

HOUSE BILL REPORT

HB 1455

*As Reported By House Committee on:
Fisheries & Wildlife*

Title: An act relating to seaweed.

Brief Description: Regulating seaweed harvesting.

Sponsor(s): Representatives Haugen, Wilson, Zellinsky,
R. King, Spanel, R. Meyers, Leonard and Orr.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, March 1, 1991, DPS.

**HOUSE COMMITTEE ON
FISHERIES & WILDLIFE**

Majority Report: *That Substitute House Bill No. 1455 be substituted therefor, and the substitute bill do pass.*

Signed by 6 members: Representatives R. King, Chair; Morris, Vice Chair; Cole; Haugen; Orr; and Spanel.

Minority Report: *Do not pass.* Signed by 2 members: Representatives Fuhrman, Assistant Ranking Minority Member and Hochstatter.

Staff: Keitlyn Watson (786-7310).

Background: Marine aquatic plants are important as a food supply for marine life and as habitat and some of these plants, particularly seaweed, are important economically.

Marine aquatic plants on state-owned aquatic lands are the property of the state Department of Natural Resources (DNR). The DNR regulates the harvest for personal use of seaweed as a valuable material on state-owned aquatic lands. An individual must obtain a permit from the DNR to take up to 50 pounds annually. The DNR has placed a moratorium on commercial harvest of seaweed on state-owned aquatic lands.

Enforcement of the taking of valuable materials from state-owned aquatic lands is the responsibility of law enforcement officers. Violations are a criminal offense.

The Department of Fisheries regulates marine aquatic plant harvest indirectly as a component of habitat through its

permitting processes. Time, place, and manner of marine aquatic plant harvest is not regulated independently of its direct impact on a fishery.

Summary of Substitute Bill: The Department of Natural Resources is directed to adopt rules to regulate the taking of marine aquatic plants on state-owned aquatic lands. The rules shall be consistent with the preservation of marine aquatic plants as habitat, and shall provide for classification and regulation of harvest of plants for personal and commercial use. Violations of these rules shall be an infraction for personal use harvest and a gross misdemeanor for commercial use harvest. Authority is granted to law enforcement officers to enforce this civil penalty. The Department of Natural Resources is directed to actively seek enforcement assistance from law enforcement officers to enforce these rules. The department is directed to educate the public about the adopted rules.

Substitute Bill Compared to Original Bill: The original bill directs the Department of Fisheries to regulate seaweed harvest within state boundaries. The substitute bill directs the Department of Natural Resources to regulate marine aquatic plant harvest on state-owned aquatic lands. Both bills require that the value of these plants as habitat be considered in establishing regulations for harvest.

The original bill allows the director of the Department of Fisheries to classify seaweed, to adopt rules to specify time, place, and manner of seaweed harvest and possession, and to charge a fee for a personal use seaweed license. The substitute bill requires the Department of Natural Resources to adopt rules to classify marine aquatic plants, to regulate time, place and manner of marine aquatic plant harvest and possession, and to administer licenses for both personal and commercial use.

The substitute bill makes violations of rules adopted by the Department of Natural Resources pertaining to personal use harvest an infraction and makes violations of rules adopted by the department for commercial harvest a gross misdemeanor. The substitute bill requires the Department of Natural Resources to educate the public on the rules that are adopted, and to actively seek enforcement of these rules from law enforcement officials.

Fiscal Note: Available; new fiscal note requested February 20, 1991.

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

Testimony For: None.

Testimony Against: There has been a commercial moratorium since 1988 on Department of Natural Resources lands. The bulk of personal use violations have been limited to four weeks per year, primarily on state parks property. An information and education program would resolve the issue.

Witnesses: Ann Morgan, Department of Natural Resources (opposed); and Judith Freeman, Department of Fisheries (neutral with concerns: a study would be more appropriate; there is no funding mechanism in the bill; there is not authority in the bill for the director to issue a license; there is not a clear delineation of responsibilities of the Department of Fisheries and the Department of Natural Resources; and there is nothing on gear restrictions in the bill). (Many of Department of Fisheries' concerns are resolved in the substitute bill).