

HOUSE BILL REPORT

E2SSB 5064

As Reported By House Committee On:
Natural Resources
Appropriations

Title: An act relating to regional fisheries enhancement program.

Brief Description: Revising the regional fisheries enhancement program.

Sponsors: Senators Owen, Drew and Oke.

Brief History:

Committee Activity:

Natural Resources: 3/28/95, 3/28/95 [DPA];

Appropriations: 4/3/95 [DPA(NR)].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Linda Byers (786-7129).

Background: Regional fisheries enhancement groups are nonprofit groups which pursue activities to enhance the salmon resources of the state. Currently there are 12 enhancement groups. The groups work on projects related to habitat improvement and fish production.

Funds for the enhancement groups come from a \$1 surcharge on each recreational personal use food fish license and a \$100 surcharge on each commercial salmon fishery license, salmon delivery license, and salmon charter license. Revenue from the Department of Fish and Wildlife's sale of salmon carcasses and eggs that return to enhancement group facilities is also made available to the enhancement group which produced the surplus. Funds from these sources are deposited into the Regional Fisheries Enhancement Group Account. Only the director of Fish and Wildlife or the director's designee may authorize expenditures from this account. No appropriation is required for expenditures.

The Legislature has also established a Regional Fisheries Enhancement Group Advisory Board to advise the director of Fish and Wildlife on project proposals and the funding of those proposals. The board is comprised of two commercial fishing representatives, two recreational fishing representatives, three members at-large, an ex officio member nominated through the Northwest Indian Fisheries Commission, and an ex officio member nominated through the Columbia River Intertribal Fish Commission. Members are appointed by the director.

Summary of Amended Bill: The Department of Fish and Wildlife is to assist the regional fisheries enhancement groups in several ways. The department shall work with cities, counties, and enhancement groups to develop a program to identify and expedite the removal of human-made or caused impediments to anadromous fish passage. The Department of Fish and Wildlife and the Department of Transportation shall work in partnership with the enhancement group advisory board to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. The Department of Fish and Wildlife shall also coordinate with the advisory board to field test coho and chinook salmon remote site incubators.

The Department of Fish and Wildlife is to establish a hatchery egg and carcass take program for projects conducted by regional fisheries enhancement groups. Under the program, salmon which have returned to the hatchery of an enhancement group and the eggs from the returning salmon may be sold by the enhancement group in accordance with rules established by the department.

With regard to the Regional Fisheries Enhancement Group Advisory Board, there are additional provisions regarding the operation of the board. Advisory board members shall not be compensated but may be reimbursed for their travel expenses. New tasks are assigned to the advisory board, specifically, to assess the training and technical assistance needs of the enhancement groups, to develop a training and technical assistance services plan, to propose a budget to the director for operation of the advisory board and implementation of the technical assistance plan, to make recommendations to the director on project proposals, and to establish criteria for the redistribution of unspent project funds for an enhancement group which has a year-ending balance exceeding \$100,000. The advisory board may take on additional roles such as facilitating the resolution of disputes between enhancement groups and the department.

In addition to working with the Department of Fish and Wildlife and the advisory board to identify cooperative projects to eliminate fish passage barriers, the Department of Transportation shall provide engineering and other technical services to assist enhancement groups with fish passage barrier removal projects, provided that the projects have been identified as a priority by the Department of Fish and Wildlife and the Department of Transportation has received an appropriation to continue the barrier removal program.

A new section is added to the Shoreline Management Act providing that a regional fisheries enhancement group or cooperative group project is exempt from the permitting requirements of the act if the project is primarily designed to improve fish habitat or fish passage, the project has been approved by the Department of Fish and Wildlife, the project has been given or is qualified to be given a hydraulic permit, and the local government has determined that the project will not substantially affect other concerns of that act.

Amended Bill Compared to Engrossed Second Substitute Bill: The engrossed second substitute bill calls upon the Department of Fish and Wildlife for additional assistance, namely for no-cost engineering and other technical services as needed by the enhancement groups, development of an information bank on fish and habitat enhancement, the maintenance of regional enhancement biologists to support the enhancement group program, and efforts to include a full-time engineer with the enhancement group program. These provisions are not in the amended bill. The engrossed substitute bill requires the department to authorize the sale of salmon eggs and carcasses by cooperative projects and regional fisheries enhancement groups; the amended bill directs the department to establish an egg and carcass take program, allowing sales by the enhancement groups pursuant to rules established by the department. The engrossed second substitute bill provides that no enhancement groups year ending balance may exceed \$100,000; the amended bill calls upon the advisory board to establish criteria for the redistribution of such unspent project funds. The two bills differ in the composition and the tasks assigned to the advisory board. The engrossed second substitute bill directs the Department of Transportation to provide timely, no-cost engineering and other technical services needed by the enhancement groups; the amended bill directs the two departments to work with the advisory board to identify cooperative projects for removal of fish passage barriers and directs the Department of Transportation to provide engineering and other technical services in certain situations. The engrossed second substitute bill adds two new sections to the Shoreline Management Act, one section providing that the permits are free and the other section exempting the projects from having to get permits. The amended bill exempts the projects from having to get permits.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on striking amendment on March 30, 1995.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (proposed striking amendment) The bill gives the advisory board a more substantive role. This will help to ensure the success and the integrity of the program. This bill will provide more technical assistance to the groups, which will

help them function on more of an even keel. The enhancement groups are able, participating partners in watershed projects. This will help get more fish, and everyone needs more time fishing to help the economy. The composition of the advisory board is good. The dollars expended for this are minimal compared to what you will get back. We need to get on with producing fish. The groups are very responsible and capable of handling funds.

Testimony Against: The department has concerns with putting the groups in the business of salmon egg and carcass sales. It would be helpful to stabilize the revenue stream. We would like an amendment to have the revenues from general fund hatchery egg and carcass sales be deposited in the account for the enhancement groups.

Testified: Mary Nash, South Puget Sound Salmon Enhancement Group; Geoff Lebon, Regional Enhancement Advisory Board; Ted Bottiger, Pierce County Conservation District; Ric Abbett, Trout Unlimited; John Kelly, King County Outdoor Sports Council; Jack Swanberg, Northwest Marine Trade Association; Willy O'Neil, Long Live the Kings; Dick Ireland, Chehalis Basin Fisheries Task Force (all in favor); David Stevens, Department of Transportation (in favor with amendment); and Ed Manary, Assistant Director of the Department of Fish and Wildlife (neutral).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Natural Resources. Signed by 30 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Staff: Susan Nakagawa (786-7145).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Natural Resources: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on striking amendment on March 30, 1995.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill provides for more cooperative arrangements between regional enhancement groups and state agencies. All affected parties have worked hard to get consensus on the bill. Regional fish enhancement groups want the ability to receive additional revenue from the sale of eggs and carcasses to support their enhancement programs.

Testimony Against: The Department of Fish and Wildlife supports the bill in general, but has concerns with the sections that allow the regional fish enhancement groups to retain revenue from the sale of eggs and carcasses.

Testified: Senator Brad Owen, prime sponsor; Ross Warren, Puget Sound Anglers (pro); Mary Nash, citizen (pro); and Ed Manary, Department of Fish and Wildlife (with concerns).