
SUBSTITUTE HOUSE BILL 1951

State of Washington 61st Legislature 2009 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams, and Van De Wege)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to creating a program for public-private
2 partnerships for the operation and management of salmonid hatcheries
3 now closed or scheduled for closure by the department of fish and
4 wildlife during the 2009-2011 biennium; adding a new section to chapter
5 77.95 RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature finds: (1) The full
8 utilization of state salmonid hatcheries is vital to the recreational
9 and commercial fisheries and related economic development and
10 employment; and (2) effective measures are necessary to maintain all
11 hatchery operations that are consistent with conservation of wild
12 salmon populations and support sustainable fisheries.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.95 RCW
14 to read as follows:

15 (1) The department shall establish a program that utilizes public-
16 private partnerships for the resumption or continued operation and
17 management of state-owned salmonid hatcheries now closed or scheduled
18 for closure during the 2009-2011 biennium. To implement the program,

1 the department shall accept and review applications to determine the
2 appropriateness of the private sector partners to manage and operate
3 selected salmonid hatcheries. The department shall accelerate the
4 application process relating to any hatchery currently in operation to
5 avoid cessation of ongoing salmon production.

6 (2) When selecting private sector partners for approval, the
7 department shall develop and apply criteria identifying the
8 appropriateness of a potential partner. The criteria must attempt to
9 ensure that the private sector partner has a long-range business plan,
10 which may include a special harvest of hatchery salmon to ensure the
11 long-range future solvency of the partnership. If the partnership
12 agreement entered into under this section is for a period greater than
13 twenty-four months, then the criteria developed under this subsection
14 must include a provision requiring the private sector partner to be
15 qualified under section 501(c)(3) of the internal revenue code, or meet
16 an equivalent level of organizational legitimacy.

17 (3) The department shall prioritize partnership applications that
18 provide for the maximum resumption or continuation of existing hatchery
19 production.

20 (4) The department shall maintain full authority and oversight of
21 the selected hatcheries. Partnership agreements entered into with
22 private sector partners under this section may not adversely affect
23 existing state laws, agency rules, hatchery management policy involving
24 species listed under the federal endangered species act, or any
25 applicable tribal hatchery management policy.

26 (5) All partnership agreements entered into under this section must
27 contain a provision that requires the private sector partner to hold
28 harmless the department and the state for any civil liability arising
29 from the private sector partner's participation in the agreement or
30 activities at the subject hatchery or hatcheries.

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