
SUBSTITUTE SENATE BILL 6279

State of Washington 62nd Legislature 2012 Regular Session

By Senate Environment (originally sponsored by Senator Nelson)

READ FIRST TIME 02/02/12.

1 AN ACT Relating to improving water quality to support the health of
2 marine waters of Washington state; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the marine waters
5 of Washington state and their associated tidelands and bedlands,
6 located in Puget Sound and related inland marine waterways, the Strait
7 of Juan de Fuca, Hood Canal, the outer coastal waters, together with
8 the lakes, rivers, and streams that flow to them, represent a unique
9 and unparalleled resource to the state of Washington.

10 Their rich and varied range of freshwater and marine organisms
11 comprise an interdependent, sensitive communal ecosystem that is
12 beneficial both for ecosystem quality and economic opportunity.

13 Closures of beaches to shellfish harvest due to the risk of disease
14 have become more frequent and widespread. Through reinvigorated
15 efforts of the public, tribes, nongovernmental organizations, public
16 agencies, and the private sector, Washington's marine waters should
17 become a model of a thriving natural system, with: Clean marine and
18 freshwaters; clean sediments; healthy and abundant native species;

1 natural shorelines and places for public enjoyment; and a vibrant
2 economy that prospers in productive harmony with a healthy Puget Sound.

3 One component of restoring Puget Sound is ensuring healthy
4 shellfish. Shellfish can help filter and improve the quality of our
5 marine waters, thereby being part of the solution to restoring and
6 preserving ecosystem health. Shellfish aquaculture, commercial and
7 tribal harvest of wild shellfish resources, recreational shellfish
8 harvest, and preservation of natural marine areas are water-dependent
9 uses that rely on excellent water quality. Healthy marine waters and
10 productive shellfish beds are essential for a growing shellfish
11 industry, Native American tribes, public recreational harvest, economic
12 opportunity, and an enjoyable quality of life.

13 To this end, the governor announced the Washington state shellfish
14 initiative in 2011. The initiative is a convergence of the national
15 oceanic and atmospheric administration's national shellfish initiative
16 and the state's long-standing interest in promoting clean water
17 industries and a healthy marine ecosystem.

18 Therefore, it is the purpose of this act to require reports to the
19 legislature, the governor, and the public on the progress of and
20 opportunities for implementing elements of the national shellfish
21 initiative and related activities.

22 NEW SECTION. **Sec. 2.** (1) Consistent with RCW 43.01.036, the
23 department of ecology shall cooperate with other federal, state, and
24 local agencies, and academic institutions in reviewing peer-reviewed
25 scientific literature, and environmental impact statements, on the
26 relationship between shellfish and water quality in marine waters and
27 prepare a report by December 1, 2012, to the governor and legislature
28 covering their findings on:

29 (a) The baseline water quality impacts of natural populations on
30 unimpaired waters;

31 (b) The relationship of intensified shellfish populations due to
32 farming, on both unimpaired and impaired waters;

33 (c) Descriptions of and evaluations of projects using shellfish to
34 improve marine water quality;

35 (d) The effectiveness of strategies for preventing and apprehending
36 shellfish poachers and recommendations on whether improvements are
37 needed or will be needed as the industry grows.

1 (2) Consistent with RCW 43.01.036, the department of ecology,
2 together with the department of natural resources and the Puget Sound
3 partnership, in cooperation with partner agencies, must submit a
4 progress report to the appropriate standing committees of the senate
5 and house of representatives by December 1, 2012, on the following
6 elements of the initiative and associated activities:

7 (a) Research by the Washington sea grant program and the national
8 oceanic and atmospheric administration on the scientific basis for a
9 variety of current and potential shellfish farming practices that
10 ensure ecosystem health, including: Siting, site preparation, planting
11 or installation, operation, and harvest of commercial shellfish
12 operations, including land and water transportation and equipment used,
13 with the expectation that the report will include, but not be limited
14 to:

15 (i) Impacts on salmon and forage fish habitat, including eel grass;

16 (ii) Improved ability to assess risks of toxic algae blooms;

17 (iii) Marine litter prevention and cleanup;

18 (iv) Water quality and habitat impacts of commercial planting and
19 harvesting of shellfish on both tidelands and bedlands, including
20 impacts on sand dollars, snails, birds, and native geoduck populations;

21 (v) Impacts of shellfish excretions from concentrated shellfish
22 farming;

23 (vi) Methods for estimating the carrying capacity of Puget Sound
24 bays and waters to achieve both sustainable shellfish farming and
25 sustainable water quality;

26 (b) Recommendations for and examples of methods for achieving
27 balance between new shellfish farms and: Nearby terrestrial land uses;
28 marine water space utilization; bedland and tideland uses; habitat for
29 other marine species, including birds; environmental protection; and
30 coastal development;

31 (c) A summary of the shellfish restoration priorities of the Puget
32 Sound partnership, including a detailed description of their goals for
33 upgrading ten thousand eight hundred acres of harvestable quantities of
34 additional shellfish harvest, including types and quantities of
35 additional shellfish harvest intended, the geographic areas intended,
36 and an estimate of the number of acres of bedlands and tidelands
37 intended, whether tidelands and bedlands of state parks are intended,

1 and an estimate of the number of linear beach miles intended in Puget
2 Sound and in other marine water regions;

3 (d) The proposed model permitting program, and associated pilot
4 projects, established as part of the shellfish initiative, together
5 with an evaluation of whether the model permitting program will provide
6 more timeliness and certainty to the industry and improved
7 opportunities for interested citizens to become informed about new
8 proposals and provide input into decision-making processes;

9 (e) The plan to restore nineteen historic Puget Sound Olympia
10 oyster beds and associated local ecosystems;

11 (f) The plan for bolstering pinto abalone populations;

12 (g) Recommendations for improving and increasing public access to
13 shellfish on public tidelands for tribal and recreational harvest,
14 together with recommended policies for avoiding use conflicts involving
15 water, beaches, public parks, outdoor recreation, and adjacent land
16 owners, including consideration of transportation related needs of
17 shellfish farming and harvest operations;

18 (h) Improving water quality in commercial, recreational, and tribal
19 shellfish growing areas;

20 (i) Creation of a pollution identification and correction program,
21 in cooperation with local governments;

22 (j) Implementation of a pollution action team to respond quickly
23 when water quality problems threaten shellfish harvest areas;

24 (k) A summary of the estimated impact of the shellfish industry in
25 the state of Washington, both currently, and as projected from results
26 of the state and federal shellfish initiatives, including jobs,
27 investment, economic multiplier effects, revenues to state and local
28 governments, and contributions to international trade;

29 (l) Improved effectiveness of on-site sewage management programs;

30 (m) Reductions in agricultural run-off affecting marine water
31 quality; and

32 (n) A summary of the activities of the blue ribbon panel on ocean
33 acidification.

34 (3) The definitions in this subsection apply throughout this
35 section unless the context clearly requires otherwise.

36 (a) "Blue ribbon panel on ocean acidification" means the panel of
37 scientific experts and the relevant agencies and stakeholders formed

1 under the initiative to develop clear, actionable recommendations on
2 understanding, monitoring, adapting, and mitigating ocean acidification
3 in Puget Sound and Washington waters.

4 (b) "Initiative" means the Washington state shellfish initiative,
5 which is an agreement among federal and state governments, tribes, and
6 the shellfish industry to restore and expand Washington's shellfish
7 resources to promote clean water industries and create family wage
8 jobs.

9 (c) "Pollution action team" means a team formed with staff from the
10 United States environmental protection agency, the department of
11 ecology, the department of health, and the department of agriculture
12 designed to respond quickly when water quality problems are identified
13 that threaten shellfish areas, initially focusing on Drayton Harbor and
14 Portage Bay.

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