
SUBSTITUTE HOUSE BILL 2554

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Anderson, Regala, Linville, Doumit, Buck and Rockefeller)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to marine finfish aquaculture; adding a new chapter
2 to Title 75 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** Marine aquatic farming locations in
5 Washington state have accidentally released Atlantic salmon into Puget
6 Sound. Similar accidents in Canada have resulted in the successful
7 spawning of Atlantic salmon in Pacific Northwest habitat. These events
8 raise concern about the effect of escaped nonnative species on native
9 runs of Pacific salmon declared threatened or endangered under the
10 federal endangered species act. It is necessary to minimize the impact
11 of escapes through the implementation of state-wide prevention
12 measures. The legislature finds that it is prudent to prohibit
13 establishment of additional Atlantic salmon marine aquatic farming
14 locations in marine waters until the prevention programs called for in
15 this chapter are implemented. The legislature further finds that
16 failure of state agencies to approve the use of antifoulants on nets
17 has resulted in excessive accumulations of marine organisms whose
18 weight has contributed to equipment failures that have resulted in
19 escapes.

1 NEW SECTION. **Sec. 2.** The definition in this section applies
2 throughout this chapter unless the context clearly requires otherwise.
3 "Marine aquatic farming location" means a complete complex that may
4 be composed of various marine enclosures, net pens, or other rearing
5 vessels, food handling facilities, or other facilities related to the
6 rearing of Atlantic salmon or other finfish in marine water. A marine
7 aquatic farming location is distinguished from the individual
8 facilities that collectively compose the location.

9 NEW SECTION. **Sec. 3.** The director, in consultation with persons
10 engaged in Atlantic salmon marine aquatic farming, shall develop,
11 implement, administer, and enforce rules that include the following
12 elements:

13 (1) Provisions for the prevention of the escape of Atlantic salmon
14 from marine enclosures, net pens, or other rearing vessels;

15 (2) Provisions for the development and implementation of management
16 plans to facilitate the most rapid recapture of Atlantic salmon that
17 have escaped from marine enclosures, net pens, or other rearing
18 vessels, and to prevent the spread or permanent escape of Atlantic
19 salmon. The director shall take all actions necessary to coordinate
20 these provisions with local tribal fishing managers and with the north
21 of Falcon process, if necessary;

22 (3) Provisions for the eradication of those Atlantic salmon that
23 have escaped from marine enclosures, net pens, or other rearing vessels
24 found spawning in state waters. The director shall take all actions
25 necessary to coordinate these provisions with local tribal fishing
26 managers and with the north of Falcon process, if necessary;

27 (4) Provisions for the development of management practices based on
28 the most current, accurate, and complete scientific and technical
29 information available, including the use of antifoulants approved under
30 section 4 of this act, that are applicable to Atlantic salmon marine
31 aquatic farming;

32 (5) Provisions for the development of an Atlantic salmon watch
33 program similar to the one in operation in British Columbia, Canada.
34 The program must provide for the monitoring of escapes of Atlantic
35 salmon from marine aquatic farming locations, monitor the occurrence of
36 naturally produced Atlantic salmon, determine the impact of Atlantic
37 salmon on naturally produced and cultured finfish stocks, provide a

1 focal point for consolidation of scientific information, and provide a
2 forum for interaction and education of the public; and

3 (6) The director shall report to the legislature by December 1,
4 2000, on procedures and proposed funding methods for observers and
5 unannounced inspections of Atlantic salmon marine aquatic locations on
6 a regular basis to determine conformity with law and the rules of the
7 department relating to the operation of such locations. The director
8 shall include in this report the most current, accurate, and complete
9 scientific and technical information available on the use of triploid
10 or female stocks in rearing Atlantic salmon.

11 NEW SECTION. **Sec. 4.** Within sixty days of the effective date of
12 this section, the director, and the director of the department of
13 ecology, in cooperation with persons engaged in Atlantic salmon marine
14 aquatic farming, shall investigate the approval of an antifoulant for
15 use on nets to prevent the buildup of marine organisms on net pens.

16 If there is an antifoulant that is approved for use by the United
17 States environmental protection agency, then its use shall be
18 authorized in Washington.

19 NEW SECTION. **Sec. 5.** Within sixty days of the effective date of
20 this section, persons engaged in Atlantic salmon marine aquatic farming
21 shall develop and implement:

22 (1) Written plans for the prevention of Atlantic salmon escapes
23 from marine enclosures, net pens, or other rearing vessels;

24 (2) Written plans and agreements with local fishers to facilitate
25 the most rapid recapture of Atlantic salmon that have escaped from
26 marine enclosures, net pens, or other rearing vessels, and to prevent
27 the spread or permanent escape of Atlantic salmon. Persons engaged in
28 Atlantic salmon marine aquatic farming shall take all actions necessary
29 to coordinate these provisions with the department and local tribal
30 fishing managers; and

31 (3) Atlantic salmon marine aquatic farming management practices
32 based on the most current, accurate, and complete scientific and
33 technical information available, including the use of antifoulants
34 approved under section 4 of this act, that is applicable to Atlantic
35 salmon marine aquatic farming.

1 NEW SECTION. **Sec. 6.** Those persons engaged in Atlantic salmon
2 marine aquatic farming have indicated that no additional marine aquatic
3 farming locations are planned, nor has approval for any additional
4 marine aquatic farming locations been sought through any local or state
5 permitting authority that would allow any such locations to be
6 developed through June 30, 2002. Persons engaged in Atlantic salmon
7 marine aquatic farming shall provide up to thirty-five thousand dollars
8 per year in matching funds to match any state moneys appropriated on
9 behalf of section 3 of this act, until June 30, 2002, for the
10 implementation of section 3 of this act.

11 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute
12 a new chapter in Title 75 RCW.

13 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and takes effect
16 immediately.

--- END ---