
SENATE BILL 5013

State of Washington

54th Legislature

1995 Regular Session

By Senator Snyder

Read first time 01/09/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to the definition of food fish and enhanced food
2 fish; and amending RCW 75.08.011 and 82.27.010.

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

4 **Sec. 1.** RCW 75.08.011 and 1994 c 255 s 2 are each amended to read
5 as follows:

6 As used in this title or rules of the director, unless the context
7 clearly requires otherwise:

8 (1) "Director" means the director of fish and wildlife.

9 (2) "Department" means the department of fish and wildlife.

10 (3) "Person" means an individual or a public or private entity or
11 organization. The term "person" includes local, state, and federal
12 government agencies, and all business organizations, including
13 corporations and partnerships.

14 (4) "Fisheries patrol officer" means a person appointed and
15 commissioned by the director, with authority to enforce this title,
16 rules of the director, and other statutes as prescribed by the
17 legislature. Fisheries patrol officers are peace officers.

18 (5) "Ex officio fisheries patrol officer" means a commissioned
19 officer of a municipal, county, state, or federal agency having as its

1 primary function the enforcement of criminal laws in general, while the
2 officer is in the appropriate jurisdiction. The term "ex officio
3 fisheries patrol officer" also includes wildlife agents, special agents
4 of the national marine fisheries service, United States fish and
5 wildlife special agents, state parks commissioned officers, department
6 of natural resources enforcement officers, and United States forest
7 service officers, while the agents and officers are within their
8 respective jurisdictions.

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

12 (7) "State waters" means all marine waters and fresh waters within
13 ordinary high water lines and within the territorial boundaries of the
14 state.

15 (8) "Offshore waters" means marine waters of the Pacific Ocean
16 outside the territorial boundaries of the state, including the marine
17 waters of other states and countries.

18 (9) "Concurrent waters of the Columbia river" means those waters of
19 the Columbia river that coincide with the Washington-Oregon state
20 boundary.

21 (10) "Resident" means a person who has maintained a permanent place
22 of abode within the state for at least ninety days immediately
23 preceding an application for a license, has established by formal
24 evidence an intent to continue residing within the state, and who is
25 not licensed to hunt or fish as a resident in another state.

26 (11) "Nonresident" means a person who has not fulfilled the
27 qualifications of a resident.

28 (12) "Food fish" means those species of the classes:

29 (a) Osteichthyes, except all species of tuna, mackerel, and jack;

30 (b) Agnatha((-)); and

31 (c) Chondrichthyes

32 that have been classified and that shall not be fished for except as
33 authorized by rule of the director. The term "food fish" includes all
34 stages of development and the bodily parts of food fish species.

35 (13) "Shellfish" means those species of marine and freshwater
36 invertebrates that have been classified and that shall not be taken
37 except as authorized by rule of the director. The term "shellfish"
38 includes all stages of development and the bodily parts of shellfish
39 species.

1 (14) "Salmon" means all species of the genus Oncorhynchus, except
2 those classified as game fish in Title 77 RCW, and includes:

3	Scientific Name	Common Name
4	Oncorhynchus tshawytscha	Chinook salmon
5	Oncorhynchus kisutch	Coho salmon
6	Oncorhynchus keta	Chum salmon
7	Oncorhynchus gorbuscha	Pink salmon
8	Oncorhynchus nerka	Sockeye salmon

9 (15) "Commercial" means related to or connected with buying,
10 selling, or bartering. Fishing for food fish or shellfish with gear
11 unlawful for fishing for personal use, or possessing food fish or
12 shellfish in excess of the limits permitted for personal use are
13 commercial activities.

14 (16) "To process" and its derivatives mean preparing or preserving
15 food fish or shellfish.

16 (17) "Personal use" means for the private use of the individual
17 taking the food fish or shellfish and not for sale or barter.

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

21 (19) "Open season" means those times, manners of taking, and places
22 or waters established by rule of the director for the lawful fishing,
23 taking, or possession of food fish or shellfish. "Open season"
24 includes the first and last days of the established time.

25 (20) "Fishery" means the taking of one or more particular species
26 of food fish or shellfish with particular gear in a particular
27 geographical area.

28 (21) "Limited-entry license" means a license subject to a license
29 limitation program established in chapter 75.30 RCW.

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

35 **Sec. 2.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read
36 as follows:

1 As used in this chapter, the following terms have the meanings
2 indicated unless the context clearly requires otherwise.

3 (1) "Enhanced food fish" includes all species of food fish, except
4 all species of tuna, mackerel, and jack; shellfish((τ)); and anadromous
5 game fish, including byproducts and parts thereof, originating within
6 the territorial and adjacent waters of Washington and salmon
7 originating from within the territorial and adjacent waters of Oregon,
8 Washington, and British Columbia, and all troll-caught Chinook salmon
9 originating from within the territorial and adjacent waters of
10 southeast Alaska. As used in this subsection, "adjacent" waters of
11 Oregon, Washington, and Alaska are those comprising the United States
12 fish conservation zone; "adjacent" waters of British Columbia are those
13 comprising the Canadian two hundred mile exclusive economic zone; and
14 "southeast Alaska" means that portion of Alaska south and east of Cape
15 Suckling to the Canadian border. For purposes of this chapter, point
16 of origination is established by a document which identifies the
17 product and state or province in which it originates, including, but
18 not limited to fish tickets, bills of lading, invoices, or other
19 documentation required to be kept by governmental agencies.

20 (2) "Commercial" means related to or connected with buying,
21 selling, bartering, or processing.

22 (3) "Possession" means the control of enhanced food fish by the
23 owner and includes both actual and constructive possession.
24 Constructive possession occurs when the person has legal ownership but
25 not actual possession of the enhanced food fish.

26 (4) "Anadromous game fish" means steelhead trout and anadromous
27 cutthroat trout and Dolly Varden char and includes byproducts and also
28 parts of anadromous game fish, whether fresh, frozen, canned, or
29 otherwise.

30 (5) "Landed" means the act of physically placing enhanced food fish
31 (a) on a tender in the territorial waters of Washington; or (b) on any
32 land within or without the state of Washington including wharves,
33 piers, or any such extensions therefrom.

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