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**SUBSTITUTE SENATE BILL 5543**

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**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Hatfield and Shin)

READ FIRST TIME 02/22/13.

1       AN ACT Relating to state and private partnerships for managing  
2 salmonid hatcheries; amending RCW 77.95.320; creating a new section;  
3 and providing an expiration date.

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

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

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

17       (2)(a) To select a partner, the department shall develop and apply  
18 criteria identifying the appropriateness of a potential partner. The  
19 criteria must seek to ensure that the partner has a long-range business

1 plan, which may include the sale of hatchery surplus salmon, including  
2 eggs and carcasses, to ensure the long-range future solvency of the  
3 partnership. The business plan may also allow the partner to harvest  
4 hatchery chum salmon in a designated area through persons under  
5 contract with the partner as provided under a permit from the  
6 department or by rule of the commission. All chum salmon harvested  
7 must be sold at prices commensurate with the current market and all  
8 funds must be utilized by the partner to operate the hatchery.

9 (b) Partners under this section must be:

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

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

12 (iii) A federally recognized tribe.

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

18 (4)(a) Agreements entered into with partners under this section  
19 must be consistent with existing federally recognized tribal rights,  
20 state laws, agency rules, collective bargaining agreements, hatchery  
21 management policy involving species listed under the federal endangered  
22 species act, or, in the case of a tribal partner, any applicable tribal  
23 hatchery management policy or recreational and commercial harvest  
24 policy.

25 (b) Agreements under this section must also require that partners  
26 give preference to retaining classified employees whenever possible.  
27 In circumstances where it is not possible, partners conducting hatchery  
28 operations must maintain staff with comparable qualifications to those  
29 identified in the class specifications for the department's fish  
30 hatchery personnel.

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

36 (6) All partnership agreements entered into under this section must  
37 identify any maintenance or improvements to be made to the hatchery  
38 facility, and the source of funding for such maintenance or

1 improvements. If funding for the maintenance or improvements is to  
2 come from state funds or revenue sources previously received by the  
3 department, the work must be performed either by employees in the  
4 classified service or in compliance with the contracting procedures set  
5 forth in RCW 41.06.142.

6 NEW SECTION. **Sec. 2.** (1) The department of fish and wildlife  
7 shall prepare and submit a report to the legislature summarizing any  
8 actions taken in the implementation of RCW 77.95.320, including the  
9 types and number of fish released, lessons learned, and suggestions for  
10 future program refinement.

11 (2) The report required by this section must be submitted  
12 consistent with RCW 43.01.036 by October 31, 2016.

13 (3) This section expires July 31, 2017.

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