
SENATE BILL 5149

State of Washington **54th Legislature** **1995 Regular Session**

By Senators Hargrove, Owen, Snyder and Oke

Read first time 01/12/95. 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 76.13 RCW; adding a new section to chapter 90.58 RCW; adding a new
4 section to chapter 75.08 RCW; adding a new chapter to Title 75 RCW;
5 creating new sections; providing an effective date; and declaring an
6 emergency.

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

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

1 NEW SECTION. **Sec. 2.** No funds for regional fisheries enhancement
2 groups, enhancement funds, or the aquatic lands enhancement account may
3 be diverted away from their express purposes.

4 NEW SECTION. **Sec. 3.** The department of fish and wildlife shall
5 reassign one employee from another program to provide additional staff
6 support for regional fisheries enhancement groups so that no additional
7 cost shall be incurred by the department.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.13 RCW
9 to read as follows:

10 The department of natural resources shall develop a public and
11 private land habitat improvement program for the purposes of increasing
12 rearing habitat for anadromous fish.

13 NEW SECTION. **Sec. 5.** The department shall inform all regional
14 fisheries enhancement groups of any closures or proposed closures of
15 salmon enhancement facilities owned by the department.

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.58 RCW
17 to read as follows:

18 A public or private project that is primarily designed to improve
19 fish habitat or fish passage, that has been approved by the department
20 of fish and wildlife, has been given, or is qualified to be given, a
21 hydraulic permit, and local government determines that the project does
22 not substantially affect other concerns of this chapter, is exempt from
23 the permitting requirements of this chapter. A letter of exemption
24 must be obtained from the local government.

25 NEW SECTION. **Sec. 7.** The department shall strive to provide fish
26 eggs and fry to cooperative groups and regional fisheries enhancement
27 groups in all cases after the needs of state-operated facilities have
28 been met. In no case shall the department sell suitable viable eggs
29 when there is a request for eggs from a cooperative group or a regional
30 fisheries enhancement group that could be fulfilled by that particular
31 stock of salmon egg, as determined by the department. If suitable eggs
32 are not available, then the department shall make every effort to make
33 available alternate salmon species, races, or stocks that could be used

1 for fish culture purposes, with the ultimate goal being to increase the
2 salmon resource of the state.

3 In establishing escapement goals the department shall negotiate for
4 levels that will provide not less than ten thousand salmon eggs
5 annually for each cooperative group and not less than thirty thousand
6 salmon eggs annually for each regional enhancement group.

7 NEW SECTION. **Sec. 8.** The department of ecology shall develop
8 legislative proposals for the 1996 legislative session that will
9 authorize state agencies, cooperative groups, and regional fisheries
10 enhancement groups to obtain all necessary permits for their fish
11 enhancement projects at no cost, provided that the enhancement project
12 is designed to benefit the fish and wildlife resources of the state,
13 and the fish and wildlife resources are available for use by all
14 citizens of the state. Proposed legislation is to be reported to the
15 house of representatives fisheries and wildlife committee and the
16 senate natural resources committee no later than January 1, 1996.

17 NEW SECTION. **Sec. 9.** The department shall approve salmon
18 enhancement projects on a consistent basis throughout all regions of
19 the state. A consistent policy shall be developed and administered
20 fairly for all project applicants. The availability of broodstock,
21 sources of eggs, allowable fish culture methods, methods of planting or
22 supplementation, habitat improvement techniques, fish disease
23 prevention, stock genetics, and all other factors governing salmon
24 enhancement projects shall be defined in the policy. The goal for
25 consistent state-wide enhancement policies is to assure all enhancement
26 groups a fair opportunity to increase the salmon resource in a way that
27 best utilizes their resources and talent.

28 The department enhancement goal is to increase salmon resources at
29 every available opportunity, any constraints on salmon enhancement
30 shall be based on proven scientific facts, and shall be verifiable by
31 the scientific method.

32 NEW SECTION. **Sec. 10.** The department of transportation shall
33 consult with the department of fish and wildlife in developing
34 proposals to expedite the removal of impediments to anadromous fish
35 passage caused by department of transportation roads. Proposed
36 legislation is to be reported to the house of representatives fisheries

1 and wildlife committee and the senate natural resources committee no
2 later than January 1, 1996.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 75.08 RCW
4 to read as follows:

5 The department of fish and wildlife shall initiate a habitat
6 incentives program through which a private owner of forest lands may
7 enter into an agreement with the director of fish and wildlife to
8 enhance habitat for food fish on the landowner's property. Based on
9 the agreement, the department may, with the concurrence of the
10 department of natural resources, the forest practices board, affected
11 local governments, and affected federally recognized Indian tribes,
12 stipulate the conditions that will be considered when evaluating a
13 future application on the subject property for a hydraulic permit
14 applied for under RCW 75.20.100 or 75.20.103 or a forest practices
15 permit applied for under RCW 76.09.060. The department of fish and
16 wildlife is not obligated to enter into an agreement it does not
17 believe is in the best interests of protecting fish life or fish
18 habitat. After an agreement is made, future decisions pertaining to
19 the issuance, denial, or conditioning of a hydraulic permit or a forest
20 practices permit shall be based on the conditions present on the
21 landowner's property at the time of the agreement, unless jointly
22 agreed upon by all parties. If at any time during the course of the
23 agreement any conditions of the property are currently or will become
24 subject to federal laws or regulations, the remaining conditions shall
25 continue to remain binding on the parties.

26 The agreement is binding on and may be used by only the landowner
27 who entered into the agreement with the department of fish and
28 wildlife. The agreement shall not be appurtenant to the land.

29 An agreement shall be in writing and shall contain a description of
30 the property affected by the stipulation, an expiration date, a
31 description of the condition of the property at the time of the
32 stipulation, and other information needed by the department and the
33 landowner for future reference and decisions.

34 NEW SECTION. **Sec. 12.** Sections 2, 3, 5, 7, and 9 of this act
35 shall constitute a new chapter in Title 75 RCW.

36 NEW SECTION. **Sec. 13.** This act shall take effect July 1, 1995.

1 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

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