

HOUSE BILL REPORT

E2SHB 1896

As Passed House:

March 11, 2005

Title: An act relating to geoduck harvest in Hood Canal.

Brief Description: Limiting geoduck harvest in parts of Hood Canal.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Appleton, Eickmeyer, Chase and Haigh).

Brief History:

Committee Activity:

Select Committee on Hood Canal: 2/17/05, 3/1/05 [DPS];

Appropriations: 3/5/05 [DP2S(w/o sub HOOD)].

Floor Activity:

Passed House: 3/11/05, 91-3.

Brief Summary of Engrossed Second Substitute Bill

- Requires the Department of Natural Resources to conduct several studies regarding geoducks in Hood Canal.

HOUSE COMMITTEE ON SELECT COMMITTEE ON HOOD CANAL

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Eickmeyer, Chair; McCoy, Vice Chair; Appleton and Chase.

Minority Report: Do not pass. Signed by 3 members: Representatives Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; and Walsh.

Staff: Caroleen Dineen (786-7156).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Select Committee on Hood Canal. Signed by 15 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Cody, Conway, Darneille, Dunshee, Grant, Haigh, Hunter, Kagi, Kenney, Kessler, McDermott, Miloscia and Schual-Berke.

Minority Report: Do not pass. Signed by 13 members: Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; McDonald, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Clements, Hinkle, Linville, Pearson, Priest, Talcott and Walsh.

Staff: Brian Enslow (786-7143).

Background:

The state's geoduck resources and commercial geoduck fishery are generally managed jointly by the Department of Fish and Wildlife (WDFW) and the Washington State Department of Natural Resources (DNR) pursuant to a Memorandum of Understanding (MOU). The MOU gives the WDFW primary responsibility for conducting resource assessments and setting the total amount of geoduck that can be harvested annually. The DNR has primary responsibility according to the MOU for managing the state harvest and sale of geoducks, including planning and location of state sales.

Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. The University of Washington recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal. The 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

Summary of Engrossed Second Substitute Bill:

The Department of Natural Resources (DNR) must conduct several studies regarding geoducks in Hood Canal. First, the DNR must conduct a study, by comparing prior population surveys with current study surveys, to determine if changes to the Hood Canal geoduck populations have occurred over time. Second, the DNR must assess the relationship between the Hood Canal's geoduck population levels and its environmental conditions, including dissolved oxygen concentrations. Third, the DNR must conduct a study to establish an age profile and analyze the shell oxidation rate of Hood Canal geoduck.

For these studies the DNR must choose geoduck beds or establish index or sampling stations that are representative of the Hood Canal's northern, central, and southern areas. The index stations for the second study must be located near the Department of Ecology's water sampling stations. The DNR must submit reports describing the study results by January 1, 2006, for the first study and by December 1, 2007, for the second and third studies.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: (Select Committee on Hood Canal) We know that the Hood Canal is in crisis. The bill is not intended to affect revenues from the DNR leasing or prohibit the

commercial harvesters or the tribes from harvesting geoduck. The DNR and the WDFW are planning to send some divers down to do a study regarding the geoduck inventory. This bill may give a little time and create some advantage to doing study. The Legislature has to do something – to do nothing is dangerous.

The tribal and nontribal harvesters need to slow down geoduck harvest until more is known about the impacts of reduced geoduck biomass on the health of Hood Canal. No holistic study has been conducted on the impacts to Hood Canal and its environmental balance. The DNR is currently marking out geoduck tracts and advertising contracts to remove five million pounds of geoducks from Hood Canal over next several years; presumably, the tribes are entitled to an equal share.

The geoduck divers support the bill as amended by the striking (first) amendment. The bill as amended will have little or no impact on immediate term. The divers' association wants to help with the Hood Canal solution without hurting their members and families. They have concerns about the timelines in the bill being open-ended and worry the survey will never be completed. They also assume they will not be the only ones tasked to help save Hood Canal. Funding must be provided for the survey.

(Neutral) Geoduck is one of numerous bivalves filtering water in Hood Canal. An initial attempt to estimate the amount of water filtered by geoduck indicated a very tiny portion of Hood Canal might be filtered by the geoduck harvested by the state. The DNR has requested funding for more extensive surveys in Hood Canal, and the Legislature could direct that geoduck filtration studies be conducted.

(Concerns) The agencies are good managers, and the Legislature should rely on their expertise. Taking action without a scientific basis is a concern.

Testimony For: (Appropriations) Geoducks are an important part of the state economy and we believe that the current geoduck survey protocol employed by the state and the tribes would be adequate to accomplish the goals of the legislation.

Testimony Against: (Select Committee on Hood Canal) This bill is premature, as the presence or absence of geoducks has not been identified as a cause of low dissolved oxygen. Hood Canal is a glacier-formed fjord; these areas are known to have low dissolved oxygen at great depths. Eliminating harvest should not be an initial action – the primary focus should be on identifying the cause of the low dissolved oxygen in Hood Canal. The anticipated benefits of the bill are uncertain, but its costs are real and substantial.

The intent of this bill appears to be different from its text. The bill could reduce harvest between 50,000 - 250,000 pounds annually (\$200,000 to \$1 million annual cost), depending on how section 1 is interpreted. The activities funded by geoduck revenues would need to be reduced, and there would be lost opportunities and fewer jobs for the industry and the local economies. In addition, the tribal harvesters could be negatively impacted.

The bill also creates a conflict in tribal and state geoduck harvest management. The concept of treaty sharing and foregone opportunity could affect the amount of geoduck harvesting

through management plans developed under federal law. The fishery has been managed in a sustainable manner; this bill would damage state - tribal relations. Under the Centennial Accord, the tribes should be consulted on proposals like the one in this bill.

A focus on growing and harvest in Hood Canal is only one part of this complicated problem. It is more important now to look at septic tanks and other causes than the issue identified in this bill.

Testimony Against: (Appropriations) None.

Persons Testifying: (Select Committee on Hood Canal) (In support) Representative Sherry Appelton, prime sponsor; John Ahl; and Gordon Baxter and Sam Swanson, Harvest Divers Union.

(Opposed) Morris Barker, Washington State Department of Fish and Wildlife; Keith Dublanica, Skokomish Tribe; Dave Hearn, Alaska Ice Seafoods; and Loren Stern, Washington State Department of Natural Resources.

(Neutral) Bill Taylor, Taylor Shellfish Farms.

(Concerns) Steve Robinson, Northwest Indian Fisheries Commission.

Persons Testifying: (Appropriations) Loren Stern, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: (Select Committee on Hood Canal) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.