

# SENATE BILL REPORT

## SB 5267

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As of January 30, 2003

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

**Brief Description:** Providing guidelines for the issuance and renewal of a geoduck diver license and requiring harvesters to help reseed state commercial beds.

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

**Brief History:**

**Committee Activity:** Natural Resources, Energy & Water: 1/31/03.

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

**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. The right to harvest geoducks is auctioned to private companies and individuals. Harvesting is governed by state laws and regulations. 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:** Licensed geoduck harvesters are responsible for planting geoduck seed provided by a state hatchery onto state commercial beds.

The license that a commercial geoduck diver must obtain is transferable. It is transferable only to a natural person. Harvesting must be done by the licensee.

After July 1, 2003, no new geoduck diver licenses may be issued unless fewer than 50 persons are eligible for license renewal. Eligibility for renewal is governed by two requirements: the license was held in 2002 and, either in 2000 and 2001, or for five of the 10 years from 1992 through 2001. Active diving participation can be documented through dive sheet records, canceled checks, and departmental confirmation; or the license was transferred from another person who held it during the previous year and did not transfer it to a third party.

If fewer than 50 persons are eligible to renew a geoduck diver license, applications for new licenses may be accepted. The Department of Fish and Wildlife must adopt rules to govern the application procedure and issuance of additional licenses. Additional licenses shall be issued by random selection among qualified applicants.

A person who was unable to obtain a geoduck diver license during a previous year because of a suspension may obtain a license by establishing that a license was held in the year preceding suspension.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.