
ENGROSSED SUBSTITUTE SENATE BILL 5400

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senator Swecker)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to geoducks; and adding a new section to chapter
2 79.96 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.96 RCW
5 to read as follows:

6 (1) By January 1, 2004, the department and the department of fish
7 and wildlife shall initiate an agreement to conduct joint research
8 projects with the geoduck harvesters association, holders of aquatic
9 farm registrations, and recognized treaty tribes of Washington,
10 hereinafter referred to as cooperators, for an initial term of ten
11 years, with the option of an additional term of ten years, to examine
12 the subtidal geoduck aquaculture industry in the state of Washington.

13 (2) The geoduck aquaculture research project must use scientific
14 methods to determine sustainability of geoduck aquaculture and assess
15 potential impacts to the aquatic ecosystem.

16 (3) The department shall lease the use of state-owned aquatic lands
17 for the geoduck aquaculture research project and shall determine the
18 location of leases and project design jointly with the cooperators.
19 Each cooperator leasing land shall provide geoduck clam seed produced

1 in hatcheries located in Washington state, materials, and labor for
2 their respective lease. The department will establish lease fees on a
3 per acre basis, not to exceed one thousand dollars per acre.

4 (a) The department shall designate no fewer than five areas of
5 aquatic lands owned by the state to lease on which to implement the
6 geoduck aquaculture research project. The department and cooperators
7 shall determine the size and location of the areas, which shall
8 comprise approximately fifty acres, of approximately ten acres each.

9 (b) Identification of areas with density of geoduck clams below the
10 level that constitutes a natural bed must be made in accordance with
11 the tribes, pursuant to applicable federal court order. The treaty
12 tribes retain the right, as provided under court order, to inspect
13 study areas.

14 (4) At the end of the first year of the geoduck aquaculture
15 research project and each year thereafter, the department shall provide
16 a progress report on the project to the standing legislative committees
17 with jurisdiction. The second report and all subsequent reports must
18 include an assessment of geoduck aquaculture, its impact on the aquatic
19 ecosystem, and recommendations regarding continuation or expansion of
20 the research project. Each report must include the perspective of the
21 association, the geoduck aquaculture industry, and the tribes.

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