

**RCW 77.95.210 Sale of surplus salmon eggs—Order of priority.**

(1) Except as provided in subsection (2) of this section, the department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers.

(2) The department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department and Indian tribes with treaty fishing rights in a collaborative manner, for replenishing fish runs. Eggs deemed surplus by the state must be provided, in the following order of priority, to:

- (a) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;
- (b) Regional fisheries enhancement group salmon culture programs under the supervision of the department under this chapter;
- (c) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW;
- (d) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW; and
- (e) Governmental hatcheries in Washington, Oregon, and Idaho.

The order of priority established in this subsection for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

(3) All sales, provisions, distributions, or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs. [2001 c 337 s 1; 2000 c 107 s 11; 1988 c 115 s 1; 1983 1st ex.s. c 46 s 25; 1974 ex.s. c 23 s 1; 1971 c 35 s 4. Formerly RCW 75.08.245, 75.16.120.]

*Sale of surplus salmon eggs and carcasses by volunteer cooperative fish projects: RCW 77.100.040.*