

HOUSE BILL REPORT

HB 1894

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to shellfish aquaculture research.

Brief Description: Concerning shellfish aquaculture research.

Sponsors: Representatives Seaquist, Blake, Haigh, Takko, Lytton, Tharinger and MacEwen.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/13, 2/21/13 [DPS].

Brief Summary of Substitute Bill

- Creates the Shellfish Aquaculture Public Information Center through the University of Washington's Sea Grant Program (Sea Grant) to, among other things, serve as a single point of contact for the public regarding aquaculture permitting issues, questions about violations, and debris cleanup.
- Continues and expands the current geoduck research being done by Sea Grant using the existing model with changes that make clear that the research scope belongs to Sea Grant and that the citizen committee is just advisory in nature.
- Reconstitutes the Shellfish Regulatory Advisory Committee with a new name (removing "regulatory") and a new mission scope, limited to just advising the Sea Grant research and not interacting with the Department of Ecology in regards to shoreline management guidelines.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Kretz, Pettigrew, Schmick, Stanford, Van De Wege and Warnick.

Minority Report: Do not pass. Signed by 1 member: Representative Orcutt.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jason Callahan (786-7117).

Background:

Geoduck Research.

The Sea Grant Program at the University of Washington (Sea Grant) was directed in 2007 to initiate a research initiative to review the potential effects of geoduck aquaculture on the environment. A list of required study elements were provided to Sea Grant, which included 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. Sea Grant, in consultation with an oversight committee, can prioritize the listed studies and add or subtract to the listed studies as necessary.

The Geoduck Aquaculture Research Account (Account) was 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 is scheduled to be delivered to the Legislature by December 1, 2013.

Shellfish Aquaculture Regulatory Committee.

The Shellfish Aquaculture Regulatory Committee (SARC) was formed in 2007 to serve as the oversight committee for the research conducted by the Sea Grant; to develop recommendations for a regulatory system or permit process that integrates local, state, and federal regulations; and to develop recommendations for appropriate guidelines for the Department of Ecology (Department) to include in shorelines master program guidelines.

The members of the SARC were appointed by the Director of the Department and included state agency representatives, tribal invitees, members of the environmental community, shellfish growers, and property owners. The SARC concluded its work and has since been disbanded by the Department.

Summary of Substitute Bill:

Shellfish Aquaculture Public Information Center.

Sea Grant is required to establish a shellfish aquaculture public information center. A list of potential services for the public may include:

- developing a repository of information on sustainable shellfish aquaculture practices;
- providing technical assistance regarding sustainable shellfish aquaculture and regulation compliance;
- serving as a single point-of-contact for the public regarding questions about shellfish aquaculture;
- liaising with state and county governments in seeking to resolve citizens' questions and concerns;
- seeking federal funding for shellfish aquaculture research and development; and
- serving as a point-of-contact in efforts to address derelict shellfish aquaculture sites.

Sea Grant Geoduck Research.

Express intent is provided for the Sea Grant geoduck research currently underway to be continued beyond its current scope of work and expanded to include research relevant to all shellfish aquaculture. The existing direction as to the study process is retained, except that direction is given to coordinate research with other research being done by the University of Washington on ocean acidification.

The relationship between the Sea Grant research and a reconstituted SARC is clarified. The SARC is renamed to remove the word "regulatory" from its title and its scope is limited to being a steering committee to Sea Grant on its shellfish research. The membership composition of the SARC is unchanged.

The Geoduck Aquaculture Research Account is renamed the Shellfish Aquaculture Research Account.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies that Sea Grant is excused from the mandatory duty to maintain a shellfish aquaculture public information center and to conduct shellfish research if funding is not available.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Six years ago the Legislature embarked on a focused effort to research and explore possible regulatory changes related to geoduck aquaculture. Over those years, a rational regulatory framework has emerged; however, there is still a need for research and outreach that can allow the science base to evolve with the industry. Research and outreach is important for the state to balance the three healthies: a healthy Puget Sound, a healthy industry, and healthy neighborhood relations.

More knowledge is always better; however, it is possible to accomplish much of the bill's charge without additional direction or statutory structures that may duplicate efforts and add a modest cost. There is work being done at Sea Grant along the lines in the bill that can be easily built upon. Sea Grant's role as a part of a university, and not a regulatory agency, allows it to build relationships and partnerships in a unique and important way. The education and research in the bill is a good thing, but it cannot be allowed to overshadow the important research underway involving ocean acidification.

(Opposed) Intensive geoduck aquaculture is harmful to the marine ecosystem and the industry is proliferating at an alarming rate. Public funds should not be used to conduct research and outreach that only exists to benefit the expansion of a private, for-profit industry. The bill does nothing to regulate the industry or to increase environmental protection.

The past Sea Grant research failed to study the cumulative impact of geoduck farms in part because it was pressured by the industry-friendly advisory committee to focus their efforts in other directions. Sea Grant can no longer be trusted to be independent, as it uses bad science to promote industry priorities. The bill will only lead to the prioritization of industry issues over those of citizens.

Local groups already do what the outreach in the bill would accomplish, and the local groups should be able to focus on local issues without an outreach center that is designed to promote the industry. If the industry wants kiosks and outreach, then they should pay for it themselves.

Persons Testifying: (In support) Representative Seaquist, prime sponsor; Perry Lund, Department of Ecology; Terri King and Penny Dalton, Washington Sea Grant; and Jim Jesernig, Pacific Coast Shellfish Growers.

(Opposed) Brad Newell; Heather McFarlane and William Hoffercher, Friends of Burley Lagoon; Susan Macumson; and Laura Hendricks, Coalition to Protect Puget Sound Habitat.

Persons Signed In To Testify But Not Testifying: None.