

WAC 220-304-020 Surplus salmon eggs—Priorities. (1) It is the duty of the department to assure that egg requirements for state hatcheries are satisfied. Once these requirements have been met, eggs surplus to these requirements will be provided as per RCW 77.95.210.

(2) Prioritized schedule for salmon production. Annually the department shall:

(a) Determine the salmon production capacity of department hatcheries;

(b) Determine the allowable numbers of hatchery-origin salmon that will be allowed to spawn naturally, by location;

(c) Make estimates of the number of adult salmon returning to department facilities;

(d) Solicit requests for viable salmon eggs from the following entities: Volunteer salmon rearing cooperatives established under chapter 77.100 RCW, regional fisheries enhancement groups established under chapter 77.95 RCW, lead entities for salmon recovery as established under chapter 77.85 RCW, government hatcheries in Washington, Oregon and Idaho, and hatcheries of federally recognized Indian tribes in Washington, Oregon and Idaho;

(e) Compile and submit for review by Indian tribes with treaty fishing rights a plan for replenishing fish runs through the use of available viable salmon eggs, including transfers to the entities listed in this subsection; and

(f) Offer an appeal mechanism to any entity denied a transfer of viable salmon eggs.

(3) The department will prioritize projects that utilize surplus viable salmon eggs and outplanting of adult fish. In such prioritization, the department will evaluate all proposed projects in terms of potential benefits and risks. In considering projects that involve placing adult, juvenile or eggs into a body of water, the biological factors that will be considered include, but are not limited to:

(a) Expected salmon recovery benefits;

(b) Effect on ongoing research and monitoring projects;

(c) Nutrient benefit;

(d) Habitat carrying capacity;

(e) Interspecies interactions;

(f) Disease risk;

(g) Ability to monitor effects of introduction;

(h) Biodiversity significance of the wild population;

(i) Genetic similarity of introduced and wild stocks;

(j) Status of populations under the Endangered Species Act or the salmonid stock inventory; and

(k) The proportional mix of hatchery-origin and wild fish.

(4) All projects will be evaluated consistent with documented department protocols and procedures, recovery plans and management agreements, including, but not limited to:

(a) *The WDFW Genetics Manual*;

(b) *The WDFW Spawning Guidelines*;

(c) *The WDFW Stock Transfer Guidelines*;

(d) *The WDFW Fish Health Manual*;

(e) The Co-Managers Fish Disease Control Policy;

(f) The WDFW Wild Salmonid Policy;

(g) WDFW hatchery and genetics management plans;

(h) WDFW fishery management and evaluation plans;

(i) Rules developed under section 4(d) of the Endangered Species Act; and

(j) Take permits issued under sections 7 and 10 of the Endangered Species Act.

(5) Prioritized schedule for egg sales. To encourage the use of surplus live salmon eggs available for sale for the optimum benefit of the citizens of the state, the following priorities will be followed, within practical limitations, in distributing surplus live salmon eggs resulting from returns to artificial production facilities:

(a) Sales to in-state aquaculturists when the eggs would be hatched, the resulting fry reared, by a person or corporation engaged in the fish industry in this state.

(b) Sales to private Oregon sea ranchers where fish are to be released for migration from Oregon sites to the Pacific Ocean and thus subject to the public capture fisheries of the state of Washington.

(c) Sales to the hatcheries located in California and Alaska where the fish are to be released at sites located in those states for migration to the Pacific Ocean for harvest by public capture fisheries and thus subjected to public capture by fishermen of the state of Washington.

(d) Sales to other state, federal and private aquaculture programs.

(e) Sales to foreign governmental entities.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-304-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.100.060. WSR 02-10-023 (Order 02-79), § 220-74-020, filed 4/23/02, effective 5/24/02. Statutory Authority: RCW 75.08.080. WSR 79-10-013 (Order 79-75), § 220-74-020, filed 9/7/79; WSR 78-09-071 (Order 78-66), § 220-74-020, filed 8/25/78.]