

SENATE BILL REPORT

SB 6509

As of January 30, 2008

Title: An act relating to intertidal commercial geoduck aquaculture on state-owned aquatic lands.

Brief Description: Regarding leases of state-owned land for geoduck aquaculture.

Sponsors: Senators Carrell and Morton.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/28/08.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Curt Gavigan (786-7437)

Background: 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. DNR manages over two million acres of tidelands, shorelands, and bedlands. This includes the beds of 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, environmental protection, 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. DNR may lease aquatic lands, exchange state-owned aquatic lands for privately owned lands, and lease aquatic lands for shellfish aquaculture.

In 2007, the Legislature adopted a piece of legislation that, in part:

- prohibits DNR from leasing more than 15 acres a year for commercial aquaculture of geoduck on state-owned intertidal lands through 2014;
- requires that DNR's intertidal leases be conditioned to allow environmental monitoring;
- requires DNR to notify adjacent landowners of any aquatic lands that are to be leased for geoduck aquaculture; and
- creates processes for research into the possible environmental impacts of geoduck harvest and recommendations for an appropriate geoduck aquaculture regulatory system.

Summary of Bill: DNR must designate appropriate intertidal commercial geoduck aquaculture leases on state-owned lands for in-depth environmental monitoring.

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.

In-depth monitoring sites must constitute at least one-fifth of the state-owned acreage leased annually for geoduck aquaculture. The monitoring must be designed to evaluate the impacts of each phase of geoduck aquaculture on the environment. In order to monitor site recovery, DNR may not allow replanting on an in-depth monitoring site for at least ten years after a harvest.

DNR must seek to avoid impacts to landowners, aquatic life, and recreational opportunities when determining appropriate geoduck aquaculture sites. If avoiding such impacts is unavoidable, DNR must attempt to minimize and mitigate for any impacts. DNR must develop geoduck aquaculture siting criteria and provide the criteria to the Legislature by December 2009.

Before leasing state-owned aquatic land for geoduck aquaculture, DNR must publicize and hold a public hearing in the county where the aquatic land is located.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill goes beyond HB 2220 from last year to provide more scientific information about geoduck aquaculture and provide solid criteria for geoduck aquaculture siting on public lands. Geoduck aquaculture poses serious environmental impacts and should be accompanied by a public process for siting on public lands. In fact, there should be a moratorium on such leases until more information is known. The current process set in motion by the Legislature last year is not working.

CON: Only eight months ago the Legislature created a process to evaluate the environmental impacts of geoduck aquaculture and develop a state regulatory process. There is now quite a bit of scientific information about geoduck aquaculture, including that site recovery likely occurs fairly quickly after harvest. Tribes are participating in the current process set up by the Legislature.

OTHER: Amendments were suggested, including the preference for aquaculture sites below high bank areas and strengthening the study requirements. DNR supports much of this language, including the public notice requirement and the requirement to develop siting criteria. However, DNR feels the in-depth monitoring requirements would be costly and result in 16 years of monitoring on certain leases.

Persons Testifying: PRO: Senator Carrell, prime sponsor; William Burrows, Harstine Island resident; Jeanne McGoldrick, Anderson Island Tidelands Community; William Spears, Anderson Island resident; Nancy Pearson; Anne Mosness, Go Wild Campaign; Laura Hendricks, Henderson Bay Shoreline Association.

CON: Bill Dewey, Taylor Shellfish Co.; Jim Jesernig, Pacific Coast Shellfish Growers Assn.; David Fyfe, Northwest Indian Fisheries Commission.

OTHER: Fran McNair, Department of Natural Resources; Paul Sparks, Washington Trout Council of Trout Unlimited; Marilyn Showalter.

Signed in, Unable to Testify & Submitted Written Testimony: Jerry Johannes, Anderson Island Tidelands; Bill Trandum, Case Inlet Shoreline Association.