a site-specific basis, when harvest areas are designated.

**Testimony Against:** None.

**Testified:** Brad Nelson, John Lentz, WA Geoduck Harvest Assn. (pro); Bill Taylor, Taylor Shellfish; Chris Cheney, WA Shellfish, Inc. (pro); Gordon Baxter, Inland Boatmen's Union, Geoduck Harvesters (pro); Leigh Espy, DNR (pro); Ian Child, Squaxin Island Tribe (con); David P. Hearn, Alaska Ice Seafoods; Casey Bakker, CB, Inc. (pro); Kelly Croman, Squaxin Island Tribe (con).

**House Amendment(s):** The House amendment does not amend existing law to authorize commercial harvest of geoduck clams within 200 yards of the line of ordinary high tide.

A legislative task force is established to study the management and harvest of the geoduck resource and provide recommendations to the Legislature by December 1, 2003.