

# HOUSE BILL REPORT

## SSB 6613

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**As Passed House:**  
March 10, 2020

**Title:** An act relating to the inspection of marine aquatic farming locations.

**Brief Description:** Concerning the inspection of marine aquatic farming locations.

**Sponsors:** Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Rolfes, Lovelett and Saldaña).

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture, & Natural Resources: 2/26/20, 2/28/20 [DP].

**Floor Activity:**

Passed House: 3/10/20, 73-24.

**Brief Summary of Substitute Bill**

- Requires rules related to the operation of marine finfish aquatic farming locations to provide for the recovery of actual costs incurred for required inspections, monitoring, and compliance testing by the Department of Fish and Wildlife.

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### HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 11 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Fitzgibbon, Lekanoff, Orcutt, Pettigrew, Ramos and Springer.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Dye, Schmick and Walsh.

**Staff:** Rebecca Lewis (786-7339).

**Background:**

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*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.*

### Aquaculture Permitting.

Aquaculture is the process of growing, farming, or cultivating aquatic products in marine or freshwater environments. Aquatic products include plants, shellfish, and finfish. There are four main state permits or approvals necessary to conduct net-pen aquaculture in Washington's marine waters: (1) a national pollutant discharge elimination system (NPDES) permit through the Department of Ecology (Ecology); (2) an aquatic farm registration through the Department of Fish and Wildlife (WDFW); (3) a marine finfish aquaculture permit from the WDFW; and (4) fish transport permits from the WDFW.

#### *National Pollutant Discharge Elimination System Permit.*

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 Ecology to issue NPDES permits.

#### *Permits and Registrations Administered by the Department of Fish and Wildlife.*

An aquatic farmer must obtain a marine finfish aquaculture permit, valid for five 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 permit application. An aquatic farmer must obtain a fish transport permit from the WDFW each time the farmer transports live fish or fish eggs within the state to ensure that live finfish brought into the state are free from reportable fish pathogens and that aquatic invasive species are not shipped with the desired fish species.

### Aquaculture Rulemaking.

The Director of the WDFW is responsible for developing rules for implementing, administering, and enforcing marine finfish aquaculture programs in cooperation with finfish aquatic farmers. The rules must include procedures for inspecting marine aquatic farming locations on a regular basis to determine conformity with laws and rules relating to the operation of marine aquatic farms.

#### **Summary of Bill:**

Rules related to the operation of marine finfish aquatic farming locations must provide for the recovery of actual costs incurred for required inspections, monitoring, and compliance testing of marine finfish aquatic farms by the Department of Fish and Wildlife.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Following the 2017 net-pen collapse, the Legislature phased out the use of net-pen aquaculture for the farming of nonnative finfish and instituted a variety of inspection requirements. Recently, the Department of Fish and Wildlife (WDFW) approved a permit for an aquaculture company to transition to farming all-female native fish species. The WDFW will work with its sister agencies in this rulemaking, including the Department of Ecology. This bill will help the agency recover costs for inspections and has a minimal fiscal impact. The bill is good in its current form, as it is limited to the rulemaking to allow the WDFW to recover certain regulatory costs. Cooke Aquaculture Pacific wants the WDFW to be confident that its facilities are safe and has made significant investments in safety and mitigation measures. There is robust mitigation required in the new permit to raise rainbow trout and steelhead.

(Opposed) None.

(Other) Aquaculture provides much-needed jobs in rural areas where other industries have left. States should be encouraging, rather than discouraging, the aquaculture industry. This could be an opportunity to develop a statewide aquaculture plan. There was an effort in the 1980s in Washington to develop such a plan. Several states, such as Michigan and Maine, have taken that step. This bill represents a cost-shift from the state to the private sector.

**Persons Testifying:** (In support) Amy Windrope and Tom McBride, Department of Fish and Wildlife; and Troy Nichols, Cooke Aquaculture Pacific Incorporated.

(Other) Jack Field, Northwest Aquaculture Alliance; and Jeanne McKnight, Northwest Aquaculture Alliance.

**Persons Signed In To Testify But Not Testifying:** None.