

HOUSE BILL REPORT

SSB 6204

As Reported By House Committee On:
Fisheries & Wildlife

Title: An act relating to seaweed harvesting.

Brief Description: Changing seaweed harvesting provisions.

Sponsors: Senate Committee on Natural Resources (originally sponsored by Senators Snyder and Haugen).

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 25, 1994, DPA.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass as amended. Signed by 7 members: Representatives King, Chair; Orr, Vice Chair; Basich; Chappell; Foreman; Quall and Scott.

Minority Report: Do not pass. Signed by 2 members: Representatives Fuhrman, Ranking Minority Member; and Sehlin, Assistant Ranking Minority Member.

Staff: Keitlyn Watson (786-7310).

Background: RCW 79.90.010 defines aquatic lands as state-owned tidelands, shorelands, harbor areas and the beds of navigable waters. Sixty percent of the tidelands have been sold over the years by the state to private landowners. The balance of tidelands and all submerged bedlands are still owned by the state, with the Department of Natural Resources (DNR) as proprietor of most. The State Parks and Recreation Commission also owns some tidelands. Most of the state-owned intertidal areas are along the Strait of Juan de Fuca and the outer coast, which areas support a large part of the state's intertidal seaweed.

The DNR regulates the harvest of seaweed for personal use on aquatic lands. In 1993, SSB 5056 was enacted. It established a limit on seaweed harvest for personal use on all tidelands and state bedlands. Violation of the limit is an infraction, with a \$100 penalty. Commercial harvest of seaweed is not limited by statute, although the DNR currently has a moratorium on commercial harvest of seaweed.

Current law provides that a person causing damage to public lands, which include aquatic lands, is liable to the state for treble the amount of damages.

Summary of Amended Bill: Commercial harvest of seaweed from private and public aquatic lands is prohibited, with one exception to allow seaweed species of the genus *Macrocystis* to be harvested for use in the herring spawn-on-kelp fishery, subject to agreement by the Department of Natural Resources and the Department of Fish and Wildlife. A violation of this act or the existing personal use limit is made a misdemeanor. It is clarified that the current treble damages law for damages to public lands applies to illegal seaweed harvest from aquatic lands. Treble damages are also due the state for illegal seaweed harvest from private tidelands, if such harvest is by the tideland owner. Treble damages are due the private tideland owner for illegal harvest if such harvest is by a person trespassing there. Recoverable damages include, but are not limited to, the market value of the seaweed, injury to the aquatic land, restoration, and the injured party's reasonable costs, including but not limited to investigative costs and reasonable attorney's fees and other litigation-related costs.

Amended Bill Compared to Substitute Bill: An exemption is created for commercial harvest of seaweed species of the genus *Macrocystis* for use in the herring spawn-on-kelp fishery, subject to agreement by the Department of Natural Resources and the Department of Fish and Wildlife. It is clarified that the current treble damages law for damages to public lands applies to illegal seaweed harvest from aquatic lands. Treble damages are also due the state for illegal seaweed harvest from private tidelands, if such harvest is by the tideland owner. Treble damages are due the private tideland owner for illegal harvest if such harvest is by a person trespassing there.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect July 1, 1994.

Testimony For: Protecting seaweed is important. Last year's legislation established personal use limits for seaweed. The bill's sponsor is concerned that commercial harvest was not covered in last year's legislation. The bill codifies an existing DNR moratorium on commercial harvest of seaweed. The DNR needs more scientific information about the role kelp beds play in aquatic ecosystems, and it makes sense to be conservative with the

resource until that information is available. Seaweed aquaculture will not be affected under the bill.

Testimony Against: None.

Witnesses: Cyreis Schmitt, Department of Fisheries (pro, with concern: proposes amendment to exempt herring spawn-on-kelp fishery); and Ann Morgan, Department of Natural Resources (pro).