

HOUSE BILL REPORT

ESSB 6120

As Reported By House Committee On:
Fisheries & Wildlife

Title: An act relating to salmon enhancement by cooperative groups and regional fisheries enhancement groups.

Brief Description: Concerning fisheries enhancement.

Sponsors: Senate Committee on Natural Resources (originally sponsored by Senators Hargrove, Owen, Oke, Haugen, L. Smith, Erwin, Snyder and Winsley).

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 25, 1994, DPA.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass as amended. Signed by 9 members: Representatives King, Chair; Orr, Vice Chair; Fuhrman, Ranking Minority Member; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Quall and Scott.

Staff: Keitlyn Watson (786-7310).

Background:

Cooperative Projects and Regional Fisheries Enhancement Groups

Cooperative fish and wildlife enhancement projects were authorized by the 1984 Legislature. Regional fisheries enhancement groups were authorized by the Legislature in 1989. There are currently hundreds of cooperative projects and 12 regional enhancement groups throughout the state. The Department of Fisheries (WDF) currently has 5.75 FTEs dedicated to the regional fisheries enhancement groups and cooperative projects.

Funding for regional fisheries enhancement groups is derived from a surcharge on sport and commercial salmon licenses and is placed into a dedicated account to fund regional fisheries enhancement group projects. Funds in the Aquatic Lands Enhancement Account, which are derived from sale of state-owned aquatic lands and associated valuable materials, are dedicated to aquatic lands enhancement projects,

improving access to such lands, and for volunteer cooperative fish and game projects. During the current biennium, funds may be used for shellfish management, enforcement and enhancement and for restoration of native wild salmon stocks.

The WDF currently provides assistance to regional enhancement groups and cooperative projects in the form of technical assistance and materials, including eggs and fry. These eggs or fry are surplus to those needed to maintain genetic viability of hatchery broodstock. Eggs are also allocated to other state projects and to tribal projects. Generally, the number of broodstock is managed to ensure that genetic viability of stocks and egg needs of other projects are met. If there is a surplus of eggs over that needed to achieve these goals, they may be sold by the WDF. All cooperative projects and regional fisheries enhancement group projects are subject to agency approval.

Department of Natural Resources Stewardship Program

The Department of Natural Resources manages, with federal funds, a Stewardship Incentive Program which allows the department to develop forest management plans for and provide technical assistance to nonindustrial private landowners, consistent with the landowner's goals. These plans may include fish and wildlife, but federal funds may not be used for actual enhancement or for industrial private landowners.

Environmental Permits for Fish Enhancement Projects

A number of permits may be required for enhancement projects, such as a shoreline permit, hydraulic project approval, a water right permit or a wastewater discharge permit. Some permits, such as the water right permit, require that the project proponent pay fees.

Summary of Amended Bill: The Department of Fish and Wildlife is directed to inform all regional fisheries enhancement groups of any closures or proposed closures of salmon enhancement facilities owned by the department.

The department must strive to provide eggs and fry requested by cooperative groups and regional fisheries enhancement groups after needs of state-operated and tribally-operated facilities have been met. The department shall not sell eggs if there is a request for eggs from one of these groups that could be filled. If suitable eggs are not available, the department must make every effort to make alternate eggs available.

Beginning June 1, 1995, the department is directed to make efforts, consistent with its wild stock salmonid policy, to administer the regional fisheries enhancement group program and the cooperative projects program fairly and consistently statewide.

If federal funds for watershed restoration become available to the Department of Natural Resources (DNR) this biennium, the DNR is directed to develop a public and private land habitat improvement program for the purposes of increasing rearing habitat for anadromous fish.

The House Committee on Fisheries and Wildlife, and the Senate Committee on Natural Resources, are jointly required to develop legislative proposals for the 1995 legislative session that will authorize state agencies, cooperative groups and regional fisheries enhancement groups to obtain all necessary state and local permits for their fish enhancement projects at no cost.

If federal funds become available to the Department of Fish and Wildlife for watershed restoration during this biennium, the department shall use \$258,000 of such funds to pay for adequate field staff to assist the regional fisheries enhancement groups and cooperative groups.

The bill takes effect July 1, 1994.

Amended Bill Compared to Engrossed Substitute Bill: The amendment deletes a prohibition on diverting from their express purposes, funds for regional fisheries enhancement groups, enhancement funds or funds in the aquatic lands enhancement account.

A provision that the Department of Fish and Wildlife approve salmon enhancement projects on a consistent basis throughout the state, and that a consistent policy be developed, is replaced with a provision requiring the Department of Fish and Wildlife to make efforts, consistent with its wild stock salmonid policy, to administer the cooperative projects program and the regional fisheries enhancement groups program with consistency and fairness statewide.

The amendment removes the requirement that the Department of Fish and Wildlife reassign one employee from another program to provide staff support for regional fisheries enhancement groups, and replaces it with a requirement to use \$258,000 to assist the regional fisheries enhancement groups and the cooperative groups, if federal funds are made available to the department for watershed restoration.

The amendment removes the requirement that the Department of Fish and Wildlife provide for a specified number of salmon eggs for cooperative groups and regional enhancement groups in its negotiations for escapement goals.

The amendment removes an exemption from the permitting requirements of the Shoreline Management Act for fish enhancement projects.

A requirement is deleted that the Department of Fish and Wildlife's goal be defined as increasing salmon resources at every available opportunity.

The House Committee on Fisheries and Wildlife and Senate Committee on Natural Resources, rather than the Department of Ecology, are directed to develop legislative proposals on permits at no charge for fish enhancement projects, for the 1995 legislative session.

The amendment removes a requirement for the Department of Transportation to consult with the Department of Fish and Wildlife in developing proposals to expedite the removal of impediments to anadromous fish passage caused by DOT roads.

The Department of Natural Resources' habitat improvement program is made conditional on the availability of federal funds for watershed restoration.

The amendment removes habitat incentive agreement provisions authorized for the Department of Fish and Wildlife and requires that the department study fish enhancement incentive methods and report to the Legislature by December 31, 1994.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect July 1, 1994.

Testimony For: (on both engrossed substitute bill and amendment) The regional fisheries enhancement groups and cooperative groups do important work, and fish and habitat enhancement should be encouraged. **Concerns:** (on engrossed substitute bill) Egg distribution requirements in section 7 are counter to current expectations of commercial fisheries and tribal governments. In years of low egg take, the bill's requirements would prevent maximum production. The bill requires supplementation, a scientifically questionable management practice. Private property owners should be consulted in developing the Department of Natural Resources' habitat improvement program. The habitat incentives program in section 11 contains conflicting language, and might

impact existing agreements between tribes and private property owners. The bill's requirements might not be consistent with the wild stock recovery policy currently being developed. Exemptions from the Shoreline Management Act permit requirements could allow inappropriate development. Language directing the Department of Ecology to produce legislative proposals for exempting fisheries enhancement projects from permitting requirements is unclear.

Testimony Against: None.

Witnesses: Don Stuart, Salmon for Washington (pro, with concerns); Mitch Friedman, Greater Ecosystem Alliance (pro, with concerns); Kent Lebsack, Washington Cattlemen's Association (pro, with concerns); Ed Manary, Department of Fisheries (pro, with concerns); Jay Shepherd, Department of Ecology (concerns); Roger Atwood, Washington Trollers (pro, with concerns); Dawn Vyvyan, Skagit System Co-op/Yakima Nation (pro, with concerns); Jeff Parsons, National Audubon Society (pro, with concerns); Joe La Tourette, Washington Wildlife Federation (pro, with concerns); Tim Boyd, Washington Forest Protection Association (pro); and Barbara Lindsay, Northwest Sportfishing Industry Association (pro).