
HOUSE BILL 2741

State of Washington

66th Legislature

2020 Regular Session

By Representatives Van Werven and Chambers

Read first time 01/20/20. Referred to Committee on Appropriations.

1 AN ACT Relating to increasing the abundance of salmonids in
2 Washington waters; amending RCW 77.95.320; and creating new sections.

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

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

6 ~~((b))~~ (ii) Partners under this section must be:

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

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

10 ~~((iii))~~ (C) A federally recognized tribe.

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

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

23 ~~((b))~~ (ii) Agreements under this section must also require that
24 partners give preference to retaining classified employees whenever
25 possible. In circumstances where it is not possible, partners
26 conducting 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))~~ (e) All partnership agreements entered into under this
30 section must contain a provision that requires the partner to hold
31 harmless the department and the state for any civil liability arising
32 from the partner's participation in the agreement or activities at
33 the subject hatchery or hatcheries.

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

3 (2)(a) Subject to the availability of amounts appropriated for
4 this specific purpose, the department shall implement a pilot program
5 to examine the opportunities and challenges, including initiating
6 consultation with federal agencies, associated with organizing the
7 state's fish hatchery activities to emulate the fish hatchery
8 policies of the state of Alaska with regard to salmon. The directive
9 provided to the department under this subsection includes the
10 authority to actively pursue opportunities for partnerships with
11 nonprofit and private organizations to build and operate state-
12 approved fish hatcheries, either independently or in cooperation with
13 the department. The objective of the directive provided to the
14 department under this subsection is to evaluate the development of a
15 system of fish hatcheries that will be financially self-supporting
16 over the long term. Specifically, the department has the authority to
17 work with a nonprofit organization devoted to restoring salmon
18 abundance within marine area 7 to determine the feasibility of a
19 pilot hatchery at the port of Bellingham's property within a
20 redevelopment area located on Bellingham's central waterfront. The
21 pilot hatchery may use remote release sites in northern Puget Sound.

22 (b) The department may enter into contracts for the purpose of
23 producing technical studies and reports necessary to carry out the
24 pilot program authorized in this section. The department must consult
25 with governments, agencies, tribes, and other similar entities as
26 appropriate for the purpose of carrying out its responsibilities
27 under this section.

28 (c) The legislature intends to appropriate additional moneys in
29 future biennia as necessary to ensure completion of the salmon
30 hatchery authorized in this section.

31 NEW SECTION. Sec. 2. The department of fish and wildlife shall
32 submit a report to the legislature that provides recommendations for
33 legislation related to the state hatchery program that would be
34 necessary, in the department's opinion, to satisfy the state's salmon
35 recovery goals in an efficient and fiscally sustainable manner,
36 including options for privatization, public-private partnerships, and
37 enhancing contributions of salmon for harvesting opportunities. The
38 report required under this section must be submitted to the
39 legislature by December 1, 2020.

1 NEW SECTION. **Sec. 3.** This act may be known and cited as the
2 salmon repopulation act.

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