
SENATE BILL 6102

State of Washington **53rd Legislature** **1994 Regular Session**

By Senators Owen, Snyder, Hargrove, Oke, Amondson, Sheldon and Drew

Read first time 01/12/94. Referred to Committee on Natural Resources.

1 AN ACT Relating to salmon enhancement; reenacting and amending RCW
2 75.50.100; and adding new sections to chapter 75.08 RCW.

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

4 **Sec. 1.** RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53
5 are each reenacted and amended to read as follows:

6 The dedicated regional fisheries enhancement group account is
7 created in the custody of the state treasurer. Only the director or
8 the director's designee may authorize expenditures from the account.
9 The account is subject to allotment procedures under chapter 43.88 RCW,
10 but no appropriation is required for expenditures.

11 A surcharge of one dollar shall be collected on each recreational
12 personal use food fish license sold in the state. A surcharge of one
13 hundred dollars shall be collected on each commercial salmon fishery
14 license, each salmon delivery license, and each salmon charter license
15 sold in the state. The department shall study methods for collecting
16 and making available, an annual list, including names and addresses, of
17 all persons who obtain recreational and commercial salmon fishing
18 licenses. This list may be used to assist formation of the regional
19 fisheries enhancement groups and allow the broadest participation of

1 license holders in enhancement efforts. The results of the study shall
2 be reported to the house of representatives fisheries and wildlife
3 committee and the senate environment and natural resources committee by
4 October 1, 1990. All receipts shall be placed in the regional
5 fisheries enhancement group account and shall be used exclusively for
6 regional fisheries enhancement group projects for the purposes of RCW
7 75.50.110. Funds from the regional fisheries enhancement group account
8 (~~shall not~~) may serve as replacement funding for department operated
9 salmon projects that exist on January 1, 1991, if the salmon projects
10 are operated by a regional fisheries enhancement group.

11 All revenue from the department's sale of salmon carcasses and eggs
12 that return to group facilities shall be deposited in the regional
13 fisheries enhancement group account for use by the regional fisheries
14 enhancement group that produced the surplus. The director shall adopt
15 rules to implement this section pursuant to chapter 34.05 RCW.

16 NEW SECTION. **Sec. 2.** Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout sections 3
18 through 8 of this act.

19 (1) "Qualified private nonprofit corporation" means a nonprofit
20 corporation organized under and according to the laws of the state of
21 Washington that operates pursuant to the conditions set forth in
22 sections 3 through 8 of this act.

23 (2) "Salmon hatchery" means a salmon hatchery, artificial salmon
24 production facility, or salmon enhancement project.

25 (3) "Surplus returning salmon" means that portion of the run of
26 returning salmon that is in excess of the reasonable need for brood
27 stock to operate that hatchery but in no event shall such surplus
28 exceed thirty-three percent of the total run returns.

29 (4) "Terminal area" means an area adjacent to the salmon hatchery
30 or associated release site to which fish are returning where a harvest
31 can be practicably conducted using gear or technology currently
32 available in the industry as may be specified by the department.

33 NEW SECTION. **Sec. 3.** Notwithstanding any other provision of law,
34 the sale of excess salmon eggs and carcasses may be conducted by
35 regional fisheries enhancement groups as authorized by the department.
36 Revenue from sales of excess salmon eggs and carcasses may only be used
37 on projects that support artificially and naturally produced salmon,

1 restore or improve habitat, or identify ways to increase the survival
2 of salmon. All such sales revenue must be duly reported to the
3 department in a form and manner prescribed by the department.

4 NEW SECTION. **Sec. 4.** In the event that a qualified private
5 nonprofit corporation, in its operation of a salmon hatchery, is
6 substantially responsible for the production of a sufficient run of
7 salmon that, at the time the run so produced returns for spawning,
8 there are sufficient surplus returning salmon available from such run
9 to permit a harvest in the terminal area of the hatchery that produced
10 them, the qualified private, nonprofit corporation operating such
11 salmon hatchery and having produced such surplus returning salmon may,
12 as authorized and directed by the department, and under the conditions
13 and limitations provided for in sections 3 through 8 of this act,
14 conduct a harvest of the surplus returning salmon within the terminal
15 area, if the proceeds from the harvest are used for the maintenance,
16 operation, improvement, or expansion of the salmon hatchery and salmon
17 production that resulted in the surplus.

18 NEW SECTION. **Sec. 5.** Before authorizing a terminal area harvest
19 under sections 3 through 8 of this act, the department shall be
20 reasonably satisfied that such harvest fulfills the following
21 conditions:

22 (1) The requested terminal area harvest shall be approved by
23 majority vote of an independent oversight committee composed of no
24 fewer than six persons who are not employees of the private nonprofit
25 corporation. The committee shall include equal membership of such
26 recreational, commercial, and tribal fishers, or representatives of
27 such fishers, as are able to fairly and publicly represent those of
28 their group who actively and substantially participate in fisheries
29 that harvest significant numbers of the run of salmon expected to be
30 taken in the requested harvest. All meetings of this oversight
31 committee shall be publicly conducted with notice to interested members
32 of the public and with all written materials to be considered by them
33 made readily available to the public.

34 (2) The proceeds resulting from the terminal area harvest shall be
35 used only for the purposes specified in sections 3 through 8 of this
36 act and all expenditures of funds received from such harvest shall be

1 first approved by the oversight committee pursuant to the public
2 meeting procedure set forth in subsection (1) of this section.

3 (3) A terminal area harvest may not be conducted if it appears that
4 the current or future viability of other runs or stocks may be
5 adversely affected.

6 (4) The private nonprofit corporation shall hold its books,
7 articles, by-laws, minutes, supporting documents, and other records
8 pertaining to such harvest open to the oversight committee referred to
9 in subsection (1) of this section, and open and available for
10 reasonable and convenient public inspection.

11 (5) The harvest shall be consistent with this and other current
12 laws, policies, and requirements of the department and with the sound,
13 scientific management of the salmon resource.

14 NEW SECTION. **Sec. 6.** Funds received from harvests conducted
15 pursuant to sections 3 through 8 of this act shall be held in a
16 separate account from other funds held by the private nonprofit
17 corporation conducting the harvest and shall be separately accounted
18 for. A private nonprofit corporation holding the funds shall provide
19 a full and accurate report to the department annually, on or before the
20 20th day of January of any year following a year during which such
21 funds are received. The report shall include the nature and purposes
22 of any expenditures of such funds during the preceding year and shall
23 provide evidence that any such expenditure was made with the approval
24 of the oversight committee established pursuant to section 4(1) of this
25 act.

26 NEW SECTION. **Sec. 7.** The department's responsibilities under
27 sections 3 through 8 of this act shall be limited to the following:

28 (1) The department shall assure that the reports required in
29 section 6 of this act be timely and be made in sufficient detail so
30 they fully and fairly describe the character of the financial and other
31 activity involved. All reports shall be maintained for reasonable
32 public inspection.

33 (2) The department shall review requests for terminal area harvests
34 to be conducted under sections 3 through 8 of this act, shall ascertain
35 whether there is a sufficient surplus of returning salmon to permit a
36 requested harvest, and shall approve, modify, or deny such requests
37 based upon the requirements of sections 3 through 8 of this act.

1 NEW SECTION. **Sec. 8.** The department may contract the operation
2 and maintenance of state salmon hatcheries with regional fisheries
3 enhancement groups if state employees at affected hatcheries maintain
4 state employment status and do not lose their jobs because of the
5 contracts.

6 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act are each
7 added to chapter 75.08 RCW.

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