
HOUSE BILL 3217

State of Washington 60th Legislature 2008 Regular Session

By Representatives Kelley, Green, Rolfes, and Nelson

Read first time 01/24/08. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to intertidal commercial geoduck aquaculture on
2 state-owned aquatic lands; amending RCW 79.135.100; adding new sections
3 to chapter 79.135 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that Puget Sound is a
6 unique and vital resource to the state of Washington. Puget Sound
7 provides unparalleled scenic, recreational fishing, tourism, and
8 transportation opportunities. These opportunities enhance Washington's
9 economy and the quality of life for all citizens of the state.

10 The legislature further finds that, as manager of state-owned
11 aquatic lands, the department of natural resources must provide a
12 balance of public benefits for all citizens of the state. The
13 department of natural resources must, by statute, manage aquatic lands
14 to: Encourage direct public use and access; foster water-dependent
15 uses; ensure environmental protection; utilize renewable resources; and
16 generate revenue in a manner consistent with these management goals.

17 Additionally, the legislature finds that the state has an
18 obligation to be a good steward of Puget Sound so that future
19 generations may enjoy the many benefits of this important natural

1 resource. Therefore, the legislature intends to ensure that any leases
2 of state-owned land for intertidal commercial geoduck aquaculture by
3 the department of natural resources are consistent with protecting the
4 resources of Puget Sound and providing a balance of benefits to
5 Washington's citizens.

6 **Sec. 2.** RCW 79.135.100 and 2007 c 216 s 3 are each amended to read
7 as follows:

8 (1) If state-owned aquatic lands are used for aquaculture
9 production or harvesting, rents and fees shall be established through
10 competitive bidding or negotiation.

11 (2) After an initial twenty-three acres are leased, the department
12 is prohibited from offering leases that would permit the intertidal
13 commercial aquaculture of geoducks on more than fifteen acres of state-
14 owned aquatic lands (~~(a-per)~~) per year until December 1, 2014.

15 (3) Any intertidal leases entered into by the department for
16 geoduck aquaculture must be conditioned in such a way that the
17 department can engage in monitoring of the environmental impacts of the
18 lease's execution, without unreasonably diminishing the economic
19 viability of the lease, and that the lease tracts are eligible to be
20 made part of the studies conducted under RCW 28B.20.475.

21 (4) In addition to the general monitoring requirements of
22 subsection (3) of this section, the department must designate
23 appropriate intertidal commercial geoduck aquaculture leases for
24 in-depth environmental monitoring. In-depth monitoring sites must
25 constitute at least one-fifth of the state-owned aquatic acreage leased
26 each year for the purpose of intertidal commercial geoduck aquaculture.
27 The monitoring must be designed to evaluate the impacts of each
28 different phase of intertidal commercial geoduck aquaculture on the
29 environment, including site recovery following the completion of
30 aquaculture activities. In order to effectively monitor site recovery,
31 the department may not allow replanting of a site designated for
32 in-depth environmental monitoring for at least ten years following an
33 intertidal commercial geoduck harvest on that site.

34 (5) The department must notify all abutting landowners and any
35 landowner within three hundred feet of the lands to be leased of the
36 intent of the department to lease any intertidal lands for the purposes
37 of geoduck aquaculture.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 79.135 RCW
2 under the subchapter heading "leasing for shellfish
3 cultivation/aquaculture use" to read as follows:

4 (1) When determining appropriate lease sites for intertidal
5 commercial geoduck aquaculture on state-owned aquatic land, the
6 department shall seek to:

7 (a) Avoid impacts to landowners by leasing only sites with high
8 banks or no or minimal upland residential development;

9 (b) Avoid impacts to aquatic life by leasing only sites with no or
10 minimal natural stock shellfish, eelgrass, spawning fish populations,
11 and other aquatic life; and

12 (c) Avoid impacts to recreation by leasing only sites with no or
13 minimal recreational use on or above the aquatic lands.

14 (2) If avoiding impacts under subsection (1) of this section is
15 impracticable, the department must seek to minimize any impacts and to
16 provide mitigation for any unavoidable impacts.

17 (3) The department must develop detailed criteria for determining
18 appropriate lease sites for intertidal commercial geoduck aquaculture
19 on state-owned aquatic land. The criteria must be consistent with
20 subsections (1) and (2) of this section. The department must provide
21 this criteria to the appropriate committees of the legislature by
22 December 1, 2009.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 79.135 RCW
24 under the subchapter heading "leasing for shellfish
25 cultivation/aquaculture use" to read as follows:

26 Before entering into any lease of state-owned aquatic land that
27 would allow intertidal commercial geoduck aquaculture, the department
28 must hold a public hearing in the county where the state-owned aquatic
29 land, or the greatest proportion of the state-owned aquatic land, is
30 located. The department must make every reasonable effort to hold the
31 public hearing at a location near the proposed lease site. At least
32 fifteen days, but not more than thirty days before the hearing, the
33 department must publish a public notice of reasonable size in display
34 advertising form, setting forth the date, time, and place of hearing,
35 at least once in one or more daily newspapers of general circulation in
36 the county or counties where the state-owned aquatic land is located.
37 At the same time the published notice is given, the department must

1 disseminate a news release pertaining to the hearing among printed and
2 electronic media in the area where the state-owned aquatic land is
3 located.

4 NEW SECTION. **Sec. 5.** This act applies only to state-owned aquatic
5 lands and does not apply to privately owned lands.

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