
SENATE BILL 6414

State of Washington

64th Legislature

2016 Regular Session

By Senators Rolfes, Pearson, Warnick, and Angel

Read first time 01/20/16. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to hatchery management agreements; and amending
2 RCW 77.95.320.

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

4 **Sec. 1.** RCW 77.95.320 and 2013 c 93 s 1 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
8 operation and management of state-owned salmonid hatcheries that are
9 located in the Hood Canal basin. To implement the program, the
10 department shall accept and review applications to determine the
11 appropriateness of the partner to manage and operate selected
12 salmonid hatcheries. The department shall accelerate the application
13 process relating to any hatchery currently in operation to avoid
14 cessation of ongoing salmon production.

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

1 area through persons under contract with the partner as provided
2 under a permit from the department or by rule of the commission. All
3 chum salmon harvested must be sold at prices commensurate with the
4 current market and all funds must be utilized by the partner to
5 operate the hatchery.

6 (b) Partners under this section must be:

7 (i) Qualified under section 501(c)(~~(3)~~) of the internal revenue
8 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
14 mandate contained in RCW 77.04.012 to maintain the economic well-
15 being and stability of the fishing industry.

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

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

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

34 (6) All partnership agreements entered into under this section
35 must identify any maintenance or improvements to be made to the
36 hatchery facility, and the source of funding for such maintenance or
37 improvements. If funding for the maintenance or improvements is to
38 come from state funds or revenue sources previously received by the
39 department, the work must be performed either by employees in the

1 classified service or in compliance with the contracting procedures
2 set forth in RCW 41.06.142.

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