
HOUSE BILL 2944

State of Washington 60th Legislature 2008 Regular Session

By Representatives Williams, O'Brien, Hasegawa, Lantz, and Nelson

Read first time 01/18/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the state's management of the Puget Sound
2 commercial salmon fishery; amending RCW 77.50.010 and 77.50.120;
3 reenacting and amending RCW 77.08.010; adding new sections to chapter
4 77.50 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.50 RCW
7 to read as follows:

8 (1) The legislature finds that the state's management of the Puget
9 Sound commercial salmon harvest policy needs to be clearly articulated
10 to reflect key public interests in local employment and support for the
11 local food economy.

12 (2) Currently, department managers are not instructed to prioritize
13 these public interests. Harvests are predominately conducted by a
14 small number of capital-intensive vessels where salmon quotas are
15 caught rapidly. Consequently, the local food economy does not obtain
16 consistent and extended access to this publicly owned natural resource
17 which is generally recognized for its healthy quality. Moreover, an
18 increasing percentage of this public resource is exported as a low
19 value, minimally processed product intended for overseas reprocessing

1 and subsequent reimportation to the United States. Seafood processing
2 employment in Washington has declined by one-fifth over the past
3 decade.

4 (3) By not prioritizing local, value-added use and consumption of
5 Puget Sound salmon the state loses taxable values and the economic
6 multiplier benefits associated with local economic activities.

7 (4) In response to these findings, department fishery managers are
8 instructed to facilitate the commercial harvest of Puget Sound salmon
9 with the Puget Sound salmon commission and prioritize management of
10 fisheries in ways which, subsequent in priority to meeting conservation
11 objectives, prioritize the state's interest in promoting local value-
12 added and processing activities, raising taxable values, and supporting
13 the local food economy of the state.

14 **Sec. 2.** RCW 77.08.010 and 2007 c 350 s 2 and 2007 c 254 s 1 are
15 each reenacted and amended to read as follows:

16 ((As used in)) The definitions in this section apply throughout
17 this title or rules adopted under this title((τ)) unless the context
18 clearly requires otherwise((÷)).

- 19 (1) "Director" means the director of fish and wildlife.
- 20 (2) "Department" means the department of fish and wildlife.
- 21 (3) "Commission" means the state fish and wildlife commission.
- 22 (4) "Person" means and includes an individual; a corporation; a
23 public or private entity or organization; a local, state, or federal
24 agency; all business organizations, including corporations and
25 partnerships; or a group of two or more individuals acting with a
26 common purpose whether acting in an individual, representative, or
27 official capacity.
- 28 (5) "Fish and wildlife officer" means a person appointed and
29 commissioned by the director, with authority to enforce this title and
30 rules adopted pursuant to this title, and other statutes as prescribed
31 by the legislature. Fish and wildlife officer includes a person
32 commissioned before June 11, 1998, as a wildlife agent or a fisheries
33 patrol officer.

34 (6) "Ex officio fish and wildlife officer" means a commissioned
35 officer of a municipal, county, state, or federal agency having as its
36 primary function the enforcement of criminal laws in general, while the
37 officer is in the appropriate jurisdiction. The term "ex officio fish

1 and wildlife officer" includes special agents of the national marine
2 fisheries service, state parks commissioned officers, United States
3 fish and wildlife special agents, department of natural resources
4 enforcement officers, and United States forest service officers, while
5 the agents and officers are within their respective jurisdictions.

6 (7) "To hunt" and its derivatives means an effort to kill, injure,
7 capture, or harass a wild animal or wild bird.

8 (8) "To trap" and its derivatives means a method of hunting using
9 devices to capture wild animals or wild birds.

10 (9) "To fish," "to harvest," and "to take," and their derivatives
11 means an effort to kill, injure, harass, or catch a fish or shellfish.

12 (10) "Open season" means those times, manners of taking, and places
13 or waters established by rule of the commission for the lawful hunting,
14 fishing, taking, or possession of game animals, game birds, game fish,
15 food fish, or shellfish that conform to the special restrictions or
16 physical descriptions established by rule of the commission or that
17 have otherwise been deemed legal to hunt, fish, take, harvest, or
18 possess by rule of the commission. "Open season" includes the first
19 and last days of the established time.

20 (11) "Closed season" means all times, manners of taking, and places
21 or waters other than those established by rule of the commission as an
22 open season. "Closed season" also means all hunting, fishing, taking,
23 or possession of game animals, game birds, game fish, food fish, or
24 shellfish that do not conform to the special restrictions or physical
25 descriptions established by rule of the commission as an open season or
26 that have not otherwise been deemed legal to hunt, fish, take, harvest,
27 or possess by rule of the commission as an open season.

28 (12) "Closed area" means a place where the hunting of some or all
29 species of wild animals or wild birds is prohibited.

30 (13) "Closed waters" means all or part of a lake, river, stream, or
31 other body of water, where fishing or harvesting is prohibited.

32 (14) "Game reserve" means a closed area where hunting for all wild
33 animals and wild birds is prohibited.

34 (15) "Bag limit" means the maximum number of game animals, game
35 birds, or game fish which may be taken, caught, killed, or possessed by
36 a person, as specified by rule of the commission for a particular
37 period of time, or as to size, sex, or species.

1 (16) "Wildlife" means all species of the animal kingdom whose
2 members exist in Washington in a wild state. This includes but is not
3 limited to mammals, birds, reptiles, amphibians, fish, and
4 invertebrates. The term "wildlife" does not include feral domestic
5 mammals, old world rats and mice of the family Muridae of the order
6 Rodentia, or those fish, shellfish, and marine invertebrates classified
7 as food fish or shellfish by the director. The term "wildlife"
8 includes all stages of development and the bodily parts of wildlife
9 members.

10 (17) "Wild animals" means those species of the class Mammalia whose
11 members exist in Washington in a wild state and the species *Rana*
12 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
13 domestic mammals or old world rats and mice of the family Muridae of
14 the order Rodentia.

15 (18) "Wild birds" means those species of the class Aves whose
16 members exist in Washington in a wild state.

17 (19) "Protected wildlife" means wildlife designated by the
18 commission that shall not be hunted or fished.

19 (20) "Endangered species" means wildlife designated by the
20 commission as seriously threatened with extinction.

21 (21) "Game animals" means wild animals that shall not be hunted
22 except as authorized by the commission.

23 (22) "Fur-bearing animals" means game animals that shall not be
24 trapped except as authorized by the commission.

25 (23) "Game birds" means wild birds that shall not be hunted except
26 as authorized by the commission.

27 (24) "Predatory birds" means wild birds that may be hunted
28 throughout the year as authorized by the commission.

29 (25) "Deleterious exotic wildlife" means species of the animal
30 kingdom not native to Washington and designated as dangerous to the
31 environment or wildlife of the state.

32 (26) "Game farm" means property on which wildlife is held or raised
33 for commercial purposes, trade, or gift. The term "game farm" does not
34 include publicly owned facilities.

35 (27) "Fish" includes all species classified as game fish or food
36 fish by statute or rule, as well as all fin fish not currently
37 classified as food fish or game fish if such species exist in state

1 waters. The term "fish" includes all stages of development and the
2 bodily parts of fish species.

3 (28) "Raffle" means an activity in which tickets bearing an
4 individual number are sold for not more than twenty-five dollars each
5 and in which a permit or permits are awarded to hunt or for access to
6 hunt big game animals or wild turkeys on the basis of a drawing from
7 the tickets by the person or persons conducting the raffle.

8 (29) "Youth" means a person fifteen years old for fishing and under
9 sixteen years old for hunting.

10 (30) "Senior" means a person seventy years old or older.

11 (31) "License year" means the period of time for which a
12 recreational license is valid. The license year begins April 1st, and
13 ends March 31st.

14 (32) "Saltwater" means those marine waters seaward of river mouths.

15 (33) "Freshwater" means all waters not defined as saltwater
16 including, but not limited to, rivers upstream of the river mouth,
17 lakes, ponds, and reservoirs.

18 (34) "State waters" means all marine waters and fresh waters within
19 ordinary high water lines and within the territorial boundaries of the
20 state.

21 (35) "Offshore waters" means marine waters of the Pacific Ocean
22 outside the territorial boundaries of the state, including the marine
23 waters of other states and countries.

24 (36) "Concurrent waters of the Columbia river" means those waters
25 of the Columbia river that coincide with the Washington-Oregon state
26 boundary.

27 (37) "Resident" means:

28 (a) A person who has maintained a permanent place of abode within
29 the state for at least ninety days immediately preceding an application
30 for a license, has established by formal evidence an intent to continue
31 residing within the state, and who is not licensed to hunt or fish as
32 a resident in another state; and

33 (b) A person age eighteen or younger who does not qualify as a
34 resident under (a) of this subsection, but who has a parent that
35 qualifies as a resident under (a) of this subsection.

36 (38) "Nonresident" means a person who has not fulfilled the
37 qualifications of a resident.

1 (39) "Shellfish" means those species of marine and freshwater
2 invertebrates that have been classified and that shall not be taken
3 except as authorized by rule of the commission. The term "shellfish"
4 includes all stages of development and the bodily parts of shellfish
5 species.

6 (40) "Commercial" means related to or connected with buying,
7 selling, or bartering.

8 (41) "To process" and its derivatives mean preparing or preserving
9 fish, wildlife, or shellfish.

10 (42) "Personal use" means for the private use of the individual
11 taking the fish or shellfish and not for sale or barter.

12 (43) "Angling gear" means a line attached to a rod and reel capable
13 of being held in hand while landing the fish or a hand-held line
14 operated without rod or reel.

15 (44) "Fishery" means the taking of one or more particular species
16 of fish or shellfish with particular gear in a particular geographical
17 area.

18 (45) "Limited-entry license" means a license subject to a license
19 limitation program established in chapter 77.70 RCW.

20 (46) "Seaweed" means marine aquatic plant species that are
21 dependent upon the marine aquatic or tidal environment, and exist in
22 either an attached or free floating form, and includes but is not
23 limited to marine aquatic plants in the classes Chlorophyta,
24 Phaeophyta, and Rhodophyta.

25 (47) "Trafficking" means offering, attempting to engage, or
26 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
27 deleterious exotic wildlife.

28 (48) "Invasive species" means a plant species or a nonnative animal
29 species that either:

30 (a) Causes or may cause displacement of, or otherwise threatens,
31 native species in their natural communities;

32 (b) Threatens or may threaten natural resources or their use in the
33 state;

34 (c) Causes or may cause economic damage to commercial or
35 recreational activities that are dependent upon state waters; or

36 (d) Threatens or harms human health.

37 (49) "Prohibited aquatic animal species" means an invasive species

1 of the animal kingdom that has been classified as a prohibited aquatic
2 animal species by the commission.

3 (50) "Regulated aquatic animal species" means a potentially
4 invasive species of the animal kingdom that has been classified as a
5 regulated aquatic animal species by the commission.

6 (51) "Unregulated aquatic animal species" means a nonnative animal
7 species that has been classified as an unregulated aquatic animal
8 species by the commission.

9 (52) "Unlisted aquatic animal species" means a nonnative animal
10 species that has not been classified as a prohibited aquatic animal
11 species, a regulated aquatic animal species, or an unregulated aquatic
12 animal species by the commission.

13 (53) "Aquatic plant species" means an emergent, submersed,
14 partially submersed, free-floating, or floating-leaving plant species
15 that grows in or near a body of water or wetland.

16 (54) "Retail-eligible species" means commercially harvested salmon,
17 crab, and sturgeon.

18 (55) "Aquatic invasive species" means any invasive, prohibited,
19 regulated, unregulated, or unlisted aquatic animal or plant species as
20 defined under subsections (48) through (53) of this section, aquatic
21 noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic
22 nuisance species as defined under RCW 77.60.130(1).

23 (56) "Recreational and commercial watercraft" includes the boat, as
24 well as equipment used to transport the boat, and any auxiliary
25 equipment such as attached or detached outboard motors.

26 (57) "Local food economy" means the locally based network of food
27 producers, processing workers, consumers, and markets. Particularly
28 important to this definition are the various local venues that connect
29 producers and consumers, such as: Farmers markets; off-boat direct
30 sales; restaurants; grocery stores; school lunch programs; and food
31 banks.

32 **Sec. 3.** RCW 77.50.010 and 2002 c 311 s 2 are each amended to read
33 as follows:

34 (1) The commission may authorize commercial fishing for sockeye
35 salmon within the waters described in subsection (2) of this section
36 only during the period June 10th to July 25th and for other salmon only

1 from the second Monday of September through November 30th, except
2 during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the
3 following Sunday.

4 (2) All waters east and south of a line commencing at a concrete
5 monument on Angeles Point in Clallam county near the mouth of the Elwha
6 River on which is inscribed "Angeles Point Monument" (latitude 48° 9'
7 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence
8 running east on a line 81° 30' true across the flashlight and bell buoy
9 off Partridge Point and thence continued to longitude 122° 40' west;
10 thence north to the southerly shore of Sinclair Island; thence along
11 the southerly shore of the island to the most easterly point of the
12 island; thence 46° true to Carter Point, the most southerly point of
13 Lummi Island; thence northwesterly along the westerly shore line of
14 Lummi Island to where the shore line intersects line of longitude 122°
15 40' west; thence north to the mainland, including: The southerly
16 portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay,
17 Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes
18 Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and
19 their inlets, passages, waters, waterways, and tributaries.

20 (3) Consistent with RCW 77.50.120, 15.65.028, and sections 1 and 5
21 of this act, the commission and department managers are instructed to
22 facilitate the commercial harvest of Puget Sound salmon with the Puget
23 Sound salmon commission and prioritize the management of fisheries in
24 ways that, after meeting conservation objectives, prioritize the
25 state's interest in promoting local value-added and processing
26 activities, raising taxable values, and supporting the local food
27 economy of the state.

28 (4) The commission may authorize commercial fishing for salmon with
29 gill net, purse seine, and other lawful gear prior to the second Monday
30 in September within the waters of Hale Passage, Bellingham Bay, Samish
31 Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk
32 Bay, to wit: Those waters northerly and easterly of a line commencing
33 at Stanwood, thence along the south shore of Skagit Bay to Rocky Point
34 on Camano Island; thence northerly to Polnell Point on Whidbey Island.

35 ((+4)) (5) Whenever the commission determines that a stock or run
36 of salmon cannot be harvested in the usual manner, and that the stock
37 or run of salmon may be in danger of being wasted and surplus to
38 natural or artificial spawning requirements, the commission may

1 authorize units of gill net and purse seine gear in any number or
2 equivalents, by time and area, to fully utilize the harvestable
3 portions of these salmon runs for the economic well being of the
4 citizens of this state. Gill net and purse seine gear other than
5 emergency and test gear authorized by the director shall not be used in
6 Lake Washington.

7 ~~((+5))~~ (6) The commission may authorize commercial fishing for
8 pink salmon in each odd-numbered year from August 1st through September
9 1st in the waters lying inside of a line commencing at the most
10 easterly point of Dungeness Spit and thence projected to Point
11 Partridge on Whidbey Island and a line commencing at Olele Point and
12 thence projected easterly to Bush Point on Whidbey Island.

13 **Sec. 4.** RCW 77.50.120 and 2001 c 163 s 1 are each amended to read
14 as follows:

15 It is the intent of the legislature to ensure that a sustainable
16 level of salmon is made available for harvest for commercial fishers in
17 the state. Maintaining consistent harvest levels has become
18 increasingly difficult with the listing of salmonid species under the
19 federal endangered species act. Without a stable level of harvest,
20 fishers cannot develop niche markets that maximize the economic value
21 of the harvest. New tools and approaches are needed by fish managers
22 to bring increased stability to the fishing industry.

23 It is also the intent of the legislature to recognize that in an
24 attempt to encourage local employment, niche marketing, and the local
25 food economy, the department of agriculture, pursuant to and consistent
26 with RCW 15.65.028, has created the Puget Sound salmon commission. The
27 Puget Sound salmon commission has developed value-added and promotional
28 programs that link commercial fishers to local consumers, farmers
29 markets, and grocery stores. The Puget Sound salmon commission, which
30 is funded by a self-imposed landing tax on the catches of Puget Sound
31 gill net fishers, plays a key role in the heart of Washington campaign
32 to support Washington state agriculture. New tools and approaches are
33 needed by fish managers to bring increased stability to the fishing
34 industry by supporting the objectives of the Puget Sound salmon
35 commission.

36 In the short term, it is the legislature's intent to provide
37 managers with tools to assure that commercial harvest of targeted

1 stocks can continue and expand under the constraints of the federal
2 endangered species act. There are experimental types of commercial
3 fishing gear that could allow fishers to stabilize harvest levels by
4 selectively targeting healthy salmon stocks.

5 For the longer term, the department of fish and wildlife shall
6 proceed with changes to the operation of certain hatcheries in order to
7 stabilize harvest levels by allowing naturally spawning and hatchery
8 origin fish to be managed as a single run. Scientific information from
9 such hatcheries would guide the department's approach to reducing the
10 need to mass mark hatchery origin salmon where appropriate.

11 It is the legislature's further intent, consistent with RCW
12 77.50.010, 15.65.028, and sections 1 and 5 of this act, that the
13 commission and department managers are instructed to facilitate the
14 commercial harvest of Puget Sound salmon with the Puget Sound salmon
15 commission and prioritize management of fisheries in ways that, after
16 meeting conservation objectives, prioritize the state's interest in
17 promoting local value-added and processing activities, raising taxable
18 values, and supporting the local food economy of the state.

19 NEW SECTION. Sec. 5. A new section is added to chapter 77.50 RCW
20 to read as follows:

21 In order to fulfill the state's interest in promoting local value-
22 added and processing activity, raising taxable values, and supporting
23 the local food economy of the state, it is vital that the Puget Sound
24 commercial salmon harvest be managed, both in terms of number of days
25 of harvest, particular days of the week of harvest, and speed of the
26 harvest be prioritized so that fish go first to those that are able to
27 ensure: (1) An increase in the sale and use of fresh, commercially
28 harvested Puget Sound salmon in local markets, including local farmers
29 markets; and (2) an increase in activities that benefit the local
30 handling, local processing, local marketing, and uses of Puget Sound
31 salmon.

32 NEW SECTION. Sec. 6. The code reviser is directed to put the
33 defined terms in RCW 77.08.010 in alphabetical order.

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