

SENATE BILL REPORT

SB 5778

As Passed Senate, March 8, 2007

Title: An act relating to implementation of shellfish protection programs.

Brief Description: Concerning shellfish protection programs.

Sponsors: Senators Fraser, Rockefeller, Poulsen and Kline; by request of Department of Health.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 2/02/07, 2/13/07 [DP].

Passed Senate: 3/08/07, 48-0.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Holmquist, Marr, Morton, Oemig, Pridemore and Regala.

Staff: Jan Odano (786-7486)

Background: A county with shellfish tidelands may create shellfish protection districts and adopt shellfish protection programs to address water quality issues affecting growing and harvesting shellfish. When the Department of Health (DOH) closes or downgrades a shellfish growing area, the county must create a shellfish protection district within 180 days to address the causes of pollution.

Counties must coordinate and cooperate with cities, towns, and water-related special districts within their boundaries in establishing shellfish protection districts and carrying out shellfish protection programs. The county may finance shellfish protection programs through county tax revenues, inspection fees and other fees for provided services, rates specified in the protection program, or federal, state, or private grants.

Summary of Bill: When a county establishes a shellfish protection district, it must consult with the Departments of Health, Ecology, Agriculture, or the Conservation Commission about the elements of the shellfish protection program. When DOH downgrades or closes a recreational or commercial shellfish growing area, the county must establish a shellfish protection district and shellfish protection program within 180 days.

The shellfish protection program must address the causes or suspected causes of pollution affecting the water quality. The county must begin implementation within 60 days after the program is established. The county must provide a copy of the shellfish protection program to

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the Departments of Health, Ecology and Agriculture and provide a report to DOH annually. An agency with regulatory authority over nonpoint pollution sources must cooperate with the county in its implementation of the program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The current statute is fairly effective. This bill would ensure that shellfish protection programs are implemented. The bill could go a little further by requiring a Shellfish Protection District and plan when the water quality is determined "threatened" instead of waiting until it is "downgraded" or the area is closed to harvesting. This would be more preventative and less costly to homeowner and growers by addressing the issues earlier.

Persons Testifying: PRO: Gregg Grunenfelder, DOH; Kathleen Drew, Governor's Office; Jim Jesernig, Pacific Coast Shellfish Growers Association; Bruce Wishart, People for Puget Sound.