

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5120

55th Legislature
1997 Regular Session

Passed by the Senate April 23, 1997
YEAS 33 NAYS 9

President of the Senate

Passed by the House April 14, 1997
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5120** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5120

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senator Morton)

Read first time 03/10/97.

1 AN ACT Relating to fish enhancement with remote site incubators;
2 adding a new chapter to Title 75 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that trout and salmon
5 population levels are greatly below the carrying capacity of many state
6 waters, and that reintroduction of both trout and salmon can be
7 accomplished with the use of remote site incubators. Remote site
8 incubators have been shown to be a cost-effective means of bypassing
9 the early period of high mortality that is often experienced by
10 salmonid eggs that are naturally spawned in streams with degraded
11 habitat. In addition, remote site incubators provide an efficient
12 method for reintroduction of fish into areas that are not fully seeded
13 by natural spawn. The technology for remote site incubators is well
14 developed, and their application is easily accomplished in a wide
15 variety of habitat by persons with a moderate level of training.

16 It is a goal of the remote site incubator program to assist
17 reestablishment of sustainable fish populations so that the populations
18 may become naturally spawning in many cases. In other cases, primarily
19 where spawning conditions are not optimal or where numbers of spawners

1 are chronically low, the remote site incubator program may become a
2 cost-effective long-term solution for supplementation and restoration
3 of fish populations.

4 Another goal of the remote site incubator program is to provide a
5 means of utilizing excess or surplus salmonid eggs which in the past
6 would have been destroyed or not used in a way that would have rebuilt
7 fish populations.

8 NEW SECTION. **Sec. 2.** (1) The department shall identify potential
9 sites throughout the state and potential fish species for each site
10 that are suitable for remote site incubators. The initial selection of
11 sites shall be completed by July 1, 1998. Thereafter the site
12 selection list shall be updated at least on an annual basis.

13 (2)(a) The director may use employees of the fish and wildlife
14 construction crew to construct remote site incubators.

15 (b) The director shall purchase commercially available remote site
16 incubators in cases in which it would be more economical to purchase
17 remote site incubators rather than to build them with the construction
18 crew.

19 (c) The director of fish and wildlife and the secretary of the
20 department of corrections shall jointly investigate the potential of
21 producing remote site incubators through the prison industries program
22 of the department of corrections, and shall jointly report their
23 finding to the natural resources committees of the house of
24 representatives and the senate by December 1, 1998.

25 NEW SECTION. **Sec. 3.** (1) The department shall coordinate the
26 implementation of the remote site incubator program throughout the
27 state and shall make annual reports to the fish and wildlife commission
28 on the progress of the program.

29 (2) The department shall fully involve and depend chiefly upon
30 volunteer efforts to implement the remote site incubator program
31 through the regional fisheries enhancement groups, volunteer
32 cooperative groups, private nonprofit groups, treaty Indian tribes, and
33 interested individuals.

34 (3) The director shall approve a remote site incubator project
35 unless it is a direct threat to the salmonid resource. The director
36 may prioritize remote site incubator projects within regional
37 enhancement areas.

1 NEW SECTION. **Sec. 4.** (1) The director shall make every effort to
2 utilize appropriate salmonid eggs in remote site incubators if the eggs
3 are not allocated for other fish culture uses or would otherwise be
4 sold or donated.

5 (2) The director may purchase or accept as a gift to the state
6 viable salmonid eggs from private fish farmers for purposes of stocking
7 remote site incubators and for the stocking of all public waters.

8 (3) As required to carry out the purposes of this chapter, the
9 director shall contact the treaty Indian tribes, the federal fish and
10 wildlife service, and the state fish management agencies of Oregon and
11 Idaho for the purpose of obtaining donations of viable salmonid eggs
12 for stocking remote site incubators.

13 NEW SECTION. **Sec. 5.** The director shall direct the warm water
14 fish enhancement program of the department to investigate ways for
15 applying the remote site incubator technology to the production of warm
16 water fish.

17 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act constitute
18 a new chapter in Title 75 RCW.

--- END ---