
HOUSE BILL 2021

State of Washington

54th Legislature

1995 Regular Session

By Representatives Buck, McMorris, Carrell, Fuhrman, Pennington, Campbell, Goldsmith, Hargrove, K. Schmidt and Schoesler

Read first time 02/22/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to management of fisheries; and creating a new
2 section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that during recent
5 years most of the wild salmon and steelhead stocks in Washington have
6 declined, and many have been listed as "at risk" or "endangered" or are
7 being considered for such listing. Furthermore, unusually few adult
8 salmon and steelhead spawned in Washington during 1992. As most of
9 Washington's salmon stocks have a three-year life cycle, it is,
10 therefore, anticipated that the number of salmon and steelhead
11 returning during 1995 will be substantially less than returned during
12 the preceding years. Considering that during the preceding years, many
13 stocks were already in low abundance, many of the salmon and steelhead
14 stocks in Washington state are in need of conservation during 1995.

15 Therefore, fishing for salmon and steelhead in all terminal areas
16 is prohibited except where it is specifically opened by the fish and
17 wildlife commission. The closure includes the Indian commercial and
18 Indian subsistence fisheries everywhere within the state, both on and
19 off Indian reservations. The department of fish and wildlife shall

1 adopt such rules as may be necessary to accomplish the above purposes
2 and to enforce all of the fisheries rules involved.

3 However, as some salmon and steelhead stocks in Washington remain
4 in good or reasonable condition, the fish and wildlife commission may
5 open fishing on such stocks and in such terminal areas as they
6 determine to have achieved or to be achieving spawning and spawning
7 escapement goals.

8 (1) For the purposes of this section, "terminal area" means:

9 (a) All fresh water;

10 (b) All areas designated as inland waters for the purposes of
11 navigation;

12 (c) All narrow waterways through which the stock must pass and
13 which are less than one thousand yards across, measured by the shortest
14 distance between mean lower low water marks; and

15 (d) Five hundred yards on either side of a rivermouth.

16 (2) For the purpose of this section, "conservation" means the
17 achievement of goals for successful spawning.

18 The objective in setting the spawning goals is to maximize the
19 harvest in numbers of wild salmon or wild steelhead that can be taken
20 every year on a perpetual and self-renewing basis through natural
21 spawning in the wild. In stating this objective in numbers of fish, it
22 is assumed that a constant amount of habitat is available over time and
23 that the size distribution of the stocks will not be altered to
24 increase their numbers but will be restored to either closely resemble
25 its natural condition or to favor larger fish.

26 Goals for successful spawning may be set for each week during the
27 run of each stock. Such weekly goals should reflect the temporal
28 pattern of the run so that the proportion of the fish that are caught
29 is approximately equal over all the weeks throughout duration of the
30 run.

31 Small spawning adult salmon or steelhead especially jacks (fish
32 that have spent less than a year in salt water before returning to
33 breed) may be treated separately in the goals and estimation of
34 spawning or spawning escapement. The objective in treating them
35 separately is to allow policies that will promote the restoration of
36 the size distribution of the stock.

37 (3) An estimate of spawning escapement may be used in lieu of a
38 direct measure of spawning success. The measure of successful spawning
39 or spawning escapement shall be one of the following:

1 (a) The lower ninety-five percent confidence limit of an unbiased
2 estimate;

3 (b) The total count when spawning success is measured by total
4 enumeration; or

5 (c) The lower ninety-five percent confidence limit of any
6 alternative measure that has a lower mean-squared-error than the best
7 available unbiased estimator.

8 (4) Data to make the above estimates may consist of any of the
9 following:

10 (a) Counts of successful redds;

11 (b) Counts of spawning pairs or adults on the spawning grounds;

12 (c) Counts of adults escaping to the spawning grounds based upon
13 data from any of the following methods: Visual counts, counts at
14 weirs, echo-sounder surveys (over time or space), Doppler sonar
15 surveys, mark-recapture studies, or test fishing;

16 (d) Counts of breeding pairs on the spawning grounds; or

17 (e) Any other method that can be demonstrated to measure spawning
18 success or spawning escapement.

19 Data must be taken in a scientifically accepted manner according to
20 a scientifically accepted sampling design.

21 Sampling methods that produce more than a ten percent total
22 mortality of the sampled fish are prohibited. The carcasses of any
23 fish that are killed in the act of taking data must be left in the
24 water or along the shore.

25 The fish and wildlife commission may delay opening the terminal
26 area fishery to allow a reasonable time for the fish to spawn.

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