

WSR 23-09-046
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
NATURAL RESOURCES

[Filed April 17, 2023, 10:45 a.m.]

Subject of Possible Rule Making: The department is considering amendments and/or additions to chapter 332-30 WAC regarding the use of state-owned aquatic lands for commercial finfish net pen aquaculture.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The management philosophy the department follows regarding state-owned aquatic lands is described generally in RCW 79.105.010 where the legislative intent of the Aquatic Lands Act is outlined. In RCW 79.105.030, specific management guidelines for providing a balance of public benefits for all citizens of the state are given including: Encouraging direct public use and access; fostering water-dependent uses; ensuring environmental protection; utilizing renewable resources; and generating revenue consistent with the above. Pursuant to RCW 79.105.360, the department of natural resources (DNR) shall adopt rules as are necessary to carry out the purposes of RCW 79.105.010, 79.105.030, and other certain aquatic land statutes.

In addition, to effectively carry out these management directives, RCW 43.30.540 specifically authorizes the board of natural resources to make and enforce rules and regulations to carry out the provisions of chapters 79.105 through 79.140 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Potential rules on the subject are intended to reflect DNR's management responsibilities and objectives by clarifying what and how commercial finfish net pen aquaculture activities may be authorized on state-owned aquatic lands. Rules will address, among other things, the department's environmental concerns such as degradation of the benthic environment, biofouling, and additional ecological impacts to aquatic habitat in relation to commercial finfish net pen aquaculture operations on state-owned aquatic land.

DNR is exploring options to modify chapter 332-30 WAC to better achieve DNR's management guidelines with respect to commercial finfish net pen aquaculture and invites public comment as to how this may be best accomplished.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington department of fish and wildlife, Washington state department of ecology, Washington state department of agriculture, United States Army Corps of Engineers, National Oceanic and Atmospheric Administration. DNR intends to hold separate interagency meetings. In addition, invitations to any workshops and/or public meetings will be sent to the above listed entities.

Process for Developing New Rule: Full rule-making process. In addition to providing the minimum level of public involvement required by the Administrative Procedure Act, DNR plans to follow a community relations approach to developing this rule. Opportunities for the public to submit comments will be offered in advance of filing notice of a proposed rule. Public workshops will be held to present context for the rule, pose key questions, and host brainstorming sessions. Additionally, DNR will consult with interested tribes and provide opportunities for government-to-government communications for those wishing to participate. Legislators and their staff will be notified and asked

to provide feedback to DNR. Interested stakeholder groups will also be notified.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Noel Sharp, DNR, Aquatic Resources Division, 1111 Washington Street S.E., Mailstop 47027, Olympia, WA 98504, phone 360-995-2496, fax 360-902-1081, email netpens@dnr.wa.gov, website www.dnr.wa.gov; or Michal Rechner, DNR, Aquatic Resources Division, 1111 Washington Street S.E., Mailstop 47027, Olympia, WA 98504.

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