
SUBSTITUTE HOUSE BILL 1286

State of Washington

57th Legislature

2001 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, D. Schmidt, Anderson, Rockefeller and Esser)

READ FIRST TIME 02/27/01.

1 AN ACT Relating to the use of viable salmon eggs; amending RCW
2 77.95.210, 77.95.270, and 77.100.060; and declaring an emergency.

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

4 **Sec. 1.** RCW 77.95.210 and 2000 c 107 s 11 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, the
7 department may supply, at a reasonable charge, surplus salmon eggs
8 to a person for use in the cultivation of salmon. The department
9 shall not intentionally create a surplus of salmon to provide eggs
10 for sale. The department shall only sell salmon eggs from stocks
11 that are not suitable for salmon population rehabilitation or
12 enhancement in state waters in Washington.

13 (2) The department shall not destroy hatchery origin salmon for
14 the purposes of destroying viable eggs that would otherwise be
15 useful for propagation or salmon recovery purposes, as determined
16 by the department or federally approved tribes in Washington, for
17 replenishing fish runs. Eggs deemed surplus by the state must be
18 provided, in the following order of priority, to:

1 (a) Hatcheries of federally approved tribes in Washington to
2 whom eggs are moved, not sold, under the interlocal cooperation
3 act, chapter 39.34 RCW;

4 (b) Voluntary cooperative salmon culture programs under the
5 supervision of the department under chapter 77.100 RCW;

6 (c) Regional fisheries enhancement group salmon culture
7 programs under supervision of the department under this chapter;

8 (d) Governmental hatcheries in Washington, Oregon, and Idaho;

9 (e) Salmon culture programs requested by lead entities and
10 approved by the salmon funding recovery board under chapter 77.85
11 RCW.

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

15 (3) All sales or transfers shall be consistent with the
16 department's egg transfer and aquaculture disease control
17 regulations as now existing or hereafter amended. Prior to
18 department determination that eggs of a salmon stock are surplus
19 and available for sale, the department shall assess the
20 productivity of each watershed that is suitable for receiving
21 eggs.

22 **Sec. 2.** RCW 77.95.270 and 1989 c 336 s 6 are each amended to read
23 as follows:

24 Except as provided in RCW 77.95.210, the department may make
25 available to private contractors salmon eggs in excess of
26 department hatchery needs for the purpose of contract rearing to
27 release the smolts into public waters. However, providing salmon
28 eggs as specified in RCW 77.95.210(2) has the highest priority.
29 The priority of providing eggs surplus after meeting the
30 requirements of RCW 77.95.210(2) to contract rearing ((shall be))
31 is a higher priority than providing eggs to aquaculture purposes
32 ((which)) that are not destined for release into Washington public
33 waters.

34 **Sec. 3.** RCW 77.100.060 and 2000 c 107 s 112 are each amended to
35 read as follows:

36 The commission shall establish by rule:

1 (1) The procedure for entering a cooperative agreement and the
2 application forms for a permit to release fish or wildlife
3 required by RCW 77.12.457. The procedure shall indicate the
4 information required from the volunteer group as well as the
5 process of review by the department. The process of review shall
6 include the means to coordinate with other agencies and Indian
7 tribes when appropriate and to coordinate the review of any
8 necessary hydraulic permit approval applications.

9 (2) The procedure for providing within forty-five days of
10 receipt of a proposal a written response to the volunteer group
11 indicating the date by which an acceptance or rejection of the
12 proposal can be expected, the reason why the date was selected,
13 and a written summary of the process of review. The response
14 should also include any suggested modifications to the proposal
15 which would increase its likelihood of approval and the date by
16 which such modified proposal could be expected to be accepted. If
17 the proposal is rejected, the department must provide in writing
18 the reasons for rejection. The volunteer group may request the
19 director or the director's designee to review information provided
20 in the response.

21 (3) The priority of the uses to which eggs, seed, juveniles, or
22 brood stock are put. Use by cooperative projects shall be second
23 in priority only to the needs of programs of the department or of
24 other public agencies within the territorial boundaries of the
25 state. Sales of eggs, seed, juveniles, or brood stock have a
26 lower priority than use for cooperative projects. The rules must
27 include directives for allowing more hatchery salmon to spawn
28 naturally, including the outplanting of adult fish particularly in
29 areas where progeny of hatchery fish have spawned, in order to
30 increase the number of viable salmon eggs and restore healthy
31 numbers of fish within the state.

32 (4) The procedure for the director to notify a volunteer group
33 that the agreement for the project is being revoked for cause and
34 the procedure for revocation. Revocation shall be documented in
35 writing to the volunteer group. Cause for revocation may
36 include: (a) The unavailability of adequate biological or financial
37 resources; (b) the development of unacceptable biological or
38 resource management conflicts; or (c) a violation of agreement

1 provisions. Notice of cause to revoke for a violation of
2 agreement provisions may specify a reasonable period of time
3 within which the volunteer group must comply with any violated
4 provisions of the agreement.

5 (5) An appropriate method of distributing among volunteer
6 groups fish, bird, or animal food or other supplies available for
7 the program.

8 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of
10 the state government and its existing public institutions, and
11 takes effect immediately.

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