

Chapter 77.125 RCW
MARINE FINFISH AQUACULTURE PROGRAMS

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RCW 77.125.010 Accidental Atlantic salmon release—Prevention measures. Marine aquaculture net pen facilities in Washington state have accidentally released Atlantic salmon into Puget Sound. It is necessary to minimize escapes through the implementation of statewide prevention measures. [2001 c 86 s 1.]

RCW 77.125.020 Marine aquatic farming location—Defined. For the purposes of this chapter, "marine aquatic farming location" means a complete complex that may be composed of various marine enclosures, net pens, or other rearing vessels, food handling facilities, or other facilities related to the rearing of Atlantic salmon or other finfish in marine waters. A marine aquatic farming location is distinguished from the individual facilities that collectively compose the location. [2001 c 86 s 2.]

RCW 77.125.030 Development of proposed rules—Elements. (1) The director, in cooperation with the marine finfish aquatic farmers, shall develop proposed rules for the implementation, administration, and enforcement of marine finfish aquaculture programs. In developing such proposed rules, the director must use a negotiated rule-making process pursuant to RCW 34.05.310. The proposed rules shall include the following elements:

(a) Provisions for the prevention of escapes of cultured marine finfish aquaculture products from enclosures, net pens, or other rearing vessels;

(b) Provisions for the development and implementation of management plans to facilitate the most rapid recapture of live marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels, and to prevent the spread or permanent escape of these products;

(c) Provisions for the development of management practices based on the latest available science, to include:

(i) Procedures for inspections of marine aquatic farming locations on a regular basis to determine conformity with law and the rules of the department relating to the operation of marine aquatic farming locations. The rules must provide for the recovery of actual costs incurred for required inspections, monitoring, and compliance testing by the department; and

(ii) Operating procedures at marine aquatic farming locations to prevent the escape of marine finfish, to include the use of net antifoulants;

(d) Provisions for the eradication of those cultured marine finfish aquaculture products that have escaped from enclosures, net pens, or other rearing vessels found spawning in state waters;

(e) Provisions for the determination of appropriate species, stocks, and races of marine finfish aquaculture products allowed to be cultured at specific locations and sites;

(f) Provisions for the development of an Atlantic salmon watch program similar to the one in operation in British Columbia, Canada. The program must provide for the monitoring of escapes of Atlantic salmon from marine aquatic farming locations, monitor the occurrence of naturally produced Atlantic salmon, determine the impact of Atlantic salmon on naturally produced and cultured finfish stocks, provide a focal point for consolidation of scientific information, and provide a forum for interaction and education of the public; and

(g) Provisions for the development of an education program to assist marine aquatic farmers so that they operate in an environmentally sound manner.

(2) The department must implement this section consistent with RCW 77.125.050. [2020 c 216 s 1; 2018 c 179 s 9; 2001 c 86 s 3.]

RCW 77.125.040 Rules adoption. Rules to implement this chapter shall be adopted no sooner than thirty days following the end of the 2002 regular legislative session. [2017 3rd sp.s. c 25 s 36; 2001 c 86 s 4.]

RCW 77.125.050 Activities associated with the use of marine net pens for nonnative marine finfish aquaculture. (1) The department may authorize or permit activities associated with the use of marine net pens for nonnative marine finfish aquaculture only if these activities are performed under a lease of state-owned aquatic lands in effect on June 7, 2018. The department may not authorize or permit any of these activities or operations after the expiration date of the relevant lease of state-owned aquatic lands in effect on June 7, 2018.

(2) For purposes of this section, "state-owned aquatic lands" has the same meaning as defined in RCW 79.105.060. [2018 c 179 s 3.]

RCW 77.125.060 Facility operator must hire marine engineering firm to conduct inspections. (1) For marine finfish aquaculture, the facility operator must hire, at their own expense, a marine engineering firm approved by the department to conduct inspections. Inspections must occur approximately every two years, when net pens are fallow, and must include topside and mooring assessments related to escapement potential, structural integrity, permit compliance, and operations.

(2) Any net pen facility must be found to be in good working order to receive fish.

(3) If the facility is found to be in imminent danger of collapse or release of finfish, the director may require the operator to remove fish or deny a fish transfer permit. [2018 c 179 s 12.]