**2957.E AMS BRAU S5921.1 - NOT FOR FLOOR USE**

**EHB 2957** - S AMD **873**

By Senator Braun

**NOT ADOPTED 03/02/2018**

On page 10, after line 8, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 79.105 RCW under the subchapter heading "general use, sale, and lease provisions" to read as follows:

(1) On and after the effective date of this section, the department may not enter into a new lease or other use authorization where the use includes marine finfish aquaculture of Atlantic salmon.

(2) On and after the effective date of this section, the department may not renew or extend a lease or other use authorization in existence on the effective date of this section where the use includes marine finfish aquaculture of Atlantic salmon.

(3) The department shall work with holders of leases or other use authorizations in effect as of December 1, 2017, to resurvey lease boundaries to allow for the safe mooring of these facilities. If the resurveying results in larger lease areas, the lease charges must be adjusted accordingly.

(4) The department shall work in good faith with holders of leases or other use authorizations in effect as of December 1, 2017. The department may not cancel the leases or other use authorizations where the lease holder has presented plans to upgrade the facilities and is in the process of doing so. The department shall allow the time necessary to comply with all other permitting obligations, including applicable restrictions on in-water work, to upgrade the facilities. This subsection applies retroactively to leases or other use authorizations in effect as of December 1, 2017.

(5) The department shall, prior to the expiration of any lease or use authorization for Atlantic salmon aquaculture, work with finfish aquaculture farmers to identify suitable sites for marine finfish aquaculture that provides production at levels at least equivalent to those reported to the department of fish and wildlife for calendar year 2016. The department shall work in good faith with finfish aquaculture farmers to identify and lease suitable sites for the production of non-Atlantic salmon finfish, and, subject to all other permitting and use authorization requirements, shall, prior to January 1, 2021, offer to lease sites that will provide production levels at least equivalent to those reported to the department of fish and wildlife for calendar year 2016. Preference must be given to Atlantic salmon net pen operators with Atlantic salmon net pen operations on the effective date of this section.

(6) The department, in administering leases for Atlantic salmon marine finfish aquaculture, may not place constraints on or take enforcement actions with respect to the Atlantic salmon aquaculture industry that are more rigorous than those placed on the other fish rearing entities."

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**NOT ADOPTED 03/02/2018**

On page 1, at the beginning of line 4 of the title, strike "a new section" and insert "new sections"

EFFECT: Prohibits DNR from entering into new leases or renewing leases for Atlantic salmon net pen aquaculture.

DNR is required to work with net pen operators to resurvey, identify, and offer for lease suitable aquatic lands for production of native salmon aquaculture at levels at least equivalent to the 2016 production of Atlantic salmon in Washington state.

Prohibits DNR from canceling leases when the operator has presented plans to upgrade the facility.

Leases shall be offered preferentially to operators of Atlantic salmon net pens impacted by the phase out of Atlantic salmon net pen aquaculture.

Prohibits DNR from placing constraints on Atlantic salmon aquaculture enforcement actions that are more rigorous than those placed on other fish rearing entities.