

SENATE BILL REPORT

SJM 8007

As Reported by Senate Committee On:
Natural Resources & Parks, February 11, 2015

Brief Description: Requesting Congress to provide the National Oceanic and Atmospheric Administration fisheries with sufficient resources to expedite review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration fisheries prioritize and conduct immediate review and approval of these plans. [**Revised for 1st Substitute:** Requesting Congress to provide the National Oceanic and Atmospheric Administration Fisheries with sufficient resources to expedite its endangered species act and national environmental policy act review of Puget Sound hatchery and genetic management plans and that the National Oceanic and Atmospheric Administration Fisheries prioritize and conduct immediate review and approval of Puget Sound hatchery and genetic management plans.]

Sponsors: Senators Pearson, Hatfield, Hewitt, Chase, McAuliffe, Dandel and Warnick.

Brief History:

Committee Activity: Natural Resources & Parks: 2/05/15, 2/11/15 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Joint Memorial No. 8007 be substituted therefor, and the substitute joint memorial do pass.

Signed by Senators Pearson, Chair; Dandel, Vice Chair; Hatfield, Ranking Minority Member; Chase, Hewitt, McAuliffe and Warnick.

Staff: Bonnie Kim (786-7316)

Background: The Washington Department of Fish and Wildlife (WDFW). WDFW protects and manages the state's fish and wildlife resources. WDFW operates approximately 80 hatchery facilities throughout the state, with about 75 percent of facilities raising salmon or steelhead and 25 percent rearing trout and other game fish.

The Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA). Salmon and steelhead hatchery programs operating in regions with ESA-listed populations must be evaluated and permitted through the federal government to ensure consistency with both the ESA and NEPA. The National Oceanic and Atmospheric Administration (NOAA) Fisheries Service oversees the ESA and NEPA-compliance reviews for salmon and steelhead.

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.

The ESA provides different permitting processes depending on the hatchery operator and the federal listing designation.

Hatchery and Genetic Management Plans (HGMPs). HGMPs are technical documents that describe the composition and operation of each hatchery program. The primary goal of an HGMP is to describe biologically based artificial propagation management strategies that ensure the conservation and recovery of ESA-listed salmon and steelhead populations.

NOAA Fisheries uses the information provided by HGMPs to evaluate impacts on ESA-listed salmon and steelhead species. Completed HGMPs may also be used for regional fish production and management planning by federal, state, and tribal resource managers.

Between 2002 and 2005, WDFW submitted more than 100 draft HGMPs to NOAA Fisheries. WDFW is currently consulting with NOAA Fisheries to finalize the HGMPs for its Puget Sound and Columbia River Basin hatchery operations. NOAA Fisheries released a draft Puget Sound environment impact statement in July 2014. Opportunity for public comments on the draft statement closes on January 23, 2015.

Summary of Bill (Recommended Substitute): The Joint Memorial requests that the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives of the United States, and the Administrator of the National Oceanic and Atmospheric Administration provide NOAA Fisheries sufficient resources to expedite review of Puget Sound HGMPs and that NOAA Fisheries prioritize and conduct immediate review and approval of Puget Sound HGMPs.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute): Adds that NOAA Fisheries has also designated certain salmon and steelhead species as threatened; adds that HGMP approval results in an exemption from the ESA's take prohibition; clarifies that WDFW has submitted more than 60 Puget Sound HGMPs to NOAA Fisheries; adds that NOAA Fisheries' review requires consideration under both the ESA and NEPA; and estimates that review and approval of all submitted HGMPs may take 30 months.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Staff Summary of Public Testimony on Original Bill: PRO: This committee had a work session in July 2014 because of a potential lawsuit wherein WDFW had to settle and shut down a hatchery. We are not protected from future lawsuits. WDFW supports this bill. The future of the hatchery systems in Washington, Oregon, and California are in crisis because of third-party litigation and the federal government's lack of action. We are pursuing a taskforce that provides resources to all stakeholders across the HGMP backlog with the goal of getting NOAA Fisheries the resources it needs to review the HGMPs in a timely manner. The lack of HGMP approvals will result in severe hatchery reductions and people will not be able to fish.

OTHER: We have some technical changes we would like to see in the bill.

Persons Testifying: PRO: Senator Pearson, prime sponsor; Tim Thompson, CEO Thompson Consulting; Phil Anderson, citizen.

OTHER: Chris Mulick, WA State University; Dawn Vyvyan, Puyallup Tribe of Indians, Craig Engelking, Stillaguamish Tribe.