
Local Government Committee

HB 1599

Brief Description: Concerning shoreline master program provisions for marine aquaculture net pen facilities.

Sponsors: Representatives Van De Wege, Taylor, Fitzgibbon, Stanford, Takko, Lytton, Dunshee, Upthegrove, Liias and Ryu.

Brief Summary of Bill

- Authorizes locally-adopted shoreline master programs to include provisions for siting or prohibiting the siting of marine aquaculture net pen facilities.
- Specifies that local governments may not prohibit the use and operation of marine aquaculture net pen facilities that are in conformity with applicable requirements as of July 28, 2013.

Hearing Date: 2/15/13

Staff: Ethan Moreno (786-7386).

Background:

Shoreline Management Act.

The Shoreline Management Act (SMA) governs uses of state shorelines. The SMA enunciates state policy to provide for shoreline management by planning for and fostering "all reasonable and appropriate uses." The SMA prioritizes public shoreline access and enjoyment, and creates preference criteria in prioritized order that must be used by state and local governments in regulating shoreline uses. Preferred shoreline uses, as specified in the SMA, are those which are consistent with control of pollution and prevention of damage to the natural environment, and those which are unique to or dependent upon use of the state's shoreline.

The SMA involves a cooperative regulatory approach between local governments and the state. At the local level, SMA regulations are developed in local shoreline master programs (master programs). All counties and cities with shorelines of the state are required to adopt and enforce

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master programs that regulate land use activities within their jurisdictions. Master programs must be consistent with guidelines adopted by the Department of Ecology (DOE), and the programs, and segments of or amendments to, become effective when approved by the DOE.

The DOE is authorized to adopt necessary and appropriate rules to implement the provisions of the SMA.

Aquaculture and the SMA.

Administrative rules of the DOE for the implementation of the SMA include provisions pertaining to aquaculture, a term defined by the rules to mean the culture or farming of fish, shellfish, or other aquatic plants and animals. These administrative rules also specify that aquaculture is dependent on the use of the water area and, when consistent with control of pollution and prevention of damage to the environment, that aquaculture is a preferred use of the water area. Other rule-based provisions of the DOE governing aquaculture specify that:

- local government should consider local ecological conditions and provide limits and conditions to assure appropriate compatible types of aquaculture for the local conditions as necessary to assure no net loss of ecological functions;
- potential locations for aquaculture are relatively restricted due to specific requirements for water quality, temperature, flows, oxygen content, adjacent land uses, wind protection, commercial navigation, and, in marine waters, salinity;
- aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation and other water-dependent uses; and
- aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

According to the DOE, nine permitted marine salmon net pen sites exist in Washington.

Summary of Bill:

Shoreline master programs adopted by counties and cities in conformity with the Shoreline Management Act may include provisions for siting or prohibiting the siting of marine aquaculture net pen facilities. Nothing in this grant of authority authorizes a local government to prohibit the use and operation of marine aquaculture net pen facilities that are in conformity with applicable requirements as of July 28, 2013.

Appropriation: None.

Fiscal Note: Requested on February 12, 2013.

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