

FINAL BILL REPORT

SHB 1071

C 93 L 13
Synopsis as Enacted

Brief Description: Regarding state and private partnerships for managing salmonid hatcheries.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Chandler).

House Committee on Agriculture & Natural Resources
Senate Committee on Natural Resources & Parks

Background:

The Washington Department of Fish and Wildlife (WDFW) operates fish hatcheries throughout the state. Seven salmon hatcheries were proposed for closure in the Governor's 2009-2011 Operating Budget: Colville, Omak, Arlington, Mossyrock, McKernan, Bellingham, and Palmer Ponds hatcheries.

The WDFW may use agreements with private sector partners for the continued operation and management of state-owned salmon hatcheries that were closed as of 2009 or scheduled for closure during the 2009-2011 biennium. The WDFW must accept and review applications from potential partners to manage and operate selected salmon hatcheries.

The WDFW must apply criteria identifying the appropriateness of a potential partner. The criteria must attempt to ensure that the partner has a long-range business plan, which may include the sale of hatchery surplus salmon, including eggs and carcasses, to ensure the long-range future solvency of the partnership. Partners must be: (1) qualified under section 501(c)(3) of the Internal Revenue Code; (2) a for-profit private entity; or (3) a federally recognized tribe.

All partnership agreements must be consistent with existing state laws, agency rules, collective bargaining agreements, hatchery management policy involving species listed under the Federal Endangered Species Act, or, in the case of a tribal partner, any applicable tribal hatchery management policy or recreational and commercial harvest policy. In addition, all partnership agreements must require that partners conducting hatchery operations maintain staff with comparable qualifications to those identified in the class specifications for the WDFW's fish hatchery personnel. Finally, all partnership agreements must contain a

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

provision requiring the partner to hold the WDFW and the state harmless from any civil liability arising from the partner's participation in the agreement.

All partnership agreements must identify any maintenance or improvements to be made to the hatchery facility, as well as the source of funding for such maintenance or improvements. If the funding is derived from state funds or revenue sources previously received by the WDFW, the work must be performed either by employees in the classified service or in compliance with state contracting procedures.

Summary:

The limitation on agreements between the Washington Department of Fish and Wildlife (WDFW) and private sector partners to resume or continue a salmon hatchery operation that makes the agreements applicable only to hatcheries that were closed in 2009 or slated for closure in the 2009-2011 biennium is changed. Partnership agreements are limited to hatcheries located within the Hood Canal basin. In addition, private sector hatchery partners operating chum salmon hatcheries may, under permit from the WDFW, harvest some of the hatchery fish for sale. Any sale proceeds must be reinvested into the hatchery. All hatchery partnerships going forward are given direction to prioritize the retention of classified employees and to operate consistently with federally recognized treaty rights.

The WDFW must submit a report to the Legislature on the hatchery partnership program.

Votes on Final Passage:

House	95	0
Senate	48	0

Effective: July 28, 2013