

SENATE BILL 5343

State of Washington

52nd Legislature

1991 Regular Session

By Senators Owen, Amondson, Sutherland, Conner, Metcalf, Bauer, Hansen, Vognild, Madsen and Bailey.

Read first time January 29, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to game fish mitigation; and adding a new chapter
2 to Title 77 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature declares that the public
5 and private propagation, production, protection, and enhancement of
6 fish is in the overriding public interest.

7 The legislature finds that the protection and propagation of public
8 and private fish is a recognized priority of the federal water
9 pollution control act and state of Washington clean water act and that
10 aquaculture is a preferred use of water in the state environmental
11 protection act.

12 The legislature further finds that to meet the year 2000 trout
13 production goals, and the estimated anglers' goals, an increase in
14 production of one hundred percent over current maximum production will

1 be required. To accomplish this all past and future mitigation
2 requirements must be totally met.

3 NEW SECTION. **Sec. 2.** Unless the context clearly requires
4 otherwise, the definitions in this section apply throughout this
5 chapter.

6 (1) "Department" means the Washington department of wildlife.

7 (2) "Mitigation" means supplying fish, for a defined or potential
8 damage to fish resources or fish habitat, donation, funding, or any
9 time the department requires a person to stock or supply fish or fish
10 eggs in connection with a project or permit.

11 (3) "Contract" means an agreement setting at a minimum, price,
12 quantity of fish to be delivered, time of delivery, and fish health
13 requirements.

14 (4) "Fish health requirements" means those fish health requirements
15 actually used in wildlife regions by the department in planting
16 wildlife fish in the same or similar areas.

17 (5) "Aquatic farmer" means a private sector person who commercially
18 farms and manages the cultivating of private sector cultured aquatic
19 products, as defined in RCW 15.85.020, on the person's own land or on
20 land in which the person has a present right of possession in the state
21 of Washington.

22 (6) "Person" means a natural person, corporation, trust, or other
23 legal entity.

24 NEW SECTION. **Sec. 3.** All mitigation requirements are
25 established by the department at the time of a construction project or
26 permit approval, or other activity including a hydraulic project or
27 logging operation that impairs fish habitat or propagation.

1 NEW SECTION. **Sec. 4.** The department shall set mitigation
2 requirements in pounds or numbers of game fish to be stocked.

3 NEW SECTION. **Sec. 5.** At the sole discretion of the mitigator,
4 mitigation requirements of the department may be met by the mitigator
5 entering into a private contract with an aquatic farmer that provides
6 the required pounds or numbers of game fish to be planted in public
7 waters.

8 NEW SECTION. **Sec. 6.** Game fish purchased by private contract
9 between aquatic farmers and mitigators shall meet criteria established
10 by the department with respect to species, size, and fish health
11 requirements. The department shall specify the planting locations
12 within a range of release dates. No other criteria shall be required
13 of the aquatic farmer.

14 NEW SECTION. **Sec. 7.** The department may by direct bidding, or
15 contract purchase fish from an aquatic farmer for public stocking, or
16 use funds that have been donated to the department for fish stocking.

17 NEW SECTION. **Sec. 8.** Any agency of state government, branch
18 of state government, political subdivisions of the state, or sports
19 groups may purchase game fish from an aquatic farmer for stocking in
20 public waters.

21 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act shall
22 constitute a new chapter in Title 77 RCW.