

FINAL BILL REPORT

2SHB 2220

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Synopsis as Enacted

Brief Description: Regarding shellfish aquaculture.

Sponsors: By House Committee on Appropriations (originally sponsored by Representative Lantz).

House Select Committee on Puget Sound

House Committee on Appropriations

Senate Committee on Natural Resources, Ocean & Recreation

Senate Committee on Ways & Means

Background:

Shorelines Management Act.

Under the Shorelines Management Act, certain developments that occur on or near the shorelines of the state are required to be permitted. Permitting for most development is administered at the county level, with standards and requirements outlined in the county's master program. Each county with shorelines within its jurisdiction adopts its own master program, which is a comprehensive use plan for the area. Once a master program is approved by the Department of Ecology (DOE), the county is the entity responsible for final approval of all programs falling within the plan's scope.

Geoduck Aquaculture on State-Owned Aquatic Lands.

The Legislature has assigned to the Department of Natural Resources (DNR) the responsibility for managing the state's aquatic lands for the benefit of the public. The DNR manages over two million acres of tidelands, shorelands, and bedlands. This includes the beds of all navigable rivers and lakes, along with the beds below the Puget Sound.

The management of aquatic lands must support a balance of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue. Revenues generated from the state's aquatic lands are generally directed to be used for public benefits, such as shoreline access, environmental protection, and recreational opportunities. The DNR may lease aquatic lands, exchange state-owned aquatic lands for privately owned lands, and lease aquatic lands for shellfish aquaculture.

In 2003, the Legislature directed the DNR to conduct a study looking into the feasibility of leasing state-owned aquatic lands for geoduck aquaculture. The DNR has initiated a fledgling geoduck aquaculture program and has plans to lease 25 acres of state-owned aquatic lands per year for the next 10 years for geoduck aquaculture.

Aquaculture Registration.

All aquatic farmers are required to register with the Department of Fish and Wildlife (WDFW) and provide the WDFW with data about the production on the aquatic farms. The registration information must be maintained by the WDFW.

Summary:

Geoduck Research.

The Sea Grant Program at the University of Washington (Sea Grant) is directed to review existing research on the potential effects of geoduck aquaculture on the environment and commission new research as necessary. A list of required study elements is provided to the Sea Grant, which includes studies evaluating the structures used in geoduck aquaculture, the effects of harvesting techniques, how aquaculture impacts natural ecological characteristics, and research into the genetic interactions between farm-raised and naturally occurring geoduck. The Sea Grant, with consultation with an oversight committee, may prioritize the listed studies and add or subtract to the listed studies as necessary.

The Geoduck Aquaculture Research Account (Account) is created to fund the required research and to accept legislative appropriations and private donations. Any institution involved in research funded from the Account may not retain more than 15 percent of any funding for administrative overhead.

The final report of the research must be delivered the Legislature by December 1, 2013. However, the Sea Grant is directed to prioritize the studies and report the results of shorter timeline studies prior to 2013.

Department of Natural Resources.

The DNR is prohibited from entering into any new leases that would permit the commercial aquaculture of geoducks on state-owned intertidal lands on more than 15 acres a year until December 2014, exclusive of the first 23 acres leased. Any intertidal leases must be conditioned so that the DNR can conduct environmental monitoring on the geoduck operation and so that the leases can be used as part of the research conducted by the Sea Grant. In addition, the DNR must provide notification to adjacent landowners of any aquatic lands that are to be leased for geoduck aquaculture.

Shellfish Aquaculture Regulatory Committee.

The Shellfish Aquaculture Regulatory Committee (Committee) is formed to serve as the oversight committee for the research conducted by the Sea Grant, develop recommendations for a regulatory system or permit process that integrates local, state, and federal regulations, and develop recommendations for appropriate guidelines for the DOE to include in shorelines master program guidelines. The Committee must also consider landowner notification policies and methods for quantifying and reducing marine litter.

The members of the Committee are to be appointed by the director of the DOE and include state agency representatives, tribal invitees, members of the environmental community, shellfish growers, and property owners.

Initial recommendations from the Committee must be delivered in 2007.

Shorelines Guidelines.

The DOE is directed to develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations that are to be included in any master program. The guidelines must be developed in consultation with the Committee, with the public review and comment period commencing no longer than six months after the Committee delivers its recommendations.

If necessary, the DOE is directed to update the guidelines after the culmination of the research required of the Sea Grant.

Aquaculture Registration.

The aquaculture registration program at the WDFW is expanded. Each registered aquatic farmer must be assigned a unique registration number and the information collected must be tracked in an electronic database. The information that must be collected from aquatic farmers includes identification information, contact information, information about the size and location of the land being cultivated, and the shellfish species being grown.

The WDFW must coordinate with the Department of Health and update the registration list annually.

Votes on Final Passage:

House	88	9	
Senate	37	11	(Senate amended)
House			(House refused to concur)
Senate	45	1	(Senate amended)
House	98	0	(House concurred)

Effective: July 22, 2007