Chapter 220-130 WAC

VOLUNTEER COOPERATIVE FISH AND WILDLIFE ENHANCEMENT PROGRAM

WAC

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WAC 220-130-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department of fish and wildlife with the provisions of chapter 72, Laws of 1984 (Title 75 RCW).

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-010, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.52.035. 89-03-015 (Order 89-02), § 220-130-010, filed 1/6/89. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-010, filed 2/1/85.]

WAC 220-130-020 Definitions. (1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department of fish and wildlife relating to a cooperative fish or wildlife project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and game reared and released are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means the department of fish and wildlife.

(4) "Reimbursable expenses" means an actual expense of a project that may be reimbursed by the department to the project from funds generated by the sale of surplus salmon carcasses and nonviable surplus salmon eggs from that project.

(5) "Surplus salmon eggs" means those salmon eggs that are surplus to both the needs of all programs of the department and other public entities as described in chapter 220-74 WAC.

(6) "Surplus salmon carcasses" means those salmon carcasses that are surplus to both the needs of all programs of the department and other public entities as described in chapter 220-74 WAC.

(7) "Viable salmon eggs" mean those salmon eggs which are fertile and capable of being cultured.

(8) "Nonviable salmon eggs" mean those eggs which are infertile.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-020, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.50.100 and 75.52.035. 98-02-017 (Order 97-245), § 220-130-020, filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 75.52.035. 89-03-015 (Order 89-02), § 220-130-020, filed 1/6/89. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-020, filed 2/1/85.]

WAC 220-130-030 Information required from volunteer groups. The following information should be furnished in writing on forms provided by the department by volunteer groups when applying for a cooperative fish and wildlife project.

(1) Date of application.

(2) Name of volunteer group or person proposing cooperative project. If a group, give the name, address and telephone number of one person in that group who will serve as contact person and project leader.

(3) Location and physical size of project, including a project area map, which clearly indicates the project site(s) including county, street address (if applicable), property ownership, township, range, section and acreage.

(4) Description of the proposed project, including title, project objectives (how the project will benefit the fish and wildlife resources), methods of achieving objectives, criteria for measuring objectives and a description of how the project will be monitored and maintained.

(5) Estimated beginning and ending date of project.

(6) A project budget which identifies by line item the amount of funding requested to purchase goods and services, contracted services, travel, per diem, private vehicle mileage reimbursement, equipment, a list of other funds which may be available to support the project (including the amount and source of outside funding) and any in-kind contributions.

(7) An estimate of the amount of technical assistance required from the department including the names and titles of department personnel who may be needed.

(8) An estimate of the volunteer time, expressed in staff hours, which the project will require.

(9) If the project is to plant or rear fish or wildlife, the following additional information should be developed, unless exempted by the department:

(a) Species to be produced.

(b) Number of eggs, larvae, juveniles, adult fish, shellfish or wildlife proposed to be incubated, reared or released, by species, as well as the timing of all phases of this activity.

(c) Proposed source of eggs, broodstock or juveniles.

(d) Method and type of culturing proposed.

(e) Date of release.

(f) Size at release.

(g) Release location(s).

(h) Statement about the volunteer groups' knowledge of culture and pathology of the species proposed to be produced.

(i) Availability of professional and technical expertise; i.e., local veterinarian, hatchery nearby, local fish or habitat biologist, etc.

(10) A list of permits or agreements (other than those needed to rear and release fish and wildlife) needed to accomplish the proposed project; i.e., cooperative landowner agreements, water rights, building permits, hydraulic project approval (HPA), shorelines permits, zoning variance, JARPA, Corps of Engineers, etc.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-030, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-030, filed 2/1/85.]

WAC 220-130-040 Review and selection process. (1) The application method is on application forms provided by the department specifically for this purpose. Application forms will be available by request from the Olympia headquarters and at all regional offices of the department.

(2) Applications for projects will be accepted each year during the open application period of December 1 through February 28.

(a) Applications accepted prior to the start of a biennium may be for project funding for one or both years of the ensuing biennium.

(b) Applications accepted during the first year of a biennium will be for project funding in the second year of a biennium.

(3) The funding decision deadline is May 31 of the year of application.

(4) Exceptions to the funding deadline dates will only be allowed in the event of applications for volunteer projects which are responsive to an emergency situation which may arise and which has been declared to be an emergency by the director.

(5) The department will send each applicant, within forty-five days of receipt of each application, a written acknowledgment of the receipt of the application and give the applicant an estimated date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgment will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

(6) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty tribes and will make contact with these entities, when the department determines that it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the agreement, when issued.

(7) The department may provide suggested modifications to the proposal which would increase its likelihood of approval together with the name and telephone number of the person within the department responsible for monitoring the review of the proposal.

[Statutory Authority: RCW 77.12.047. 07-22-097 (Order 07-274), § 220-130-040, filed 11/6/07, effective 12/7/07; 04-01-055 (Order 03-306), § 220-130-040, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. 00-02-048 (Order 99-235), § 220-130-040, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-040, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-040, filed 2/1/85.]

WAC 220-130-050 Criteria used in selecting cooperative projects. The following criteria will be considered by the department in ranking project proposals for funding. These criteria are not rigid but are intended to guide the department in selecting projects that are feasible, cost-effective and complementary with other department programs.

(1) Fish and wildlife commission policies will be used, along with other criteria, to rank proposals. Applicants may wish to compare the objectives of their proposals with the most recent statement of goals, policies and objectives of the fish and wildlife commission to determine whether they are consistent or in conflict.

(2) Program goals, objectives and priorities. Projects will be ranked according to their adherence to program goals, objectives and priorities as outlined in department plans. Applicants may wish to call the operating division(s) within the department most directly concerned with the subject of their proposal to determine whether they are consistent or in conflict.

(3) Costs versus benefits. Project proposals will be evaluated and ranked according to expected ratio of costs to public benefits. Costs will include both grant funds and other funds required, the level of department provided staff assistance needed and the amount for continuing operation and maintenance support needed. Benefits may include direct benefits to fish and wildlife or habitat and benefits to the public in terms of increased recreational or commercial opportunities or increased knowledge about fish and wildlife.

(4) Educational value. Consideration will be given to a project's value in educating and informing the public about the life history and needs of fish and wildlife.

(5) Capabilities of volunteer groups. When considering the approval of a new project, or the renewal or refunding of an existing project, the relative success of that project and the overall capabilities of a particular volunteer group in managing cooperative projects and producing results will be considered, including the amount of department supervision and assistance required to accomplish the project.

(6) Project types. The department shall encourage and support the development and operation of cooperative projects of the following types:

(a) Cooperative food fish and game fish enhancement projects.

(b) Cooperative fish and wildlife habitat improvement projects.

(c) Cooperative fish or wildlife research projects.

(d) Cooperative game bird and game animal projects.

(e) Cooperative information and education projects.

(f) Cooperative nongame wildlife projects.

(g) Cooperative shellfish projects.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-050, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-050, filed 2/1/85.]

WAC 220-130-060 Acceptance or rejection of proposals. (1) The terms and conditions for an acceptable project will be set forth in a written contract between the department

and the volunteer group and provide specifics for project implementation. Agreements may be for up to five years.

(2) Each approved agreement will include the following, when determined by the department to be necessary or appropriate:

(a) Permit to release fish or wildlife.

(b) Procedures for applying for a hydraulic project approval (HPA).

(c) Description of methods that will be used to provide the volunteer group with fish, eggs, wildlife, fish food or other available supplies which will be obtained from the department.

(3) If a proposal is rejected, the department must provide in writing to the volunteer group the reasons for the rejection. The volunteer group may appeal any decision rejecting a proposal to the director or the director's designee.

(4) Proposals accepted by the department may not commence until the volunteer group has executed a contract to undertake the project and that contract has been signed by the person within the department with the authority to do so. Any funds expended prior to the acceptance of a cooperative project contract, or orders for supplies or other action by the volunteer group after the completion date which would constitute a financial obligation will be considered the responsibility of the volunteer group.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-060, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-060, filed 2/1/85.]

WAC 220-130-070 Termination or revocation of agreements. (1) The department may revoke approval and terminate agreements for cause. Grounds for termination include:

(a) Violation of the agreement provisions.

(b) The development of unacceptable biological or resource management conflicts.

(c) The unavailability of adequate financial or biological resources to continue participation by the department.

(d) If any fish or wildlife laws or regulations have been violated.

(2) Notice of revocation shall be mailed to the contact person for the volunteer group stating the reason for the revocation and, should the reason be violation of the agreement provisions, specifying what agreement provisions were violated and how corrective action may be taken to continue the project.

(3) The volunteer group may appeal any decision for agreement revocation or project termination to the director or the director's designee.

[Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-070, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.50.100 and 75.52.035. 98-02-017 (Order 97-245), § 220-130-070, filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 75.52.035. 89-03-015 (Order 89-02), § 220-130-070, filed 1/6/89.]

WAC 220-130-080 Project recovery of reimbursable expenses. Cooperative projects which rear salmon have the potential for generating income from the sale of surplus salmon carcasses and eggs derived from fishes produced at those projects, and to which salmon return to spawn at the end of their life cycle. If the department determines that it is appropriate to do so, such cooperative projects may, under the guidance of the department and by administrative rules and guidelines established for this purpose, recover some of the cooperative projects operating costs through the sale of nonviable salmon eggs and carcasses. It is understood that the primary objective of this provision is not to establish projects which constitute fish farms, but to allow those projects which may generate surplus fish which elude sport, commercial or tribal fisheries to sell the resulting surplus to help defray the cost of the particular cooperative project.

(1) In order for a project to recover reimbursable expenses, the project must have an annual budget presubmitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.

(2) Under administrative rules developed for this purpose, the cooperative project may sell nonviable salmon eggs and carcasses by soliciting competitive bids from approved buyers, as determined by the department.

(3) Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.

(4) All moneys generated by such sales shall be paid to the department and placed into a special account used solely to fund the reimbursable expenses of the cooperative project which generated the funds.

(5) In order to utilize the funds generated by such sales, a cooperative project must submit a list of expenses accompanied by original invoices, including signed time sheets for hired labor salary expenses, which clearly shows that the expenses relate to the presubmitted budget for the project which comply with all accounting and contract requirements.

(6) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.

(7) Viable surplus salmon eggs may not be sold, bartered, exchanged or disposed of by any volunteer group.

(8) Surplus salmon carcass sales may not be allowed if the department determines that they would be more appropriately utilized to reseed streams in an effort to restore or enhance habitat through nutrient enrichment.

[Statutory Authority: RCW 77.12.047. 04-01-055 (Order 03-306), § 220-130-080, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-080, filed 5/6/99, effective 6/6/99.]