
**Agriculture & Natural Resources
Committee**

HB 2956

Brief Description: Protecting Washington waters from negative impacts of nonnative finfish by requiring nonnative finfish cultivated in Washington to be single-sex.

Sponsors: Representative Blake.

Brief Summary of Bill

- Requires any new or renewal of current state aquatic lands leases for the culture of Atlantic salmon or other nonnative finfish to require the cultivation of only single-sex populations of Atlantic salmon or nonnative finfish.
- Specifies that, after the expiration date of current aquatic lands leases, the Department of Ecology and the Department of Fish and Wildlife may permit Atlantic salmon or nonnative finfish aquaculture activities or operations only if single-sex populations of Atlantic salmon or nonnative finfish are used.

Hearing Date: 1/31/18

Staff: Rebecca Lewis (786-7339).

Background:

Atlantic Salmon Aquaculture.

Aquaculture is the process of growing, farming, or cultivating aquatic products in marine or freshwater environments. Aquatic products include plants, shellfish, and finfish. One species of finfish raised in Washington's marine waters is Atlantic salmon. Atlantic salmon are initially hatched and reared in a freshwater environment until they are ready for the marine environment, at which point they are transferred to net pens in marine waters, where they are held until reaching market size.

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.

In Washington, Atlantic salmon are raised in floating commercial net pen facilities located at eight different locations in Puget Sound and the Strait of Juan de Fuca. All eight farms are sited on aquatic lands owned by the State of Washington, managed by the Department of Natural Resources (DNR), and leased by a commercial finfish farm operator.

Single-sex populations of fish are sometimes used in commercial aquaculture. This occurs when eggs of a female are fertilized by a sex-reversed female (a female treated to develop as a male carrying two x chromosomes), resulting in all-female offspring.

Aquatic Land Lease Requirements.

State-owned aquatic lands include approximately 2,000 square miles of beaches, tidelands, and bedlands throughout the marine waters of Puget Sound and along the Strait of Juan de Fuca and the Pacific Ocean coast, as well as most of the navigable rivers, streams and lakes. The DNR manages the state's aquatic lands and issues leases for a variety of activities and projects that take place on such lands. Potential lessees must obtain all permits necessary to conduct a proposed activity or project before the DNR may authorize the activity or project on leased land.

Marine Finfish Aquaculture Permitting.

In addition to local permits and federal permits through the U.S. Army Corps of Engineers, U.S. Coast Guard, and Food and Drug Administration, there are four main state permits or approvals necessary to conduct net pen aquaculture in Washington's marine waters:

- a National Pollutant Discharge Elimination System (NPDES) permit through the Department of Ecology (Ecology);
- an Aquatic Farm Registration through the Department of Fish and Wildlife (WDFW);
- a Marine Finfish Aquaculture Permit through the WDFW; and
- Fish Transport Permits through the WDFW.

National Pollutant Discharge Elimination System.

The federal Clean Water Act establishes the NPDES, which regulates discharges of pollutants to surface waters. In Washington, NPDES permitting authority is delegated to the state, allowing the Department of Ecology (Ecology) to issue NPDES permits. The NPDES permits are issued for terms of no more than five years at a time. Wastewater discharge permits place limits on the quantity and type of contaminants that may be discharged. There are several plans and reports addressing accidental fish release and pollution and disease control required as a part of the NPDES permit. These include an accidental fish release response plan and a fish release prevention and monitoring plan, both coordinated with WDFW. Marine finfish farms that harvest more than 20,000 pounds of fish per year, or that feed more than 5,000 pounds of fish food per month, must obtain an NPDES permit from Ecology.

Aquatic Farm Registration.

The DFW is required to register each aquatic farm, and to maintain a database of aquatic farm registrations. Each aquatic farmer must renew their registration annually and provide a quarterly report on the farm's monthly production including species cultured, quantity harvested for sale, and unit value. Reporting of aquaculture activity during the previous calendar year constitutes

renewal for the following year. Additionally, the DFW and the Department of Agriculture have developed a disease inspection and control program for aquatic farmers.

Marine Finfish Aquaculture Permit.

An aquatic farmer must obtain a Marine Finfish Aquaculture Permit, valid for 5 years, from the WDFW in order to raise any species of marine finfish in net pens in Washington's marine waters. The aquatic farmer must include an operations plan, escape prevention plan, and an escape reporting and recapture plan with the Marine Finfish Aquaculture Permit application.

Live Fish Transport Permit.

In order to transport live fish or eggs into or within the state, a person must obtain a Live Fish Transport Permit from the WDFW to ensure that:

- fish or eggs brought into the state are free from reportable fish pathogens;
- aquatic invasive species are not shipped with the fish to be transported; and
- undesirable species do not cause harm to native species.

A Live Fish Transport Permit is required each time fish or eggs are to be transported into or within the state.

Summary of Bill:

The Department of Natural Resources may renew any existing or enter into new, state-owned aquatic lands lease for the purpose of Atlantic salmon or nonnative finfish aquaculture only if single-sex Atlantic salmon or other nonnative marine finfish are used. The Department of Ecology and the Department of Fish and Wildlife may permit activities or operations after the expiration date of an existing lease only if those activities or operations are for the culture of single-sex Atlantic salmon or nonnative finfish. This includes authorization or permits issued:

- by Ecology under its water pollution control authority generally, and specifically for waste discharges from marine finfish rearing facilities;
- under statutes regulating aquatic farm disease inspection and control, specifically;
- under statutes governing marine finfish aquaculture escapement prevention, management planning, and recapture administered by DFW, specifically; and
- for fish and wildlife possession and transportation administered by DFW, specifically.

Appropriation: None.

Fiscal Note: Requested on January 29, 2018.

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