

HOUSE BILL REPORT

SHB 2055

As Passed Legislature

Title: An act relating to the creation of the department of fish and wildlife.

Brief Description: Creating the department of fish and wildlife.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Hansen, Fuhrman, King, Basich, R. Fisher, Sheldon, Ogden, Lemmon and Conway; by request of Governor Lowry.)

Brief History:

Reported by House Committee on:

State Government, March 3, 1993, DPS;

Passed House, March 16, 1993, 90-7;

Amended by Senate;

Passed Legislature, April 29, 1993, 89-2.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; Dyer; King; and Pruitt.

Staff: Bonnie Austin (786-7135).

Background: Prior to 1932, fish and wildlife resources were managed by the Department of Fish and Game and the counties. In 1932, the Game Department and the Game Commission were established by Initiative 62 as separate entities. The Game Commission assumed responsibility for setting fishing and hunting seasons, limits for taking game, and license fees. The Game Commission was also authorized to hire the director of the Department of Game.

In 1945, the Legislature abolished the Game Commission and gave the governor the authority to appoint the director of the Department of Game. The voters overturned this legislation by referendum by a margin of seven to one. In 1987, the Legislature changed the name of the Department of

Game to the Department of Wildlife (WDW), and gave the governor the authority to appoint the director of WDW.

Generally, the Department of Wildlife manages wildlife and game fish. The paramount mandate of WDW is to preserve, protect, and perpetuate all wildlife species. WDW is also charged with managing wildlife for recreational hunting and fishing activities. The Department of Fisheries (FIS) manages food fish and shellfish. The mandate of FIS is to preserve, protect, and perpetuate food fish and shellfish, and to maintain the economic well-being of the fishing industry in the state. Both FIS and WDW have enforcement and habitat protection responsibilities.

In most states, wildlife and fisheries management is consolidated in one agency. In 1980, the Legislative Budget Committee (LBC) issued a report evaluating the feasibility of combining the departments of Fisheries and Wildlife. The report identified savings of \$1.4 million and nine full-time employees for the 1981-83 biennium, but did not make a recommendation as to whether the merger should occur. In 1984, the House Subcommittee on State Government Reorganization reviewed the merger possibility in light of the similarity of functions, but no action was taken. In 1990, the Efficiency Commission conducted a study of merging hunting and fishing licensing functions. Over the past decade, the Legislature has considered a variety of merger proposals.

Summary of Bill: The Department of Fish and Wildlife is established. Effective July 1, 1994, the Department of Fisheries and the Department of Wildlife are abolished and all of their powers, duties, and functions are transferred to the new Department of Fish and Wildlife. All records, documents, equipment, funds, assets, employees, rules, and pending business are transferred. The Office of Financial Management will resolve questions arising from the transfer.

The director of the Department of Fish and Wildlife will be appointed by the governor, subject to Senate confirmation, and will serve at the pleasure of the governor. The director is given authority over the management of the department.

By November 15, 1993, the director of fisheries and the director of wildlife will jointly submit a transition plan to the governor. The LBC will conduct a study to determine the role the Wildlife Commission should play in the new department. The Wildlife Commission will also submit recommendations. The recommendations of both are due by December 1, 1994.

The Wildlife Commission is renamed the Fish and Wildlife Commission. The commission retains its current jurisdiction over game fish. Three new at-large members are added to the commission. The commission will meet with the governor annually to set goals and objectives and review the department's performance. Commission meetings will be limited to four a year, unless called by a supermajority of commission members.

The Department of Fisheries (WDF) is required to create a new Sport Fishing Program. The program will: develop a short-term program of hatchery-based salmon enhancement, using freshwater pond sites for rearing; solicit support from regional enhancement groups and other organizations; conduct research on salmon production opportunities; conduct research on marine bottomfish production; fully implement enhancement efforts for Puget Sound and Hood Canal resident salmon and marine bottomfish; identify opportunities to reestablish salmon runs in areas where they no longer exist; encourage naturally spawning salmon to develop to the fullest possible extent; and fully utilize hatchery programs to improve recreational fishing.

The WDF is further directed to seek recommendations from experts in recreational fisheries enhancement; to undertake research into enhancement techniques, hooking mortality rates, mass marking methods, catch models, and sources of bottomfish mortality; and to develop facilities in 1994 for rearing delayed-release chinook salmon, in each of the following locations: south Puget Sound, central Puget Sound, north Puget Sound, and Hood Canal.

A public awareness program is to be developed by the WDF on the Recreational Fishing Program. The department shall recruit volunteers to implement recreational fishing projects.

The department is to increase efforts to document predation on salmon and bottomfish by birds, predatory fish and marine mammals, and explore opportunities to convince the federal government to amend the Marine Mammal Protection Act to allow balanced management of predators.

The department is directed to invite Indian tribal fishing interests as well as non-Indian commercial fishing groups to participate in planning selective fisheries, and to explore the feasibility of achieving greater production by changing rearing programs in the department's chinook and coho hatcheries.

The department may adopt rules regarding fish and wildlife harvest in the federal exclusive economic zone.

The Sport Fishing Program shall be coordinated so as not to conflict with the department's wild stock initiative. The department is directed to develop plans for increasing recreational access to salmon and marine resources, and to contract with private consultants, aquatic farms, or construction firms, where appropriate, to achieve the highest benefit-to-cost ratio for recreational fishing projects.

The department is directed to develop proposed legislation for a Recreational Fishing Capital Facilities Improvement Program financed through general obligation bonds, and to present this legislation to the Legislature by January 1, 1994.

The recreational fisheries enhancement account is created in the state treasury. An annual recreational surcharge of \$10 is added to recreational salmon and marine bottomfish licenses in Puget Sound and the Strait of Juan de Fuca. All receipts from the \$10 surcharge will be deposited into this account. An appropriation of \$500,000 is made from the general fund to the account, to be repaid from the surcharge. Expenditures from this account may only be used for recreational fisheries enhancement programs.

Fiscal Note: Requested February 24, 1993. Requested on substitute March 4, 1993.

Effective Date: Sections 1 through 6, 8 through 59, and 61 through 79 take effect July 1, 1994. Sections 7, 60, 80, and 82 through 108 take effect July 1, 1993.

Testimony For: The goal of this legislation is to provide the best possible resource management for Washington's fish and wildlife. This is very important to both our quality of life and our economy. The state needs to have one policy voice and one mission on these matters, especially given the salmon species that may be listed as endangered. It is appropriate to fund this agency with a mix of general fund and license fees because there is a general public benefit as well as benefits to specific groups.

Testimony Against: Do not abolish the Wildlife Commission. It is a very good, very responsible commission and the citizens have access to it. The citizens will not have access to an advisory committee. The people should not be taken out of the regulatory arena. The Wildlife Commission should be retained and fisheries management should be added to their purview. The commission should appoint the director of, and set the policy for, the new department. The commission should retain its current duties.

Don't let the merger result in less resources to fish and wildlife management. The wildlife fund should remain dedicated to wildlife. Wildlife is a services group and fisheries is a business group. Wildlife enforcement should be kept separate. Bigger isn't necessarily better - look at the Department of Social and Health Services, General Motors, and IBM. The Department of Natural Resources should be added into this merger. This bill is on too fast of a track. Don't approve of the plan until the planning is done.

Witnesses: Governor Mike Lowry (pro); Representative Mike Hansen (pro); Rob Kavanaugh (pro); Ken Koski, Washington State Trappers (con); John Frost, Washington State Sportsman's Council (con); Chuck Tyler, Tacoma Sportsmen's Club (con); J. K. Johnson, Washington State Muzzle Loaders (con); John Kelly, King County Outdoor Sports Council (con); Jeff Parsons, National Audubon Society (neutral); Rod Meseberg, Central Washington Fish Advisory (pro); Sylvia Thorpe (con); Frank Stricklin (pro); John Benedict (con); John Sager, Federation of Flyfishers Steelhead Commission (con); Howard Johnson, Federation of Flyfishers Steelhead Commission (con); Randy Frisvois, Washington Council Federation of Flyfishers (con); Kathy Adams (con); Bruce Ferguson (con); and Bob Panther, Inland Northwest Wildlife Council (con).