

HOUSE BILL ANALYSIS

HB 2040

Title: An act relating to a pilot program for the protection of salmon spawning beds.

Brief Description: Creating a pilot program for the protection of salmon spawning beds.

Sponsors: Representatives Poulsen, Constantine, Quall, Romero, Schual-Berke, Wolfe and Keiser.

HOUSE COMMITTEE ON NATURAL RESOURCES

Meeting Date: February 24, 1999

Bill Analysis Prepared by: Carole Richmond, Analyst (786-7114)

Background: Several species of salmonids are about to be listed as threatened or endangered under the federal Endangered Species Act. Salmonids are subject to multiple mortality factors in the course of their journey from freshwater spawning beds to the ocean and back. A salmon recovery strategy has been developed by the Governor's office that addresses these various factors of mortality. One cause of mortality is the physical destruction or disturbance of salmonid spawning beds during critical phases of salmonid development.

Under the federal Endangered Species Act, the take— of listed species is prohibited. The term take— means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.— Harm— has been interpreted by the U.S. Fish and Wildlife Service as an act which actually kills or injures wildlife, and may include acts that result in significant habitat modification or degradation which, in turn, results in killing or injuring wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering. Penalties for violations of the Act's various prohibitions differ depending on whether the violation concerns a threatened or endangered species, the violator's state of knowledge, and for some purposes, the violator's business.

Summary of Bill: A pilot program is created to prohibit activities that harm or disturb the spawning beds of salmon or other fish on the Skagit River. The Department of Fish and Wildlife is required to post all tributaries and the main stems of the Skagit River with signs that advise of the prohibitions and warn that a violation of the provision is an infraction subject to penalties of not less than \$100 per violation. The department is also required to disseminate brochures in retail outlets in Skagit County that cater to outdoor

recreation and to persons applying for fishing and boating licenses. The department is directed to work cooperatively with the tribal co-managers for Skagit River resources in implementing the requirements of this section.

The pilot project terminates July 1, 2008, to allow for two generations of salmonids, depending upon the species, to return to spawn. The department is required to report to the Legislature by December 31, 2008, on whether there is an increase in salmon numbers that can be attributed solely to the implementation of the pilot project.

Appropriation: None.

Fiscal Note: Requested February 15, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.