

---

**SENATE BILL 5787**

---

**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senators Swecker, Kastama, Jacobsen, Oke and Sheldon

Read first time 02/07/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to marine fin fish aquaculture projects; creating  
2 new sections; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** Marine fin fish aquaculture programs have  
5 raised fish in state waters for over thirty years and continue to  
6 provide an economic benefit to the state. The state's fin fish  
7 aquaculture sites produce upwards of twelve million pounds of farmed  
8 fish annually, worth approximately forty million dollars. According to  
9 a national atmospheric and oceanic administration sponsored mariculture  
10 study and a department of natural resources fin fish aquaculture study,  
11 the Strait of Juan de Fuca is a potential site for significant fin fish  
12 aquaculture activities. These studies, as well as the federal effluent  
13 limitations guidelines, provide information and standards that can  
14 assist in the development of a streamlined permitting process for fin  
15 fish aquaculture activities in the Strait of Juan de Fuca.

16 The health and safety of the citizens, natural resources, and  
17 environment of Washington state are vital interests that must be  
18 protected to preserve the state's quality of life. Currently, however,  
19 fin fish aquaculture projects require businesses and governmental

1 entities to process multiple permits. The existence of multiple  
2 permits and permitting agencies creates the potential for conflict,  
3 overlap, and duplication among the various state, local, and federal  
4 permitting and administrative appeals processes for fin fish  
5 aquaculture activities. Additionally, a lack of coordination in the  
6 processing of permit applications and administrative appeals may cause  
7 costly delays to applicants.

8 Therefore, it is the intent of the legislature to streamline the  
9 permitting and administrative appeals processes for fin fish  
10 aquaculture projects in the Strait of Juan de Fuca by requiring  
11 permitting agencies to coordinate and develop a multiagency  
12 programmatic permitting process and a consolidated administrative  
13 appeals process.

14 NEW SECTION. **Sec. 2.** (1) The fin fish aquaculture programmatic  
15 permitting work group is created in the office of regulatory assistance  
16 to streamline the permitting and administrative appeals processes for  
17 fin fish aquaculture projects in the Strait of Juan de Fuca.

18 (2) The director of the office of financial management shall  
19 designate an employee of the office of regulatory assistance to  
20 coordinate the activities of the work group. The coordinator must have  
21 experience working with federal, state, and local agencies on permit  
22 streamlining projects.

23 (3) The work group consists of one member designated by the  
24 director of the department of fish and wildlife, one member designated  
25 by the director of the department of ecology, and one member designated  
26 by the commissioner of public lands. The work group shall invite  
27 representatives from the following groups to participate as members:

28 (a) One representative each from the county governments of Clallam  
29 and Jefferson counties;

30 (b) One representative each from the United States Army Corps of  
31 Engineers and the United States Coast Guard; and

32 (c) Two representatives of the fin fish aquaculture industry.

33 (4) Each member designated to the work group, or invited to serve  
34 as a member, must have knowledge and experience with federal, state, or  
35 local permitting processes.

36 (5) The office of regulatory assistance shall provide staff to the  
37 committee.

1 (6) Members of the work group shall be reimbursed for travel  
2 expenses under RCW 43.03.050 and 43.03.060.

3 (7) The work group shall convene by June 1, 2005.

4 NEW SECTION. **Sec. 3.** (1) The work group created in section 2 of  
5 this act shall develop and implement a multiagency programmatic  
6 approach to the permitting of fin fish aquaculture programs in the  
7 Strait of Juan de Fuca. The work group shall also develop and  
8 implement a consolidated administrative appeals process for these  
9 multiagency programmatic permits.

10 (2) The work group shall develop these permitting and  
11 administrative appeals processes by:

12 (a) Identifying federal, state, and local agencies responsible for  
13 permitting fin fish aquaculture program activities in the Strait of  
14 Juan de Fuca and analyzing the permitting and administrative appeals  
15 processes used by those agencies;

16 (b) Identifying existing federal, state, and local environmental  
17 and other standards for fin fish aquaculture program activities in the  
18 Strait of Juan de Fuca and analyzing the application of those  
19 standards;

20 (c) Identifying substantive and procedural duplications in the  
21 permitting and administrative appeals processes for fin fish  
22 aquaculture program activities in the Strait of Juan de Fuca and  
23 analyzing options for resolving those duplications;

24 (d) Identifying opportunities for delegation of federal and local  
25 permitting authority to state agencies and exploring those  
26 possibilities with federal and local agencies; and

27 (e) Employing environmental standards and best management practices  
28 that may be applied with certainty, consistency, and the assurance of  
29 swift permit action.

30 (3) For the purposes of this section:

31 (a) "Best management practices" means currently available and  
32 generally accepted techniques, including new technologies or  
33 strategies, that seek to reduce the negative impacts of fin fish  
34 aquaculture projects and promote more efficient and effective use of  
35 fin fish aquaculture facilities.

36 (b) "Programmatic approach" means a permit or other action that  
37 covers a geographic or statewide area and applies to a variety of

1 projects, activities, or locales. A programmatic approach may allow  
2 actions to proceed without individual approval by each permit decision-  
3 making agency.

4 NEW SECTION. **Sec. 4.** The work group created in section 2 of this  
5 act shall provide a report to the legislature by December 31, 2005.  
6 The report must include:

7 (1) A summary of the process the work group used to develop the  
8 multiagency programmatic approach to the permitting of fin fish  
9 aquaculture programs in the Strait of Juan de Fuca;

10 (2) The multiagency programmatic permitting process developed by  
11 the work group;

12 (3) A summary of the process the work group used to develop the  
13 consolidated administrative appeals process for fin fish aquaculture  
14 programs in the Strait of Juan de Fuca;

15 (4) The consolidated administrative appeals process developed by  
16 the work group;

17 (5) A summary of the process the work group used to implement the  
18 permitting and administrative appeals processes developed;

19 (6) If the permitting and administrative appeals processes  
20 developed are not yet implemented, an explanation of the factors  
21 preventing implementation; and

22 (7) If the permitting and administrative appeals processes  
23 developed are not yet implemented, recommendations for any legislation  
24 necessary for implementation.

25 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
26 preservation of the public peace, health, or safety, or support of the  
27 state government and its existing public institutions, and takes effect  
28 immediately.

--- END ---