

1286-S

Sponsor(s): House Committee on Natural Resources (originally sponsored by Representatives Lisk, Grant, Sump, Cox, Doumit, G. Chandler, Mulliken, Mielke, Clements, Lambert, Hankins, Pflug, Dunn, B. Chandler, Buck, Cairnes, Pennington, Boldt, Hatfield, Delvin, Armstrong, Skinner, Alexander, Kessler, Pearson, D. Schmidt, Anderson, Rockefeller and Esser)

Brief Description: Providing hatchery origin salmon eggs in order to replenish fish runs.

HB 1286-S.E - DIGEST

(DIGEST AS ENACTED)

Provides that the department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department or federally approved tribes in Washington, for replenishing fish runs.

Declares that eggs deemed surplus by the state must be provided, in the following order of priority, to:

(1) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(2) Regional fisheries enhancement group salmon culture programs under the supervision of the department under this chapter;

(3) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW;

(4) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW; and

(5) Governmental hatcheries in Washington, Oregon, and Idaho.

The order of priority established in this section for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

Requires the department to make viable eggs available for replenishing fish runs, and salmon carcasses for nutrient enhancement of streams. If a regional fisheries enhancement group, lead entity, volunteer cooperative group, federally approved tribe in Washington, or a governmental hatchery in Washington, Oregon, or Idaho requests the department for viable eggs, the department must include the request within the brood stock document prepared for review by the regional offices. The eggs shall be distributed in accordance with the priority established in RCW 77.95.210 if they are available. A request for viable eggs may only be denied if the eggs would not be useful for propagation or salmon recovery purposes, as determined under RCW 77.95.210.

Requires the department to conduct annual workshops in each administrative region of the department that has fish stocks listed as threatened or endangered under the federal endangered species act, 16 U.S.C. Sec. 1531 et seq., in order to assist volunteer groups with egg rearing, share information on successful salmon

recovery projects accomplished by volunteers within the state, and provide basic training on monitoring efforts that can be accomplished by volunteers in order to help determine if their efforts are successful.

Requires the rules to identify and implement appropriate protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing, and release and establish a prioritized schedule for implementation of this act, and shall include directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, including the outplanting of adult fish, in order to increase the number of viable salmon eggs and restore healthy number of fish within the state.

Requires the department to prepare an annual surplus salmon report. This report shall include the disposition of adult salmonids that have returned to salmonid hatchery facilities operated under the jurisdiction of the state that: (1) Have not been harvested; and

(2) Were not allowed to escape for natural spawning.

Requires the report to include by species, the number and estimated weight of surplus salmon and steelhead and a description of the disposition of the adult carcasses including, but not limited to, the following categories: (1) Disposed in landfills;

(2) Transferred to another government agency for reproductive purposes;

(3) Sold to contract buyers in the round;

(4) Sold to contract buyers after spawning;

(5) Transferred to Native American tribes;

(6) Donated to food banks; and

(7) Used in stream nutrient enrichment programs.

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