

EHB 2957 - S AMD 873
By Senator Braun

NOT ADOPTED 03/02/2018

1 On page 10, after line 8, insert the following:

2 "NEW SECTION. **Sec. 13.** A new section is added to chapter 79.105
3 RCW under the subchapter heading "general use, sale, and lease
4 provisions" to read as follows:

5 (1) On and after the effective date of this section, the
6 department may not enter into a new lease or other use authorization
7 where the use includes marine finfish aquaculture of Atlantic salmon.

8 (2) On and after the effective date of this section, the
9 department may not renew or extend a lease or other use authorization
10 in existence on the effective date of this section where the use
11 includes marine finfish aquaculture of Atlantic salmon.

12 (3) The department shall work with holders of leases or other use
13 authorizations in effect as of December 1, 2017, to resurvey lease
14 boundaries to allow for the safe mooring of these facilities. If the
15 resurveying results in larger lease areas, the lease charges must be
16 adjusted accordingly.

17 (4) The department shall work in good faith with holders of
18 leases or other use authorizations in effect as of December 1, 2017.
19 The department may not cancel the leases or other use authorizations
20 where the lease holder has presented plans to upgrade the facilities
21 and is in the process of doing so. The department shall allow the
22 time necessary to comply with all other permitting obligations,
23 including applicable restrictions on in-water work, to upgrade the
24 facilities. This subsection applies retroactively to leases or other
25 use authorizations in effect as of December 1, 2017.

26 (5) The department shall, prior to the expiration of any lease or
27 use authorization for Atlantic salmon aquaculture, work with finfish
28 aquaculture farmers to identify suitable sites for marine finfish
29 aquaculture that provides production at levels at least equivalent to
30 those reported to the department of fish and wildlife for calendar
31 year 2016. The department shall work in good faith with finfish
32 aquaculture farmers to identify and lease suitable sites for the
33 production of non-Atlantic salmon finfish, and, subject to all other

1 permitting and use authorization requirements, shall, prior to
2 January 1, 2021, offer to lease sites that will provide production
3 levels at least equivalent to those reported to the department of
4 fish and wildlife for calendar year 2016. Preference must be given to
5 Atlantic salmon net pen operators with Atlantic salmon net pen
6 operations on the effective date of this section.

7 (6) The department, in administering leases for Atlantic salmon
8 marine finfish aquaculture, may not place constraints on or take
9 enforcement actions with respect to the Atlantic salmon aquaculture
10 industry that are more rigorous than those placed on the other fish
11 rearing entities."

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12 On page 1, at the beginning of line 4 of the title, strike "a new
13 section" and insert "new sections"

EFFECT: Prohibits DNR from entering into new leases or renewing
leases for Atlantic salmon net pen aquaculture.

DNR is required to work with net pen operators to resurvey,
identify, and offer for lease suitable aquatic lands for production
of native salmon aquaculture at levels at least equivalent to the
2016 production of Atlantic salmon in Washington state.

Prohibits DNR from canceling leases when the operator has
presented plans to upgrade the facility.

Leases shall be offered preferentially to operators of Atlantic
salmon net pens impacted by the phase out of Atlantic salmon net pen
aquaculture.

Prohibits DNR from placing constraints on Atlantic salmon
aquaculture enforcement actions that are more rigorous than those
placed on other fish rearing entities.

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