

# HOUSE BILL REPORT

## ESHB 1286

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### As Passed Legislature

**Title:** An act relating to the use of viable salmon eggs.

**Brief Description:** Providing hatchery origin salmon eggs in order to replenish fish runs.

**Sponsors:** 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).

### **Brief History:**

#### **Committee Activity:**

Natural Resources: 2/21/01, 2/23/01 [DPS].

#### **Floor Activity:**

Passed House: 3/12/01, 94-0.

Senate Amended.

Passed Senate: 4/11/01, 48-0.

House Refused to Concur.

Senate Receded.

Senate Amended.

Passed Senate: 4/18/01, 43-0.

House Concurred.

Passed House: 4/19/01, 93-0.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- The Department of Fish and Wildlife is prohibited from destroying salmon that originated from a hatchery for the purpose of destroying viable eggs that would otherwise be useful for replenishing fish runs as determined by the department or federally approved tribes within the state.
- The highest priority for the department in providing surplus salmon eggs is to 1) voluntary groups with cooperative agreements; 2) regional fisheries' enhancement groups; 3) lead entities approved for funding by the Salmon Recovery Funding Board; 4) hatcheries of federally approved tribes in the state; and 5) governmental hatcheries in Washington, Oregon, and Idaho.
- The Fish and Wildlife Commission is required to adopt rules that contain directives for allowing more hatchery salmon to spawn naturally including outplanting of adult fish particularly where progeny of hatchery fish have spawned in order to increase the number of viable salmon eggs and restore healthy fish runs.

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## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

**Staff:** Bill Lynch (786-7092).

**Background:**

The Department of Fish and Wildlife may sell or transfer surplus salmon eggs from stocks that are not suitable for salmon rehabilitation or enhancement in the state. The department is required, however, to give a high priority to private contractors who will rear and release smolts into public waters when making surplus salmon eggs available. The department may also authorize the sale of surplus salmon eggs by cooperative projects. Tribes, other volunteer groups, and other governmental hatcheries outside the state are not provided a priority opportunity to obtain surplus salmon eggs.

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**Summary of Bill:**

The Department of Fish and Wildlife (DFW) is prohibited from destroying salmon that originated from a hatchery for the purpose of destroying viable eggs that would otherwise be useful for replenishing fish runs as determined by the department and Indian tribes with treaty fishing rights. Surplus salmon eggs may only be sold by the DFW after the salmon harvest on surplus salmon has been maximized by both commercial and recreational fishers.

If the state determines that there are surplus fish eggs, these eggs must be provided to these groups in the following order of priority: 1) voluntary groups that have entered into a cooperative agreement with the department for salmon culture programs under the supervision of the department; 2) regional fisheries enhancement groups for salmon culture programs under the supervision of the department; 3) salmon culture programs requested by lead entities and approved by the Salmon Recovery Funding Board; 4) hatcheries of federally approved tribes within the state; and 5) governmental hatcheries in Washington, Oregon, and Idaho. These groups are given priority over making salmon eggs available to private contractors for the purpose of contract rearing to release smolts into public waters. The priority list established for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs. If a group on the priority list requests viable eggs from the DFW, the DFW must include the request within the brood stock document prepared for review by the regional offices.

The Fish and Wildlife Commission is required to adopt rules that contain directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, including outplanting of adult fish, in order to increase the number of viable salmon eggs and restore healthy fish runs. The rules must also contain protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing and release, as well as a prioritized schedule for implementing this legislation.

The DFW must conduct annual workshops in each administrative region that has fish stocks listed as threatened or endangered under the federal Endangered Species Act, in order to help volunteers with egg rearing, share information on successful volunteer projects within the state, and provide basic training on monitoring appropriate for volunteers to conduct.

The DFW is directed to prepare an annual surplus salmon report and include it as part of the biennial state of the salmon report by the Governor. The report must include information on requests for viable salmon eggs, and include a brief explanation for each denial of a request. The report must contain information on the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** (Original bill) The state spends millions of dollars on salmon recovery, and then clubs thousands of returning fish without letting them spawn. There doesn't appear to be any justification for letting only limited numbers of these fish spawn naturally when there are depleted fish stocks. The use of hatchery salmon eggs under the bill contains safeguards because current law regarding aquaculture disease control must still be followed. The use of the hatchery salmon eggs must also be used as deemed appropriate by the department or the tribes. The eggs of hatchery salmon should be used as much as possible to keep salmon recovery efforts moving forward.

Concerns (Original bill) The language regarding use of hatchery salmon eggs as deemed appropriate should require joint approval by the department and the tribes because they are co-managers of the resource. The bill only requires approval of either the department or the tribes. The priority list for surplus salmon eggs could be construed to apply when there is a shortage of salmon eggs.

**Testimony Against:** None.

**Testified:** Representative Lisk; prime sponsor; and Frank Urabeck, Northwest Marine Trade Association.

Concerns (Original bill) Paul Seidel and Andy Appleby, Department of Fish and Wildlife.