

VETO MESSAGE ON HB 1286-S

May 15, 2001

To the Honorable Speakers and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Engrossed Substitute House Bill No. 1286 entitled:

"AN ACT Relating to the use of viable salmon eggs;"

Engrossed Substitute House Bill No. 1286 provides direction and priorities to the Department of Fish and Wildlife (WDFW) and the Fish and Wildlife Commission regarding the use of surplus salmon eggs.

Although I have approved the majority of this bill, I do have concerns about how it may be implemented.

Section 4 of the bill directs the Commission to issue rules allowing more hatchery salmon to spawn naturally in the state's watersheds. In view of the significant concerns and uncertainties surrounding the interaction between hatchery and wild salmon, the Commission should take into account the recommendations of the federal agencies with jurisdiction over this issue, namely the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

Nothing in this legislation infringes on WDFW's co-management responsibilities with the tribes. I anticipate that any rules will comply with WDFW's Hatchery Genetic Management Plans, satisfying the requirements of the Endangered Species Act and the goal of wild fish recovery. I also expect the state and tribes to continue to improve hatchery practices and to develop recommendations consistent with the findings of the Hatchery Scientific Review Group.

Although hatcheries currently, and in the future, will play an important role in the recovery of wild salmon populations, they are not a substitute for the protection and restoration of habitat and reform of our state water code. Wild salmon will not recover without our addressing habitat, hatcheries, harvest and hydropower.

I also note that there is a technical conflict in the priorities for the distribution of surplus eggs in section 1 of the bill and existing law (RCW 77.100.060(3)). I ask that the WDFW work with the legislature to address this issue.

Section 6 of this bill is an emergency clause. My discussions with WDFW indicate that this provision is not necessary and that the development of the appropriate rule package will take some time.

For these reasons, I have vetoed section 6 of Engrossed Substitute House Bill No. 1286.

With the exception of section 6, Engrossed Substitute House Bill No. 1286 is approved.

Respectfully submitted,
Gary Locke
Governor