

HOUSE BILL ANALYSIS

HB 2554

Title: An act relating to marine finfish aquaculture.

Brief Description: Requiring rules to regulate finfish aquaculture.

Sponsors: Representatives Anderson, Regala, Linville, Doumit, Buck and Rockefeller.

HOUSE COMMITTEE ON NATURAL RESOURCES

Meeting Date: January 26, 2000.

Bill Analysis Prepared by: Josh Weiss, Counsel (786-7129)

Background: Aquaculture is defined as "The process of growing, farming, or cultivating private sector cultured aquatic products in marine or fresh waters and includes management by an aquatic farmer." Aquaculture products include oysters, clams, and finned fish. In Washington, commercial finned fish aquaculturists primarily raise Atlantic or coho salmon in Puget Sound. Salmon are initially hatched and reared in a freshwater environment until they are smolts - ready for the marine environment. The smolts are transferred to net pens, and are held in net enclosures until reaching marketable size.

The Department of Fish and Wildlife is responsible for administering an aquaculture disease control program. The director of the Department of Agriculture must approve this program prior to its implementation. All aquatic farmers are required to register with the Department of Fish and Wildlife.

The Department of Agriculture is responsible for developing and implementing a program to assist the state's aquaculture industry in marketing and promoting the use of its products.

Under the federal Clean Water Act, National Pollution Discharge Elimination System (NPDES), permits are required for waste discharges from all upland finned fish and net pen facilities that produce more than 20,000 pounds of fish annually. The Department of Ecology (DOE) administers this permitting process. Under current state law, commercial or industrial net pen facilities must obtain a state discharge permit if discharging waste into waters of the state, regardless of size.

With the listing of several salmon stocks under the Endangered Species Act, concerns over the escape of Atlantic salmon from net pen facilities have risen. In Washington there have been annual releases of 107,000 fish in 1996, 369,000 in 1997, and 115,000 in 1999. On nearby Vancouver Island, naturally-produced Atlantic salmon were found in streams, though there is still no evidence that escaped Atlantic salmon are capable of successfully producing offspring in the wild.

Summary of Bill: The Legislature recognizes that it is necessary to minimize the impact of escaped salmon through statewide prevention measures, and that it is prudent to prohibit the expansion of salmon net pens until controls can be implemented.

The director of the Department of Fisheries must develop and administer rules in seven areas: (1) providing prevention of escapees from cultured marine finfish facilities; (2) determining the appropriate species and stocks to be raised by aquaculture facilities; (3) developing provisions for management plans to facilitate the most rapid recapture of fish; (4) developing provisions for the eradication of fish that have escaped; (5) developing management practices based on the best available science, including reclamation standards, funding methods for observers, and operating procedures at aquaculture facilities; (6) developing provisions for an Atlantic salmon watch program similar to that in effect in British Columbia; and (7) developing an education program to assist marine aquaculture facilities to operate in an environmentally sound manner.

A moratorium is imposed on the expansion of existing facilities or the development of any new facilities until the Legislature determines that the provisions of this act have been established.

Compliance with the programs in this chapter is deemed to be a provision of all future fish transport permits issued by the Department of Fish and Wildlife.

Appropriation: None.

Fiscal Note: Requested January 19, 2000.

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

Rulemaking Authority: Department of Fish and Wildlife.