

SENATE BILL REPORT

2SHB 1499

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, March 28, 2001

Title: An act relating to the regulation of marine fin fish aquaculture by the department of fish and wildlife.

Brief Description: Regulating marine fin fish aquaculture.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Jackley, Buck, Rockefeller, Eickmeyer, Sump, Doumit, Pennington and Dunn).

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 3/26/01, 3/28/01 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Staff: Vic Moon (786-7469)

Background: Concerns have been raised about the accidental release of Atlantic salmon into Puget Sound. The Department of Ecology regulates waste discharge from marine fin fish rearing facilities, but there are no rules which address preventing the escape or the recapture of these fish.

The Administrative Procedure Act establishes administrative law procedures and provides greater public and legislative access to administrative decision making. Under the act, agencies may use negotiated rule making to work with affected parties to seek consensus on terms of proposed rules and the process by which those rules are negotiated.

Summary of Bill: The director of the Department of Fish and Wildlife is required to develop proposed rules through a negotiated rule-making process for the implementation, administration, and enforcement of marine fin fish aquaculture programs in cooperation with fin fish aquatic farmers. The proposed rules must be submitted to the appropriate legislative committee by January 1, 2002 to allow for legislative review. The rules may be adopted no earlier than 30 days after the end of the 2002 regular legislative session. The director must provide the appropriate legislative committees with a written progress report on the program by January 1, 2003.

The proposed rules must include provisions for: 1) developing and implementing management plans for the rapid recapture of live marine fin fish that have escaped, and to prevent the spread or permanent escape of these fish; 2) development of management practices based upon the latest available science; 3) eradication of those marine fin fish that have escaped and

which spawn in state waters; 4) determining the appropriate species, stocks, and races of marine fin fish allowed to be cultured at specific locations and sites; 5) development of an Atlantic salmon watch program similar to the program currently operating in British Columbia, Canada; and 6) the development of an education program to assist marine aquatic farmers so that they can operate in an environmentally sound manner.

The proposed rules regarding the development of management practices must include procedures for inspections of marine aquatic farming locations on a regular basis, and operating procedures at marine aquatic farming locations to prevent the escape of marine fin fish and the use of net antifoulants.

The proposed rules regarding the establishment of an Atlantic salmon watch program must provide for monitoring of escapes of Atlantic salmon from marine aquatic farming locations, monitoring the occurrence of naturally produced Atlantic salmon, determination of the impact of Atlantic salmon on naturally produced and cultured fin fish stocks, a focal point for consolidation of scientific information, and a forum for interaction and education of the public.

A "marine aquatic farming location" is defined as a complete complex that may be composed of various marine enclosures, net pens or other rearing vessels, food handling facilities, or other facilities related to rearing Atlantic salmon or other fin fish in marine waters.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The Department of Fish and Wildlife only has control over disease; marine fin fish operations need greater control. The industry is working with the National Marine Fisheries Service on a code of practice. The negotiated rulemaking process is a good approach allowing the department and industry to work together.

Testimony Against: None.

Testified: Kevin Amos, Dept. of Fish and Wildlife; Pete Granger, WA Fish Growers.