

HOUSE BILL REPORT

HB 1309

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research.

Brief Description: Addressing the impacts of burrowing shrimp on bottom culture shellfish farming through integrated pest management research.

Sponsors: Representatives McEntire, Bernbaum, Griffey, Tharinger, Couture, Walsh, Simmons, Ormsby, Schmick and Nance.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/31/25, 2/7/25 [DP].

Brief Summary of Bill

- Creates the Burrowing Shrimp Research Program (Program) within the Department of Agriculture (WSDA).
- Requires the Director of the WSDA to establish a Program governing board comprised of individuals representing entities with knowledge, expertise, or a vested interest in shellfish aquaculture.
- Creates the Burrowing Shrimp Research Account.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Reeves, Chair; Morgan, Vice Chair; Dent, Ranking Minority Member; Engell, Assistant Ranking Minority Member; Bernbaum, McClintock, Nance, Orcutt, Richards, Schmick and Springer.

Staff: Rebecca Lewis (786-7339).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Shellfish Aquaculture.

Several state agencies have roles related to permitting and regulating shellfish aquaculture in Washington including the Departments of Natural Resources (DNR), Ecology (Ecology), Health (DOH), Fish and Wildlife (WDFW), and Agriculture (WSDA).

Department of Natural Resources.

The DNR manages approximately 2.6 million acres of state-owned aquatic lands, including beaches, tidelands, and bedlands throughout the marine waters of Puget Sound and along the Strait of Juan de Fuca and the Pacific Ocean coast, as well as most of the navigable rivers, streams, and lakes. The DNR issues leases for a variety of activities and projects that take place on such lands. Potential lessees must obtain all permits necessary to conduct a proposed activity or project before the DNR may authorize the activity or project on leased land.

Department of Ecology.

Ecology administers the National Pollutant Discharge Elimination System (NPDES) under the federal Clean Water Act, which regulates discharges of pollutants to surface waters in the state. In Washington, Ecology has delegated authority to issue NPDES permits.

Department of Health.

Aquaculture sites raising shellfish for human consumption must obtain a permit from the DOH. Aquaculture sites that are land-based, that attract birds or mammals, or that are located in certain waters must also complete an Aquaculture Operational Plan and may be subject to at least one inspection per year. Sites that require an Aquaculture Operational Plan may not operate until the plan is approved and the site is permitted by the DOH.

Department of Fish and Wildlife.

Aquatic farms must be registered through the WDFW, who maintains a database of aquatic farm registrations. Each aquatic farmer must renew their registration annually and provide a quarterly report on the farm's monthly production including species cultured, quantity harvested for sale, and unit value. Reporting of aquaculture activity during the previous calendar year constitutes renewal for the following year. Additionally, the WDFW and the WSDA have developed a disease inspection and control program for aquatic farmers.

In addition, in order to import from out of state or transfer shellfish, a person must obtain either a Shellfish Import or Shellfish Transfer permit from the WDFW.

Department of Agriculture.

The WSDA is the principal agency for aquaculture marketing support. The Director of the WSDA is also responsible for establishing requirements to identify the source and quantity of aquaculture products, including shellfish, necessary for the WDFW to administer a disease inspection and control program.

Integrated Pest Management.

Integrated pest management is a strategy that uses various combinations of pest control methods, biological, cultural, and chemical, in a compatible manner to achieve satisfactory control and ensure favorable economic and environmental consequences.

Burrowing Shrimp.

Ghost shrimp and mud shrimp are two species of burrowing shrimp native to the Pacific Coast. Burrowing shrimp eggs hatch in estuaries and after hatching they move from the estuaries to the ocean, staying relatively near the coast. The shrimp then return several weeks to more than a month later. Back in the estuaries, they grow and eventually burrow as deep as one meter into the mud, where they remain for the rest of their lives.

In 2018 Ecology denied a request by shellfish growers to use the pesticide imidacloprid on shellfish beds to control burrowing shrimp in Willapa Bay and Grays Harbor. In 2019 Ecology and the Willapa-Grays Harbor Oyster Growers Association signed a settlement agreement to study and monitor the impacts of burrowing shrimp on commercial oyster and clam harvesting in Willapa Bay and Grays Harbor. In the 2023-25 Operating budget, the WSDA received \$2 million from the Model Toxics Control Account (MTCA) for research on a suitable replacement for the insecticide imidacloprid to address the impacts of burrowing shrimp on shellfish cultivation in Willapa Bay and Grays Harbor.

The MTCA is used for hazardous waste planning and management, public education about hazardous waste, financial assistance for local waste programs, oil and hazardous spill prevention and training, and other similar uses. The MTCA may be used for agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides.

Summary of Bill:

Burrowing Shrimp Research Program.

The Department of Agriculture (WSDA) must establish and administer the Burrowing Shrimp Research Program (Program). The Program is an integrated pest management program that: focuses on addressing the impacts of burrowing shrimp on bottom culture shellfish farming; supports and recommends funding for research to enhance the resilience

and productivity of shellfish farming and the marine ecosystem in light of burrowing shrimp infestations; and facilitates and enhances collaboration among various parties including researchers, shellfish farmers, and regulatory agencies to ensure effective solutions to manage burrowing shrimp infestations. Responsibilities of the Program include:

- soliciting researchers with relevant experience to submit proposals for burrowing shrimp control research projects;
- identifying and providing ground for controlled research that includes chemical and mechanical control;
- identifying funding mechanisms for future equipment needs; and
- providing permitting assistance for shellfish growers to use identified control methods.

Burrowing Shrimp Research Program Governing Board.

The Director of the WSDA (Director) must collaborate with legislators in districts that border the Pacific Ocean and with an association that supports oyster growers in Willapa Bay and Grays Harbor to establish a Governing Board (Board) to oversee the Program. Members of the Governing Board must have a clear stake or vested interest in the preservation of the shellfish industry, be knowledgeable about the impacts of burrowing shrimp on shellfish farming, and have a special interest in identifying tools to control burrowing shrimp, with an emphasis on bottom culture shellfish farming. The Board must meet monthly and include members from:

- the departments of Agriculture, Ecology, Natural Resources, Fish and Wildlife, Commerce, and the State Conservation Commission;
- five shellfish growers of varying sizes in the Willapa Bay and Grays Harbor region;
- two shellfish processors in the Willapa Bay and Grays Harbor region;
- the Shoalwater Bay Indian Tribe;
- the executive director of an association supporting oyster growers in the Willapa Bay and Grays Harbor Region;
- one member representing a nonprofit organization that develops and disseminates scientific and technical shellfish-related environmental health and safety information; and
- one ex-officio member from an ecosystem-based management collaborative in the Willapa Bay and Grays Harbor area.

The Board must also identify an objective and effective facilitator to moderate meetings and serve as an additional ex-officio member. The Board must establish a consensus-based decision-making process where participants develop and decide on proposals with the goal of achieving broad acceptance. In the absence of consensus on any proposal before the Board, the proposal may be approved by a simple majority of appointed members.

Burrowing Shrimp Research Program Account.

The Burrowing Shrimp Research Program Account (Account) is created in the custody of

the State Treasurer, and legislative intent is expressed to appropriate in the Omnibus Appropriations Act \$2 million per biennium into the Account from the Model Toxics Control Operating Account. The Director or the Director's designee may authorize expenditures from the Account. Legislative appropriations are not required to make expenditures from the Account.

Expiration Date.

The Program and Account expire July 1, 2035.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) This is a bipartisan bill to bring the best and brightest minds together to come up with solutions to mitigate the impacts of burrowing shrimp on shellfish farmers. Burrowing shrimp dig in the sand and change the consistency of the ground which makes it difficult for shellfish to plant themselves in the sand and can also cause shellfish to drown. Additionally, burrowing shrimp cause damage to ecosystems including kelp beds. Burrowing shrimp have been a problem for decades, but certain tools to treat infestations are no longer available. The Department of Fish and Wildlife used to work with shellfish farmers to manage burrowing shrimp and balance ecosystem needs. Farmers have tried other control methods without success. The shellfish farming industry is the largest private employer in Pacific County. Washington produces about 25 percent of the nation's farmed oysters, and the industry is very important to the economy of rural communities. Creating this program will continue the good work that has already been done through the Integrated Pest Management Workgroup (IPM Workgroup). Recent research has already led to some gains.

(Opposed) None.

(Other) Since 2019 the Department of Agriculture (WSDA) administered the IPM grant for research to address burrowing shrimp in consultation with the IPM Workgroup and has been able to fund research with money recently appropriated by the Legislature. Many alternative techniques have been tried, and currently the WSDA and IPM Workgroup are looking at a suite of options that might be available. It is unlikely that there will be one magic tool. This bill transitions the IPM Workgroup from an entity created through a settlement agreement to a statutory entity.

Persons Testifying: (In support) Representative Joel McEntire, prime sponsor; Marilyn Sheldon, Willapa-Grays Harbor Oyster Growers Association (WGHOGA); Miranda Reis, Pacific Coast Shellfish Growers Association (PCSGA); and Kathleen Nisbet-Money, Willapa-Grays Harbor Oyster Growers Association (WGHOGA).

(Other) Laura Butler.

Persons Signed In To Testify But Not Testifying: None.