

HOUSE BILL REPORT

HB 1168

As Passed Legislature

Title: An act relating to leasing beds of tidal waters.

Brief Description: Leasing beds of tidal waters.

Sponsors: Representatives King, Chappell, Basich, Orr, Fuhrman, Flemming, Springer and Wood.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 5, 1993, DP;
Passed House, March 15, 1993, 97-0;
Amended by Senate;
Passed Legislature, April 20, 1993, 97-0.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass. Signed by 9 members:
Representatives King, Chair; Orr, Vice Chair; Fuhrman,
Ranking Minority Member; Sehlin, Assistant Ranking Minority
Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Staff: Keitlyn Watson (786-7310).

Background: The Department of Natural Resources (DNR) manages two million acres of state-owned aquatic lands. Aquatic or submerged lands include tidally influenced lands such as tidelands and bedlands, as well as the beds and shores of navigable freshwater bodies. These aquatic lands were granted to Washington state by the federal government in 1889. Almost 45,000 acres of tidelands have been sold by the state to private individuals for commercial cultivation of oysters and clams.

Oysters, clams, mussels, scallops, shrimp and other species located on state-owned aquatic lands fall under the department's management jurisdiction. The department is authorized to lease aquatic lands for cultivating oysters, clams or other edible shellfish, or for other aquaculture use. Commercial oyster and clam cultivation and harvesting is authorized by the department on approximately 4,450 acres of state-owned aquatic lands. The maximum lease length is established by statute, and is 10 years. Currently, DNR has 163 leases for all types of aquaculture. Under the existing

10-year limit, the department renews 25 to 30 leases per year.

Summary of Bill: The maximum lease length for an aquatic lands lease and renewal lease for the purposes of planting and cultivating oyster beds, cultivating clams or other edible shellfish, or other aquaculture use is extended from 10 to 30 years. The maximum parcel size of 40 acres for oyster aquaculture leases from the Department of Natural Resources is removed.

Fiscal Note: Available.

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

Testimony For: The existing 10-year limit on leases for fish and shellfish cultivation on Washington state tidelands is a hardship for long-term aquaculturists who must go through the expensive and difficult lease negotiation process with the Department of Natural Resources every 10 years. HB 1168 would raise the maximum length of such leases to 30 years, allowing leaseholders to negotiate longer leases with the department.

Testimony Against: None.

Witnesses: Dan Swecker, Washington Fish Growers Association (pro); Ann Morgan, Department of Natural Resources (neutral; raised concerns about the difficulty of anticipating potential new regulatory requirements 30 years hence. The department generally prefers shorter leases.); and John Woodring, Washington Fish Growers Association (pro).