
SENATE BILL 6120

State of Washington

53rd Legislature

1994 Regular Session

By Senators Hargrove, Owen, Oke, Haugen, L. Smith, Erwin, Snyder and Winsley

Read first time 01/13/94. Referred to Committee on Natural Resources.

1 AN ACT Relating to salmon enhancement by cooperative groups and
2 regional fisheries enhancement groups; adding a new section to chapter
3 90.03 RCW; adding a new section to chapter 76.13 RCW; adding a new
4 section to chapter 90.58 RCW; adding a new chapter to Title 75 RCW;
5 creating new sections; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** The legislature finds that cooperative
8 groups and regional fisheries enhancement groups provide a valuable
9 service to the state. They improve the habitat for anadromous fish and
10 they directly enhance the populations of anadromous fish utilizing fish
11 culture technology. The contributions provided by these groups is
12 invaluable. The legislature recognizes that every effort must be made
13 to encourage the development of cooperative groups and regional
14 fisheries enhancement groups, and that all constraints to their
15 development be removed. The restoration of our anadromous fish stocks
16 can only be accomplished by the full public participation that these
17 groups provide.

1 NEW SECTION. **Sec. 2.** (1) All cooperative groups and regional
2 fisheries enhancement groups shall have equal priority to the
3 department with regard to the dispersment of fish eggs and fish fry.

4 (2) The department shall not sell salmon fry, female salmon
5 containing viable eggs, or viable salmon eggs until the needs of the
6 state and the enhancement groups listed in subsection (1) of this
7 section have been met.

8 (3) The director may limit both the commercial and sport harvest of
9 certain fish species in order to meet the goals of subsections (1) and
10 (2) of this section.

11 NEW SECTION. **Sec. 3.** No funds for regional fisheries enhancement
12 groups, enhancement funds, or the aquatic lands enhancement account may
13 be diverted away from their express purposes.

14 NEW SECTION. **Sec. 4.** The department of fish and wildlife shall
15 increase the employment level of the department from the December 3,
16 1993, level, by three employees on a full-time equivalent basis, in
17 order to provide full staff support for regional fisheries enhancement
18 groups.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.03 RCW
20 to read as follows:

21 The state shall not require any form of water right or permit fee
22 from a state agency, volunteer, or regional fisheries enhancement group
23 seeking to increase the fish or wildlife resources in the state.

24 NEW SECTION. **Sec. 6.** The department of fish and wildlife shall
25 promote Indian tribal salmon enhancement projects across the state, and
26 develop joint ventures between the tribal entities and the department
27 of fish and wildlife. The department of fish and wildlife shall
28 compile and produce a report to the legislature by December 1, 1995,
29 concerning the joint venture program.

30 NEW SECTION. **Sec. 7.** The department shall, using existing staff,
31 produce a bimonthly newsletter, to be distributed state-wide, to all
32 interested fish enhancement groups, concerning enhancement techniques,
33 egg and fry forecast, hatchery operating levels, and other issues of
34 relevance to fish enhancement.

1 NEW SECTION. **Sec. 8.** (1) The department shall establish a state-
2 wide public and private resource system to help provide and coordinate
3 free or at-cost materials for fish enhancement projects. The director,
4 assistant director, and investigation and enforcement staff shall be
5 kept apprised of the program and shall visit at least twelve
6 enhancement projects around the state each year.

7 (2) The department shall develop a program to seek private funding
8 for fish enhancement projects from private industry, fish processor
9 fishers, and sports and commercial fishing product manufacturers. The
10 program shall be developed by existing departmental staff and fiscal
11 experts.

12 (3) The department shall develop three privately funded fish
13 enhancement award grants to be given to groups that produce the best
14 enhancement project each year.

15 (4) The department shall develop a program to recognize outstanding
16 volunteers and substantial financial donors to fish enhancement
17 programs in the state.

18 With reference to the program set out under subsection (1) of this
19 section, the department shall change the current provision allowing
20 twenty percent of a program budget to be spent on administrative
21 overhead and reduce the limit to fifteen percent of the budget to be
22 spent on administrative overhead.

23 NEW SECTION. **Sec. 9.** (1) The department of transportation in
24 cooperation with the department of fish and wildlife shall implement a
25 two-year study of all streams in the state in order to determine if
26 there are impediments to fish passage due to roads, trails, railroads,
27 boat passage, and other transportation construction.

28 (2) The final study shall include:

29 (a) An inventory of all impeded streams;

30 (b) A restoration plan for impeded streams; and

31 (c) Methods to fund the stream restoration.

32 (3) The cost of the study set out in this section shall be paid
33 from the motor vehicle fuel tax.

34 NEW SECTION. **Sec. 10.** The department shall, in cooperation with
35 the department of transportation, develop a system to use department of
36 transportation gravel sites for fish rearing purposes and as a source

1 of gravel and rock for stream rehabilitation, as well as excess and
2 surplus materials from local governments.

3 NEW SECTION. **Sec. 11.** All local, county, and state governments
4 shall inventory existing land-locked rearing and production sites for
5 salmon and report the result of the inventory to the legislature by
6 June 30, 1996.

7 NEW SECTION. **Sec. 12.** The department of fish and wildlife, in
8 cooperation with the superintendent of public instruction, shall
9 develop a program for use at common schools and for the general public
10 in order to educate people concerning fish enhancement programs. At a
11 minimum, the program shall include:

- 12 (1) A pamphlet and general curriculum concerning fish enhancement;
13 (2) A program to cooperate with local government and local
14 businesses; and
15 (3) An award for the best fish enhancement program at each grade
16 level.

17 NEW SECTION. **Sec. 13.** A new section is added to chapter 76.13 RCW
18 to read as follows:

19 The department of natural resources shall develop a public and
20 private land beaver dam habitat program for the purposes of increasing
21 rearing habitat for coho salmon.

22 NEW SECTION. **Sec. 14.** The department, in cooperation with the
23 attorney general, shall develop a program to educate farm groups,
24 similar to the educational proposals set out in chapter 4, Laws of 1993
25 sp. sess.

26 NEW SECTION. **Sec. 15.** A landowner who improves his or her lands
27 and habitat for the purposes of fish enhancement shall not be required
28 to submit to more restrictions on the land due to the nature of the
29 improvements.

30 NEW SECTION. **Sec. 16.** Regional fisheries enhancement groups shall
31 be allowed to supplement salmon streams that are reduced in
32 productivity to a level that only produces a remnant run. "Remnant
33 run" is defined for the purposes of this section to be at or less than

1 ten percent of carrying capacity. The regional group shall be allowed
2 to enhance the streams containing remnant runs with the species and
3 stock of salmon that are available for planting. Regional fisheries
4 enhancement groups shall not be denied remnant run stream enhancement
5 project approval on the basis the salmon stock to be planted in the
6 stream is not the precise stock which inhabits, or had previously
7 inhabited, the stream in question.

8 NEW SECTION. **Sec. 17.** The department shall inform all regional
9 fisheries enhancement groups of any closures or proposed closures of
10 salmon enhancement facilities owned by the department.

11 NEW SECTION. **Sec. 18.** A salmon enhancement facility closed by the
12 department or state shall be made available for operation by regional
13 fisheries enhancement groups.

14 (1) All state or local permits shall be issued within forty-five
15 days. A refusal for a permit shall be accompanied by the following:

16 (a) The specific reasons for the lack of approval; and

17 (b) Ways in which the permit application may be modified in order
18 to assure approval.

19 (2) There is no permit fee for a state agency or cooperative group
20 obtaining necessary permits for projects that enhance fisheries
21 resources in the state. In order to qualify for the no-fee permits,
22 the project must:

23 (a) Benefit a state resource;

24 (b) Improve habitat;

25 (c) Preserve or balance management of state or private lands
26 suitable for habitat; and

27 (d) Provide an economic benefit to public lands through increased
28 fish or wildlife habitation.

29 NEW SECTION. **Sec. 19.** A new section is added to chapter 90.58 RCW
30 to read as follows:

31 A public or private project that is primarily designed to improve
32 fish habitat or fish passage, that has been approved by the department
33 of fish and wildlife, has been given a hydraulic permit, and local
34 government determines that the project does not substantially affect
35 other concerns of this chapter, is exempt from the permitting

1 requirements of this chapter. A letter of exemption must be obtained
2 from the local government.

3 NEW SECTION. **Sec. 20.** Sections 2 through 4, 6 through 8, 10, 12,
4 and 14 through 18 of this act shall constitute a new chapter in Title
5 75 RCW.

6 NEW SECTION. **Sec. 21.** This act shall take effect July 1, 1994.

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