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**SUBSTITUTE HOUSE BILL 2650**

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**State of Washington**                      **62nd Legislature**                      **2012 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives McCune and Blake)

READ FIRST TIME 01/31/12.

1            AN ACT Relating to state and private partnerships for managing  
2 salmonid hatcheries; and amending RCW 77.95.320.

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

4            **Sec. 1.** RCW 77.95.320 and 2009 c 340 s 2 are each amended to read  
5 as follows:

6            (1) The department shall establish a program that utilizes  
7 department-partner agreements for the resumption or continued operation  
8 and management of state-owned salmonid hatcheries (~~((now closed or~~  
9 ~~scheduled for closure during the 2009-2011 biennium))~~). To implement  
10 the program, the department shall accept and review applications to  
11 determine the appropriateness of the partner to manage and operate  
12 selected salmonid hatcheries. The department shall accelerate the  
13 application process relating to any hatchery currently in operation to  
14 avoid cessation of ongoing salmon production.

15            (2)(a) To select a partner, the department shall develop and apply  
16 criteria identifying the appropriateness of a potential partner. The  
17 criteria must seek to ensure that the partner has a long-range business  
18 plan, which may include the sale of hatchery surplus salmon, including  
19 eggs and carcasses, to ensure the long-range future solvency of the

1 partnership. The business plan may also allow the partner to harvest  
2 hatchery salmon in a designated area through persons under contract  
3 with the partner as provided under a permit from the department or by  
4 rule of the commission. All salmon harvested must be sold at prices  
5 commensurate with the current market and all funds must be utilized by  
6 the partner to operate the hatchery.

7 (b) Partners under this section must be:

8 (i) Qualified under section 501(c)(3) of the internal revenue code;

9 (ii) A for-profit private entity; or

10 (iii) A federally recognized tribe.

11 (3) The department shall place a higher priority on applications  
12 from partners that provide for the maximum resumption or continuation  
13 of existing hatchery production in a manner consistent with the mandate  
14 contained in RCW 77.04.012 to maintain the economic well-being and  
15 stability of the fishing industry.

16 (4) Agreements entered into with partners under this section must  
17 be consistent with existing state laws, agency rules, collective  
18 bargaining agreements, hatchery management policy involving species  
19 listed under the federal endangered species act, or, in the case of a  
20 tribal partner, any applicable tribal hatchery management policy or  
21 recreational and commercial harvest policy. Agreements under this  
22 section must also require that partners conducting hatchery operations  
23 maintain staff with comparable qualifications to those identified in  
24 the class specifications for the department's fish hatchery personnel.

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

30 (6) All partnership agreements entered into under this section must  
31 identify any maintenance or improvements to be made to the hatchery  
32 facility, and the source of funding for such maintenance or  
33 improvements. If funding for the maintenance or improvements is to  
34 come from state funds or revenue sources previously received by the  
35 department, the work must be performed either by employees in the  
36 classified service or in compliance with the contracting procedures set

1 forth in RCW 41.06.142.

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