
Select Committee on Puget Sound

HB 1547

Brief Description: Examining geoduck aquaculture techniques and practices.

Sponsors: Representatives Lantz, Rolfes, Chase, Seaquist, Appleton, McCoy, Linville, Dunshee and Morrell.

Brief Summary of Bill

- Requires the Sea Grant program at the University of Washington to commission a series of scientific research studies on the potential effects of geoduck aquaculture on the Puget Sound environment.
- Prohibits the Department of Natural Resources from entering into any new leases that would permit the commercial aquaculture of geoducks on state-owned aquatic lands within Puget Sound until the research conducted by the Sea Grant has been completed.
- Requires all commercial aquaculture operations located in Puget Sound to receive a conditional use permit from the associated county.

Hearing Date: 2/2/07

Staff: Jason Callahan (786-7117).

Background:

Shorelines Management Act

Under the Shorelines Management Act, certain developments that occur on or near the shorelines of the state are required to be permitted. Permitting for most development is administered at the county level, with standards and requirements outlined in the county's master program. Each county with shorelines within its jurisdiction adopts its own master program, which is a comprehensive use plan for the area. Once a master program is approved by the Department of Ecology, the county is the entity responsible for final approval of all programs falling within the plan's scope.

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.

If a development does not fall within the scope of an approved master plan, then the development may only go forward if a conditional use permit is approved. The conditional use permit is issued on the county level; however, it must be approved by the Department of Ecology prior to issuance.

Geoduck aquaculture on state-owned aquatic lands

The Legislature has assigned to the Department of Natural Resources (DNR) the responsibility for managing the state's aquatic lands for the benefit of the public. The DNR manages over two million acres of tidelands, shorelands, and bedlands. This includes the beds of all navigable rivers and lakes, along with the beds below the Puget Sound.

The management of aquatic lands must support a balance of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue. Revenues generated from the state's aquatic lands are generally directed to be used for public benefits, such as shoreline access, environmental protection, and recreational opportunities. Under current law, the DNR may lease aquatic lands, exchange state-owned aquatic lands for privately owned lands, and lease aquatic lands for shellfish aquaculture.

In 2003, the Legislature directed the DNR to conduct a study looking into the feasibility of leasing state-owned aquatic lands for geoduck aquaculture. The DNR has initiated a fledgling geoduck aquaculture program and has plans to lease 25 acres of state-owned aquatic lands per year for the next 10 years for geoduck aquaculture.

Summary of Bill:

Research mandate

The Sea Grant program at the University of Washington (Sea Grant) is directed to commission a series of scientific research studies on the potential effects of geoduck aquaculture on the Puget Sound environment. A list of required study elements is provided to the Sea Grant program, which includes studies about the structure used in geoduck aquaculture, the effects of harvesting techniques, an assessment of unnaturally high densities of geoducks, and research into the genetic interactions between farm-raised and naturally occurring geoduck.

The Geoduck Aquaculture Research Account (Account) is created to fund the required research. Any institution involved in research funded from the Account may not retain more than 15 percent of any funding for administrative overhead.

The final report of the research must be delivered to the Legislature by December 1, 2013. However, the Sea Grant is directed to prioritize the studies and report the results of studies conducted on a shorter timeline prior to 2013.

Department of Natural Resources

The DNR is prohibited from entering into any new leases that would permit the commercial aquaculture of geoducks on state-owned aquatic lands within Puget Sound until the research conducted by the Sea Grant has been completed. The DNR may continue forward with any contracts which have had a request for offer already issued.

Commercial aquaculture

Requires all commercial aquaculture operations located in Puget Sound to receive a conditional use permit from the associated county. The conditional use permit is required regardless of whether the operation would otherwise require permitting under the Shorelines Management Act and regardless of whether geoduck aquaculture is included in the local mater program.

All approved conditional uses for geoduck aquaculture operations in the Puget Sound must satisfy certain minimum permit requirements set by the Department of Ecology. These minimum requirements include requirements for baseline surveys of the existing aquatic habitat, adequate setbacks from sensitive aquatic habitats, the timing of physical operations, equipment and seed used, post harvest surveys, and record inspections.

The regulatory structure for commercial geoduck aquaculture in Puget Sound is intended to serve as the minimum protections necessary until the Legislature receives the required research from the Sea Grant. It is the intent of the Legislature to revisit the regulatory structure once the research is completed.

Appropriation: None.

Fiscal Note: Requested on January 22, 2007.

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