

# HOUSE BILL REPORT

## SSJM 8007

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### As Reported by House Committee On: Agriculture & Natural Resources

**Brief Description:** Requesting Congress to provide the National Oceanic and Atmospheric Administration Fisheries with sufficient resources to expedite its endangered species act and national environmental policy act review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration Fisheries prioritize and conduct immediate review and approval of Puget Sound hatchery and genetic management plans.

**Sponsors:** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Pearson, Hatfield, Hewitt, Chase, McAuliffe, Dangel and Warnick).

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 3/17/15, 3/24/15 [DP].

#### Brief Summary of Substitute Bill

- Requests the United States Congress to provide the National Oceanic and Atmospheric Administration with sufficient resources to expedite its review of Puget Sound hatchery and genetic management plans under the National Environmental Policy Act and Endangered species act review.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 12 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Dunshee, Hurst, Kretz, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

**Staff:** Jason Callahan (786-7117).

### Background:

The Washington Department of Fish and Wildlife.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Washington Department of Fish and Wildlife (WDFW) is responsible for preserving, protecting, perpetuating, and managing the state's fish and wildlife resources. As part of that mission, the WDFW operates 83 hatchery facilities throughout the state. According to the WDFW, 75-80 percent of hatcheries are dedicated to producing salmon and/or steelhead and another 20-25 percent rear trout and other gamefish. There are also 51 tribal hatcheries and 12 federal hatcheries operating within Washington's waters.

#### The Endangered Species Act and the National Environmental Policy Act.

Salmon and steelhead hatchery programs operating in regions with populations listed under the Endangered Species Act (ESA) must be evaluated and permitted through the federal government to ensure consistency with both the ESA and National Environmental Policy Act (NEPA). There are eight such regions in Washington affecting over 20 different salmonid populations.

The National Oceanic and Atmospheric Administration (NOAA) oversees the ESA and NEPA-compliance reviews for salmon and steelhead. The ESA provides different permitting processes depending on the hatchery operator and the federal listing designation. For species affected by the ESA, hatcheries operated by the WDFW may not harm the species unless the NOAA issues an incidental take permit or another relaxation of the standard ESA restrictions.

#### Hatchery and Genetic Management Plans.

Hatchery and Genetic Management Plans (HGMP) are technical documents that describe the composition and operation of each hatchery program. According to the WDFW, the primary goal of an HGMP is to describe biologically based artificial propagation management strategies that ensure the conservation and recovery of ESA-listed salmon and steelhead populations.

National Oceanic and Atmospheric Administration Fisheries uses the information provided by HGMPs to evaluate impacts on ESA-listed salmon and steelhead species. Completed HGMPs may also be used for regional fish production and management planning by federal, state, and tribal resource managers. The WDFW is currently consulting with the NOAA to finalize the HGMPs for its Puget Sound and Columbia River Basin hatchery operations.

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#### **Summary of Bill:**

The United States Congress is asked by the State House of Representatives and the State Senate to provide the NOAA with sufficient resources to expedite its review of Puget Sound hatchery and genetic management plans under the NEPA and the ESA. Additionally, the NOAA is requested to prioritize and conduct immediate review and approval of the plans.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Staff Summary of Public Testimony:**

(In support) It is important to have a hatchery system that is scientifically sound and that supports all fisheries, both tribal and non-tribal. Fishing, in all of its forms, is a \$1 billion industry in Washington that is reliant on hatcheries for production.

It is appropriate for the state to ask Congress for funding for a process that allows state hatcheries to be operated consistent with federal law. Funding the NOAA will allow Washington hatcheries to operate without threat of litigation due to an absence of federal permits. Hatchery production has already been curtailed due to litigation and any further litigation would be devastating. Action by the NOAA to review applications and HGMPs submitted by Washington would benefit the entire state and the entire west coast.

(Opposed) None.

**Persons Testifying:** Steve Robinson, Lummi Indian Nation; and David Knutzen, Coastal Conservation Association, Fish Northwest, and Puget Sound Anglers.

**Persons Signed In To Testify But Not Testifying:** None.