
SENATE BILL 5064

State of Washington

54th Legislature

1995 Regular Session

By Senators Owen, Drew and Oke

Read first time 01/09/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to regional fisheries enhancement program; amending
2 RCW 75.52.035, 75.50.110, and 75.50.120; reenacting and amending RCW
3 75.50.100; adding new sections to chapter 75.50 RCW; adding a new
4 section to chapter 90.58 RCW; creating a new section; and declaring an
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Regional enhancement groups are a valuable resource for
9 anadromous fish recovery. They improve critical fish habitat and
10 directly contribute to anadromous fish populations through fish
11 restoration technology.

12 (2) Due to a decrease in commercial license and salmon punchcard
13 sales, regional enhancement groups are receiving less financial
14 resources at a time when recovery efforts are needed most.

15 (3) To maintain fisheries enhancement groups as an effective
16 enhancement resource, technical assets of state agencies must be
17 coordinated and utilized to maximize the financial resources of
18 regional enhancement groups and overall fish recovery efforts.

1 NEW SECTION. **Sec. 2.** The department shall provide timely, no-cost
2 engineering and other technical services as needed by regional
3 fisheries enhancement groups for structural design of enhancement
4 projects. The department may coordinate with other local, state, and
5 federal agencies, institutions of higher education, and affected tribes
6 to accomplish this goal.

7 NEW SECTION. **Sec. 3.** The department of transportation shall
8 cooperate with the department to provide timely, no-cost engineering
9 services needed by regional fisheries enhancement groups for the
10 removal of impediments to anadromous fish passage caused by state roads
11 and highways.

12 NEW SECTION. **Sec. 4.** The department's habitat division shall work
13 with cities and counties to develop a program to identify and expedite
14 the removal of impediments to anadromous fish passage. A priority
15 shall be projects that immediately increase access to available and
16 improved spawning and rearing habitat for threatened and endangered
17 stocks. The department may contract with cities and counties to assist
18 in the identification and removal of impediments to anadromous fish
19 passage.

20 A report on the progress of impediment identification and removal
21 and the need for additional legislative action shall be submitted to
22 the senate and the house of representatives natural resources
23 committees no later than January 1, 1996.

24 NEW SECTION. **Sec. 5.** The department shall coordinate with
25 federal, state, and local agencies, tribal governments, and private
26 business to develop an information bank for the purposes of fish and
27 habitat enhancement. The information bank shall include, but is not
28 limited to, surveys, habitat and land use data, maps, and other fishery
29 enhancement resources.

30 NEW SECTION. **Sec. 6.** The state auditor's office shall coordinate
31 with the department and regional fisheries enhancement group officers
32 to develop accounting training procedures and standards for the use of
33 regional fisheries enhancement group funds.

1 NEW SECTION. **Sec. 7.** The department's hatcheries program shall
2 expand efforts to distribute and place remote site incubators.
3 Whenever possible, remote site incubator placement shall be coordinated
4 in conjunction with regional fisheries enhancement group efforts.
5 Every effort shall be made to eliminate department costs through the
6 use of regional fisheries enhancement group labor and funds. Regional
7 salmon enhancement group projects that augment fish populations shall
8 be given equal standing with projects that improve habitat.

9 NEW SECTION. **Sec. 8.** The department shall assist in the
10 establishment of hatchery harvest projects conducted by regional
11 fisheries enhancement groups. The department shall choose viable sites
12 in which a surplus of returning hatchery salmon, produced by regional
13 fisheries enhancement groups, may be sold commercially for profit, with
14 proceeds going directly to the nonprofit regional fisheries enhancement
15 group. Moneys raised from salmon carcass and egg sales shall be placed
16 directly in the regional fisheries enhancement account of the group
17 sponsoring the harvest hatchery project. The department shall report
18 annually on the progress of the projects to the senate and the house of
19 representatives natural resources committees beginning January 1,
20 1996.

21 **Sec. 9.** RCW 75.52.035 and 1993 sp.s. c 2 s 51 are each amended to
22 read as follows:

23 The department ((may)) shall authorize the sale of surplus salmon
24 eggs and carcasses by permitted cooperative projects and regional
25 fisheries enhancement groups for the purposes of ((defraying the
26 expenses of the cooperative project. In no instance shall the
27 department allow a profit to be realized through such sales)) providing
28 income to expand fisheries enhancement projects. The department shall
29 adopt rules to implement this section pursuant to chapter 34.05 RCW.

30 NEW SECTION. **Sec. 10.** The department shall maintain a minimum of
31 three and one-half full-time equivalent regional enhancement biologists
32 to support the regional fisheries enhancement group program. In the
33 event that there is less than the required minimum staffing level, the
34 department shall reassign employees from other programs to provide
35 additional staff support for regional fisheries enhancement groups so
36 that no additional costs will be incurred by the department. The

1 department shall make every effort to include at least one full-time
2 engineer within the regional fisheries enhancement group program.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.58 RCW
4 to read as follows:

5 A regional fisheries enhancement group or cooperative group
6 project, that is primarily designed to improve fish habitat or fish
7 passage; has been approved by the department of fish and wildlife; has
8 been given, or is qualified to be given, a hydraulic permit; and has
9 been determined by local government to not substantially affect other
10 concerns of this chapter, is exempt from the permitting requirements of
11 this chapter. A letter of exemption must be obtained from the local
12 government, which shall be provided in a timely manner.

13 **Sec. 12.** RCW 75.50.110 and 1990 c 58 s 4 are each amended to read
14 as follows:

15 A regional fisheries enhancement group advisory board is
16 established (~~(to make recommendations to the director)~~). The advisory
17 board shall make recommendations regarding regional enhancement group
18 (~~(rearing)~~) project proposals and funding of those proposals. The
19 members shall be appointed by the director and consist of two
20 commercial fishing representatives, two recreational fishing
21 representatives, and three (~~(at-large positions)~~) representatives from
22 regional fisheries enhancement groups. Advisory board members shall
23 serve two-year terms. The advisory board membership shall include two
24 members serving ex officio to be nominated, one through the Northwest
25 Indian fisheries commission, and one through the Columbia river
26 intertribal fish commission. The chair of the regional fisheries
27 enhancement group advisory board shall be elected annually by members
28 of the regional fisheries enhancement advisory board.

29 The duties of the regional fisheries enhancement group advisory
30 board include: The resolution of disputes between regional fisheries
31 enhancement groups and the department; the coordination and
32 dissemination of information, resources, and finances; the monitoring
33 of projects and the administration of funds; and the identification of
34 impediments to regional fisheries enhancement group success and the
35 need for additional legislative action. The regional fisheries
36 enhancement group advisory board shall meet at least quarterly.

1 The department shall invite the advisory board to comment and
2 provide input into all relevant policy initiatives including, but not
3 limited to, wild stock, hatcheries, and habitat restoration efforts.

4 The department may use account funds to provide agency assistance
5 to the groups. The level of account funds used by the department shall
6 be determined by the director after review and recommendation by the
7 regional fisheries enhancement group advisory board and shall not
8 exceed twenty percent of annual contributions to the account.

9 **Sec. 13.** RCW 75.50.120 and 1990 c 58 s 5 are each amended to read
10 as follows:

11 The department and the regional fisheries enhancement group
12 advisory board shall report biennially to the senate (~~((environment and~~
13 ~~natural resources committee,))~~) and the house of representatives
14 (~~((fisheries and wildlife))~~) natural resources committees, the senate
15 ways and means committee and house of representatives fiscal
16 committees, or any successor committees beginning October 1, 1991. The
17 report shall include but not be limited to the following:

18 (1) An evaluation of enhancement efforts;

19 (2) A description of projects;

20 (3) A region by region accounting of financial contributions and
21 expenditures including the enhancement group account funds; (~~and~~)

22 (4) Volunteer participation and member affiliation; and

23 (5) Suggestions for legislative action that would further the
24 enhancement of salmonid resources.

25 The regional fisheries enhancement group advisory board shall make
26 bi-annual reports to the senate and the house of representatives
27 natural resources committees. The reports shall include proposals for
28 legislation and findings as to the success of regional fisheries
29 enhancement group efforts.

30 **Sec. 14.** RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s
31 53 are each reenacted and amended to read as follows:

32 The dedicated regional fisheries enhancement group account is
33 created in the custody of the state treasurer. Only the director or
34 the director's designee may authorize expenditures from the account.
35 The account is subject to allotment procedures under chapter 43.88 RCW,
36 but no appropriation is required for expenditures. As of January 1,
37 1996, no regional fisheries enhancement group year ending balance shall

1 exceed the sum of one hundred thousand dollars, unless the regional
2 fisheries enhancement advisory group determines that additional funds
3 are merited for enhancement activities.

4 A surcharge of one dollar shall be collected on each recreational
5 personal use food fish license sold in the state. A surcharge of one
6 hundred dollars shall be collected on each commercial salmon fishery
7 license, each salmon delivery license, and each salmon charter license
8 sold in the state. The sum of two hundred thousand dollars shall be
9 taken from the department's egg and carcass sales and deposited
10 annually into the dedicated regional fisheries enhancement group
11 account. The department shall study methods for collecting and making
12 available, an annual list, including names and addresses, of all
13 persons who obtain recreational and commercial salmon fishing licenses.
14 This list may be used to assist formation of the regional fisheries
15 enhancement groups and allow the broadest participation of license
16 holders in enhancement efforts. The results of the study shall be
17 reported to the house of representatives fisheries and wildlife
18 committee and the senate environment and natural resources committee by
19 October 1, 1990. All receipts shall be placed in the regional
20 fisheries enhancement group account and shall be used exclusively for
21 regional fisheries enhancement group projects for the purposes of RCW
22 75.50.110. Funds from the regional fisheries enhancement group account
23 shall not serve as replacement funding for department operated salmon
24 projects that exist on January 1, 1991.

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

30 NEW SECTION. **Sec. 15.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 16.** Sections 2 through 8 and 10 are each added
35 to chapter 75.50 RCW.

1 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

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