
HOUSE BILL 2493

State of Washington

55th Legislature

1998 Regular Session

By Representatives Anderson and Sump

Read first time . Referred to Committee on .

1 AN ACT Relating to reducing chinook and coho salmon bycatch by
2 commercial pink and sockeye salmon fishers; amending RCW 75.08.230;
3 adding new sections to chapter 75.28 RCW; adding a new section to
4 chapter 75.12 RCW; adding a new section to chapter 75.10 RCW; creating
5 a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that many chinook and
8 coho salmon populations are at risk and may be listed as threatened or
9 endangered under the federal endangered species act. One threat to
10 chinook and coho salmon stocks is their incidental catch by commercial
11 fishers targeting stocks of pink and sockeye salmon. The legislature
12 finds that commercial net fishers are capable of reducing this threat
13 to chinook and coho salmon stocks by adjusting their fishing methods.
14 The purpose of this act is to protect chinook and coho salmon stocks
15 from harm and harvest by commercial fishers targeting pink and sockeye
16 salmon stocks.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.28 RCW
18 to read as follows:

1 Commercial net fishers targeting pink and sockeye salmon stocks
2 shall employ the following fishing practices in order to avoid
3 mortality to chinook and coho salmon:

4 (1) Reef net fishers and gill net fishers shall handle all coho and
5 chinook salmon with care and release all of these salmon; reef net
6 fishers and gill net fishers must have on board a mesh cutting tool and
7 must use it to cut through the mesh to release any chinook and coho
8 salmon rather than pulling the salmon through the mesh;

9 (2) Purse seine fishers shall employ the following fishing
10 practices:

11 (a) No more than one hundred fish may be removed from the water and
12 taken on board the vessel in any one procedure or event;

13 (b) All of the fish brought on board the vessel in a single
14 procedure or event shall be sorted for incidental catch and the coho
15 and chinook salmon returned to the water before the pink or sockeye
16 salmon catch may be released to the fish hold and the next batch of
17 fish brought on board;

18 (c) The fish remaining in nets in the water shall be loosely
19 bunched to ensure adequate oxygen and minimal harm due to pressure;

20 (d) Fish dropped on deck must be dropped with care. At no time may
21 the fish be dropped from a height greater than two feet above the
22 surface onto which they are dropped;

23 (e) The hatch must be constructed so that there is a sorting deck
24 on the same level as the opening to the fish hold; and

25 (f) Purse seine fishers shall handle all coho and chinook salmon
26 with care and release all of these salmon. Purse seine fishers must
27 have on board a mesh cutting tool and must use it to cut through the
28 mesh to release any chinook and coho salmon rather than pulling the
29 salmon through the mesh.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.12 RCW
31 to read as follows:

32 In order to protect chinook and coho salmon stocks from incidental
33 catch by commercial net fishers targeting pink and sockeye salmon
34 stocks, it is unlawful for any:

35 (1) Such fisher to pull chinook and coho salmon through the mesh.
36 Instead, these fishers must release the gilled chinook and coho salmon
37 by cutting the mesh;

1 (2) Such fisher to possess or sell chinook or coho salmon during
2 the pink and sockeye salmon seasons. For the purposes of this section,
3 a fisher shall not be considered to possess a chinook or coho salmon if
4 the fisher is in the process of landing fish and is making a good faith
5 effort to comply with the requirements of section 2 of this act;

6 (3) Person to buy chinook or coho salmon from a commercial net
7 fisher targeting pink and sockeye salmon stocks.

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 75.10 RCW
9 to read as follows:

10 (1) In addition to other penalties imposed under this chapter, a
11 person who violates the provisions of section 3 of this act is subject
12 to the following penalties:

13 (a) For each fish less than twenty-four inches in length, a fine
14 per each fish sold, possessed, or purchased of fifty dollars for the
15 first violation, one hundred dollars for the second violation, two
16 hundred dollars for the third violation, and five hundred dollars for
17 any subsequent violation;

18 (b) For each fish twenty-four inches in length or greater, a fine
19 per each fish sold, possessed, or purchased of two hundred dollars for
20 the first violation, four hundred dollars for the second violation, six
21 hundred dollars for the third violation, and one thousand dollars for
22 any subsequent violation.

23 (2) The department shall develop a fine schedule for violations of
24 the provisions of section 2 of this act, and any person who violates
25 the provisions of section 2 of this act is subject to these penalties.

26 (3) All fines assessed under this section shall be paid to the
27 department.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.28 RCW
29 to read as follows:

30 The department shall establish and implement a rigorous inspection
31 schedule of commercial salmon net fisher vessels and buyer operations
32 during the sockeye and pink salmon fishing seasons to look for
33 violations of section 2 or 3 of this act. The inspection schedule
34 shall include a regular search of pink and sockeye salmon fishing
35 vessels for hidden fish.

36 The department shall submit an annual report to the governor and
37 the house of representatives and senate natural resources committees on

1 the department's efforts to implement the provisions and the intent of
2 chapter . . . , Laws of 1998 (this act). The report shall provide
3 detailed information on the number and type of vessels boarded and
4 inspected, and the number and type of violations encountered.

5 NEW SECTION. **Sec. 6.** A new section is added to chapter 75.28 RCW
6 to read as follows:

7 In addition to the license fees assessed in RCW 75.28.110,
8 commercial salmon net fishers participating in pink or sockeye salmon
9 fishing seasons shall be assessed a supplemental fee for that season.

10 The fee for reef net license holders is fifty dollars per season.
11 The fee for gill net license holders is fifty dollars per season. The
12 fee for purse seine license holders is two hundred dollars per season.
13 License holders shall pay this fee to the department.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 75.28 RCW
15 to read as follows:

16 The bycatch avoidance enforcement account is created in the state
17 treasury. Fees collected under section 6 of this act and fines
18 collected under section 4 of this act shall be deposited in the
19 account. Moneys in the account may be spent only after appropriation.
20 Expenditures from the account may only be used for enforcement of the
21 provisions of chapter . . . , Laws of 1998 (this act).

22 **Sec. 8.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read
23 as follows:

24 (1) Except as provided in this section, state and county officers
25 receiving the following moneys shall deposit them in the state general
26 fund:

27 (a) The sale of licenses required under this title;

28 (b) The sale of property seized or confiscated under this title;

29 (c) Fines and forfeitures collected under this title;

30 (d) The sale of real or personal property held for department
31 purposes;

32 (e) Rentals or concessions of the department;

33 (f) Moneys received for damages to food fish, shellfish, or
34 department property; and

35 (g) Gifts.

1 (2) The director shall make weekly remittances to the state
2 treasurer of moneys collected by the department.

3 (3) All fines and forfeitures collected or assessed by a district
4 court for a violation of this title or rule of the department shall be
5 remitted as provided in chapter 3.62 RCW.

6 (4) Proceeds from the sale of food fish or shellfish taken in test
7 fishing conducted by the department, to the extent that these proceeds
8 exceed the estimates in the budget approved by the legislature, may be
9 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
10 the department for unanticipated costs for test fishing operations in
11 excess of the allowance in the budget approved by the legislature.

12 (5) Proceeds from the sale of salmon carcasses and salmon eggs from
13 state general funded hatcheries by the department of general
14 administration shall be deposited in the regional fisheries enhancement
15 group account established in RCW 75.50.100.

16 (6) Moneys received by the commission under RCW 75.08.045, to the
17 extent these moneys exceed estimates in the budget approved by the
18 legislature, may be allocated as unanticipated receipts under RCW
19 43.79.270. Allocations under this subsection shall be made only for
20 the specific purpose for which the moneys were received, unless the
21 moneys were received in settlement of a claim for damages to food fish
22 or shellfish, in which case the moneys may be expended for the
23 conservation of these resources.

24 (7) Proceeds from the sale of herring spawn on kelp fishery
25 licenses by the department, to the extent those proceeds exceed
26 estimates in the budget approved by the legislature, may be allocated
27 as unanticipated receipts under RCW 43.79.270. Allocations under this
28 subsection shall be made only for herring management, enhancement, and
29 enforcement.

30 (8) Fees collected by the department under section 6 of this act
31 and fines collected by the department under section 4 of this act shall
32 be deposited in the bycatch avoidance enforcement account.

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