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HOUSE BILL 2881

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Finn, Wallace, and Kagi

Read first time 01/15/10. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to maximizing the value from the sale of surplus  
2 salmon from state hatcheries; amending RCW 77.12.451, 77.95.090, and  
3 77.04.160; adding a new section to chapter 77.95 RCW; and creating a  
4 new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that there is an  
7 opportunity to increase the financial and environmental value of  
8 surplus salmon returning to the state's hatcheries. A recent pilot  
9 project using surplus salmon at the Bingham creek hatchery conducted by  
10 the Hood Canal salmon enhancement group in coordination with the  
11 Chehalis Basin task force demonstrated that more financial value could  
12 be realized from surplus salmon than is currently being realized by the  
13 department of fish and wildlife. In addition, the regional fisheries  
14 enhancement group proposes to use salmon not fit for human consumption  
15 more effectively in adding nutrients to individual watersheds.

16 **Sec. 2.** RCW 77.12.451 and 1990 c 36 s 1 are each amended to read  
17 as follows:

1 (1) The director may take or remove any species of fish or  
2 shellfish from the waters or beaches of the state.

3 (2) The director may sell food fish or shellfish caught or taken  
4 during department test fishing operations.

5 (3) The director (~~((shall not sell inedible salmon for human  
6 consumption.))~~) may give salmon and carcasses (~~((may be given))~~) to state  
7 institutions or schools or to economically depressed people, unless the  
8 salmon are unfit for human consumption. (~~((Salmon not fit for human  
9 consumption may be sold by the director for animal food, fish food, or  
10 for industrial purposes.))~~)

11 (4) (~~((In the sale of))~~) (a) The director may sell surplus salmon  
12 from state hatcheries, including eggs and carcasses. Prior to selling  
13 surplus salmon, the director must first provide an opportunity for a  
14 regional fisheries enhancement group, or a coalition of regional  
15 fisheries enhancement groups, to utilize the surplus salmon pursuant to  
16 a memorandum of understanding entered into under the provisions of  
17 section 3 of this act.

18 (b) All profits from the sale of surplus salmon must be deposited  
19 into the regional fisheries enhancement group account created in RCW  
20 77.95.090.

21 (c) The (~~((division of purchasing shall))~~) director may require that  
22 a portion of the surplus salmon, either sold or subject to a memorandum  
23 of understanding under section 3 of this act, be processed and returned  
24 to the state by the purchaser or memorandum signatory. The processed  
25 salmon (~~((shall))~~) must be fit for human consumption and in a form  
26 suitable for distribution to individuals. The (~~((division of~~  
27 ~~purchasing))~~) director shall establish the required percentage at a  
28 level that does not discourage competitive bidding for the surplus  
29 salmon. The measure of the percentage is the combined value of all of  
30 the surplus salmon sold. The department of social and health services  
31 shall distribute the processed salmon to economically depressed  
32 individuals and state institutions pursuant to rules adopted by the  
33 department of social and health services.

34 (d) The director may not sell inedible salmon for human  
35 consumption. However, the director may sell salmon not fit for human  
36 consumption for animal food, fish food, watershed nutrient enhancement,  
37 or for industrial purposes pursuant to this subsection (4).

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 77.95 RCW  
2 to read as follows:

3        (1) A regional fisheries enhancement group constituted under this  
4 chapter may enter into a memorandum of understanding with the  
5 department that allows the regional fisheries enhancement group to  
6 facilitate and provide oversight in the collection and disposition of  
7 all excess state contracted hatchery return salmon. The memorandum of  
8 understanding may be executed with a single regional fisheries  
9 enhancement group or a coalition of regional fisheries enhancement  
10 groups.

11        (2) Once executed, the department must provide all surplus salmon,  
12 including carcasses and eggs, from the state hatcheries subject to the  
13 memorandum of understanding to the memorandum's signatories. The  
14 signatories must utilize the surplus salmon in a manner that most  
15 efficiently increases base funds for regional fisheries enhancement  
16 groups and programs, and assist in the offset operation and maintenance  
17 costs at dedicated hatchery facilities, maximizes nutrient enhancement  
18 opportunities, and increases the value of donations to state food bank  
19 distribution centers.

20        (3) Any net revenue derived from execution of a memorandum of  
21 understanding entered into under this section must be deposited into  
22 the regional fisheries enhancement group account created in RCW  
23 77.95.090 for use by the regional fisheries enhancement group or groups  
24 that are signatories to the memorandum of understanding.

25        **Sec. 4.**    RCW 77.95.090 and 2009 c 340 s 4 are each amended to read  
26 as follows:

27        (1) The dedicated regional fisheries enhancement group account is  
28 created in the custody of the state treasurer. Only the commission or  
29 the commission's designee may authorize expenditures from the account.  
30 The account is subject to allotment procedures under chapter 43.88 RCW,  
31 but no appropriation is required for expenditures.

32        (2) A portion of each recreational fishing license fee shall be  
33 used as provided in RCW 77.32.440. A surcharge of one hundred dollars  
34 shall be collected on each commercial salmon fishery license, each  
35 salmon delivery license, and each salmon charter license sold in the  
36 state. All receipts shall be placed in the regional fisheries  
37 enhancement group account and shall be used exclusively for regional

1 fisheries enhancement group projects for the purposes of RCW 77.95.110.  
2 Except as provided in RCW 77.95.320, funds from the regional fisheries  
3 enhancement group account shall not serve as replacement funding for  
4 department operated salmon projects that exist on January 1, 1991.

5 (3) All revenue from the ((department's)) sale of salmon carcasses  
6 and eggs, either directly through sale by the department or under the  
7 terms of a memorandum of understanding entered into under section 3 of  
8 this act, that return to group facilities shall be deposited in the  
9 regional fisheries enhancement group account for use by the regional  
10 fisheries enhancement group that produced the surplus or were  
11 signatories to the memorandum of understanding. The commission shall  
12 adopt rules to implement this section pursuant to chapter 34.05 RCW.

13 **Sec. 5.** RCW 77.04.160 and 2001 c 337 s 5 are each amended to read  
14 as follows:

15 (1) The department shall prepare an annual surplus salmon report.  
16 This report shall include the disposition of adult salmonids that have  
17 returned to salmonid hatchery facilities operated under the  
18 jurisdiction of the state that:

19 (a) Have not been harvested; and

20 (b) Were not allowed to escape for natural spawning.

21 (2) The report shall include, by species, the number and estimated  
22 weight of surplus salmon and steelhead and a description of the  
23 disposition of the adult carcasses including, but not limited to, the  
24 following categories:

25 (a) Disposed in landfills;

26 (b) Transferred to another government agency for reproductive  
27 purposes;

28 (c) Sold to contract buyers in the round;

29 (d) Sold to contract buyers after spawning;

30 (e) Included in a memorandum of understanding entered into under  
31 section 3 of this act;

32 (f) Transferred to Native American tribes;

33 ((+f)) (g) Donated to food banks; and

34 ((+g)) (h) Used in stream nutrient enrichment programs.

35 (3) The report shall also include, by species, information on the  
36 number of requests for viable salmon eggs, the number of these requests

1 that were granted and the number that were denied, the geographic areas  
2 for which these requests were granted or denied, and a brief  
3 explanation given for each denial of a request for viable salmon eggs.

4 (4) The report shall be included in the biennial (~~state of the~~  
5 ~~salmon~~) report required by RCW 77.85.020 and other similar state  
6 reports on salmon.

7 (5) The report shall include an assessment of the infrastructure  
8 needs and facility modifications necessary to implement chapter 337,  
9 Laws of 2001.

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