
SENATE BILL 6311

State of Washington

54th Legislature

1996 Regular Session

By Senator Sutherland

Read first time 01/11/96. Referred to Committee on Natural Resources.

1 AN ACT Relating to catch and release fishing; amending RCW
2 75.08.011, 75.25.091, 75.25.180, 77.08.010, 77.32.092, and 77.32.101;
3 reenacting and amending RCW 75.25.005; adding a new section to chapter
4 75.25 RCW; creating new sections; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that promoting catch
7 and release is a vital tool in maintaining healthy game fish and food
8 fish populations. Through catch and release, fishers can enjoy the
9 challenge and sport that fishing has to offer without detrimental
10 effects on fish populations. The legislature further recognizes that
11 many fishers choose to practice catch and release even through it is
12 not required in fishing regulations. It is the intent of the
13 legislature to promote the catch and release ethic through a licensing
14 incentive.

15 **Sec. 2.** RCW 75.08.011 and 1995 1st sp.s. c 2 s 6 are each amended
16 to read as follows:

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

1 (1) "Catch and release" means a type of fishing in which fish are
2 immediately released upon landing and under no circumstance may fish be
3 retained.

4 (2) "Commission" means the fish and wildlife commission.

5 ~~((+2))~~ (3) "Director" means the director of fish and wildlife.

6 ~~((+3))~~ (4) "Department" means the department of fish and wildlife.

7 ~~((+4))~~ (5) "Person" means an individual or a public or private
8 entity or organization. The term "person" includes local, state, and
9 federal government agencies, and all business organizations, including
10 corporations and partnerships.

11 ~~((+5))~~ (6) "Fisheries patrol officer" means a person appointed and
12 commissioned by the commission, with authority to enforce this title,
13 rules of the director, and other statutes as prescribed by the
14 legislature. Fisheries patrol officers are peace officers.

15 ~~((+6))~~ (7) "Ex officio fisheries patrol officer" means a
16 commissioned officer of a municipal, county, state, or federal agency
17 having as its primary function the enforcement of criminal laws in
18 general, while the officer is in the appropriate jurisdiction. The
19 term "ex officio fisheries patrol officer" also includes wildlife
20 agents, special agents of the national marine fisheries service, United
21 States fish and wildlife special agents, state parks commissioned
22 officers, department of natural resources enforcement officers, and
23 United States forest service officers, while the agents and officers
24 are within their respective jurisdictions.

25 ~~((+7) "To fish,")~~ (8) "To fish" means an effort to catch food fish
26 or shell fish.

27 (9) "To harvest~~((7))~~" and "to take" and their derivatives means an
28 effort to kill, injure, or harass~~((7-or-catch))~~ food fish or shellfish.

29 ~~((+8))~~ (10) "State waters" means all marine waters and fresh
30 waters within ordinary high water lines and within the territorial
31 boundaries of the state.

32 ~~((+9))~~ (11) "Offshore waters" means marine waters of the Pacific
33 Ocean outside the territorial boundaries of the state, including the
34 marine waters of other states and countries.

35 ~~((+10))~~ (12) "Concurrent waters of the Columbia river" means those
36 waters of the Columbia river that coincide with the Washington-Oregon
37 state boundary.

38 ~~((+11))~~ (13) "Resident" means a person who has maintained a
39 permanent place of abode within the state for at least ninety days

1 immediately preceding an application for a license, has established by
2 formal evidence an intent to continue residing within the state, and
3 who is not licensed to hunt or fish as a resident in another state.

4 ~~((12))~~ (14) "Nonresident" means a person who has not fulfilled
5 the qualifications of a resident.

6 ~~((13))~~ (15) "Food fish" means those species of the classes
7 Osteichthyes, Agnatha, and Chondrichthyes that have been classified and
8 that shall not be fished for except as authorized by rule of the
9 commission. The term "food fish" includes all stages of development
10 and the bodily parts of food fish species.

11 ~~((14))~~ (16) "Shellfish" means those species of marine and
12 freshwater invertebrates that have been classified and that shall not
13 be taken except as authorized by rule of the commission. The term
14 "shellfish" includes all stages of development and the bodily parts of
15 shellfish species.

16 ~~((15))~~ (17) "Salmon" means all species of the genus *Oncorhynchus*,
17 except those classified as game fish in Title 77 RCW, and includes:

18	Scientific Name	Common Name
19	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
20	<i>Oncorhynchus kisutch</i>	Coho salmon
21	<i>Oncorhynchus keta</i>	Chum salmon
22	<i>Oncorhynchus gorbuscha</i>	Pink salmon
23	<i>Oncorhynchus nerka</i>	Sockeye salmon

24 ~~((16))~~ (18) "Commercial" means related to or connected with
25 buying, selling, or bartering. Fishing for food fish or shellfish with
26 gear unlawful for fishing for personal use, or possessing food fish or
27 shellfish in excess of the limits permitted for personal use are
28 commercial activities.

29 ~~((17))~~ (19) "To process" and its derivatives mean preparing or
30 preserving food fish or shellfish.

31 ~~((18))~~ (20) "Personal use" means for the private use of the
32 individual taking the food fish or shellfish and not for sale or
33 barter.

34 ~~((19))~~ (21) "Angling gear" means a line attached to a rod and
35 reel capable of being held in hand while landing the fish or a hand-
36 held line operated without rod or reel.

37 ~~((20))~~ (22) "Open season" means those times, manners of taking,
38 and places or waters established by rule of the commission for the

1 lawful fishing, taking, or possession of food fish or shellfish. "Open
2 season" includes the first and last days of the established time.

3 ~~((21))~~ (23) "Fishery" means the taking of one or more particular
4 species of food fish or shellfish with particular gear in a particular
5 geographical area.

6 ~~((22))~~ (24) "Limited-entry license" means a license subject to a
7 license limitation program established in chapter 75.30 RCW.

8 ~~((23))~~ (25) "Seaweed" means marine aquatic plant species that are
9 dependent upon the marine aquatic or tidal environment, and exist in
10 either an attached or free floating form, and includes but is not
11 limited to marine aquatic plants in the classes Chlorophyta,
12 Phaeophyta, and Rhodophyta.

13 **Sec. 3.** RCW 75.25.005 and 1993 sp.s. c 17 s 4 and 1993 sp.s. c 2
14 s 41 are each reenacted and amended to read as follows:

15 The following recreational fishing licenses are administered and
16 issued by the department under authority of the director:

- 17 (1) Personal use food fish license; ~~((and))~~
18 (2) Personal use food fish catch and release only license; and
19 (3) Personal use shellfish and seaweed license.

20 **Sec. 4.** RCW 75.25.091 and 1994 c 255 s 3 are each amended to read
21 as follows:

22 (1) A personal use food fish license is required for all persons
23 other than residents under fifteen years of age to ~~((fish for,))~~
24 take~~((,))~~ or possess food fish for personal use from state waters or
25 offshore waters. A personal use food fish license is not required
26 under this section to fish for, take, or possess carp, smelt, or
27 albacore.

28 (2) The fees for annual personal use food fish licenses include the
29 one dollar regional fisheries enhancement surcharge imposed in RCW
30 75.50.100 and are as follows:

31 (a) For a resident fifteen years of age or older and under seventy
32 years of age, eight dollars;

33 (b) For a resident seventy years of age or older, three dollars;
34 and

35 (c) For a nonresident, twenty dollars.

1 (3) The fee for a three-consecutive-day personal use food fish
2 license is five dollars, and includes the one-dollar regional fishery
3 enhancement group surcharge imposed in RCW 75.50.100.

4 (4) An annual personal use food fish license is valid for a maximum
5 catch of fifteen salmon, after which another annual personal use food
6 fish license may be purchased.

7 (5) An annual personal use food fish license is valid for an annual
8 maximum catch of fifteen sturgeon. No person may take more than
9 fifteen sturgeon in any calendar year.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.25 RCW
11 to read as follows:

12 (1) A food fish catch and release only license is available for all
13 persons, other than residents under fifteen years of age, to fish for
14 food fish from state waters or offshore waters.

15 (2) The holder of a food fish catch and release only license:

16 (a) Is not entitled to take or possess food fish from state waters
17 or offshore waters;

18 (b) Shall use single barbless hooks at all times; and

19 (c) Shall follow all other rules established by the department
20 pertaining to the catch and release only license.

21 (3) The fees for annual food fish catch and release only licenses
22 include the one-dollar regional fisheries enhancement surcharge imposed
23 in RCW 75.50.100 and are as follows:

24 (a) For a resident fifteen years of age or older and under seventy
25 years of age, four dollars;

26 (b) For a resident seventy years or older, one dollar and fifty
27 cents; and

28 (c) For a nonresident, ten dollars.

29 (4) The director shall determine whether a salmon, sturgeon, or
30 halibut catch record card is necessary for holders of a food fish catch
31 and release only license.

32 **Sec. 6.** RCW 75.25.180 and 1994 c 255 s 8 are each amended to read
33 as follows:

34 Recreational licenses issued by the department under this chapter
35 are valid for the following periods:

36 (1) Recreational licenses issued without charge to persons
37 designated by this chapter are valid for a period of five years.

1 (2) Three-consecutive-day personal use food fish and shellfish and
2 seaweed licenses expire at midnight on the second day following the
3 validation date written on the license by the license dealer, except
4 three-consecutive-day personal use food fish and shellfish and seaweed
5 licenses validated for December 30 or 31 expire at midnight on December
6 31.

7 (3) An annual personal use food fish license or annual personal use
8 shellfish and seaweed license is valid only for the calendar year for
9 which it is issued.

10 (4) A food fish catch and release only licence is valid for the
11 calendar year for which it is issued.

12 **Sec. 7.** RCW 77.08.010 and 1993 sp.s. c 2 s 66 are each amended to
13 read as follows:

14 As used in this title or rules adopted pursuant to this title,
15 unless the context clearly requires otherwise:

16 (1) "Catch and release" means a type of fishing in which fish are
17 immediately released upon landing and under no circumstance may fish be
18 retained.

19 (2) "Director" means the director of fish and wildlife.

20 ((+2)) (3) "Department" means the department of fish and wildlife.

21 ((+3)) (4) "Commission" means the state fish and wildlife
22 commission.

23 ((+4)) (5) "Person" means and includes an individual, a
24 corporation, or a group of two or more individuals acting with a common
25 purpose whether acting in an individual, representative, or official
26 capacity.

27 ((+5)) (6) "Wildlife agent" means a person appointed and
28 commissioned by the director, with authority to enforce laws and rules
29 adopted pursuant to this title, and other statutes as prescribed by the
30 legislature.

31 ((+6)) (7) "Ex officio wildlife agent" means a commissioned
32 officer of a municipal, county, state, or federal agency having as its
33 primary function the enforcement of criminal laws in general, while the
34 officer is in the appropriate jurisdiction. The term "ex officio
35 wildlife agent" includes fisheries patrol officers, special agents of
36 the national marine fisheries service, state parks commissioned
37 officers, United States fish and wildlife special agents, department of
38 natural resources enforcement officers, and United States forest

1 service officers, while the agents and officers are within their
2 respective jurisdictions.

3 ~~((+7+))~~ (8) "To hunt" and its derivatives means an effort to kill,
4 injure, capture, or harass a wild animal or wild bird.

5 ~~((+8+))~~ (9) "To trap" and its derivatives means a method of hunting
6 using devices to capture wild animals or wild birds.

7 ~~((+9+))~~ (10) "To fish" and its derivatives means an effort to
8 ~~((kill, injure, harass, or))~~ catch a game fish.

9 ~~((+10+))~~ (11) "Open season" means those times, manners of taking,
10 and places or waters established by rule of the commission for the
11 lawful hunting, fishing, or possession of game animals, game birds, or
12 game fish. "Open season" includes the first and last days of the
13 established time.

14 ~~((+11+))~~ (12) "Closed season" means all times, manners of taking,
15 and places or waters other than those established as an open season.

16 ~~((+12+))~~ (13) "Closed area" means a place where the hunting of
17 some species of wild animals or wild birds is prohibited.

18 ~~((+13+))~~ (14) "Closed waters" means all or part of a lake, river,
19 stream, or other body of water, where fishing for game fish is
20 prohibited.

21 ~~((+14+))~~ (15) "Game reserve" means a closed area where hunting for
22 all wild animals and wild birds is prohibited.

23 ~~((+15+))~~ (16) "Bag limit" means the maximum number of game animals,
24 game birds, or game fish which may be taken, caught, killed, or
25 possessed by a person, as specified by rule of the commission for a
26 particular period of time, or as to size, sex, or species.

27 ~~((+16+))~~ (17) "Wildlife" means all species of the animal kingdom
28 whose members exist in Washington in a wild state. This includes but
29 is not limited to mammals, birds, reptiles, amphibians, fish, and
30 invertebrates. The term "wildlife" does not include feral domestic
31 mammals, the family Muridae of the order Rodentia (old world rats and
32 mice), or those fish, shellfish, and marine invertebrates classified as
33 food fish or shellfish by the director. The term "wildlife" includes
34 all stages of development and the bodily parts of wildlife members.

35 ~~((+17+))~~ (18) "Wild animals" means those species of the class
36 Mammalia whose members exist in Washington in a wild state and the
37 species *Rana catesbeiana* (bullfrog). The term "wild animal" does not
38 include feral domestic mammals or the family Muridae of the order
39 Rodentia (old world rats and mice).

1 (~~(18)~~) (19) "Wild birds" means those species of the class Aves
2 whose members exist in Washington in a wild state.

3 (~~(19)~~) (20) "Protected wildlife" means wildlife designated by the
4 commission that shall not be hunted or fished.

5 (~~(20)~~) (21) "Endangered species" means wildlife designated by the
6 commission as seriously threatened with extinction.

7 (~~(21)~~) (22) "Game animals" means wild animals that shall not be
8 hunted except as authorized by the commission.

9 (~~(22)~~) (23) "Fur-bearing animals" means game animals that shall
10 not be trapped except as authorized by the commission.

11 (~~(23)~~) (24) "Game birds" means wild birds that shall not be
12 hunted except as authorized by the commission.

13 (~~(24)~~) (25) "Predatory birds" means wild birds that may be hunted
14 throughout the year as authorized by the commission.

15 (~~(25)~~) (26) "Deleterious exotic wildlife" means species of the
16 animal kingdom not native to Washington and designated as dangerous to
17 the environment or wildlife of the state.

18 (~~(26)~~) (27) "Game farm" means property on which wildlife is held
19 or raised for commercial purposes, trade, or gift. The term "game
20 farm" does not include publicly owned facilities.

21 (~~(27)~~) (28) "Person of disability" means a permanently disabled
22 person who is not ambulatory without the assistance of a wheelchair,
23 crutches, or similar devices.

24 (29) "To harvest" or "to take" and their derivatives means an
25 effort to kill, injure, or harass game fish.

26 **Sec. 8.** RCW 77.32.092 and 1994 c 255 s 1 are each amended to read
27 as follows:

28 The legislature finds that it is in the best interest of
29 recreational hunters and fishers in the state of Washington to be able
30 to purchase all recreational hunting and fishing licenses as a single
31 document. Under the combined department of fish and wildlife, there is
32 the opportunity to establish uniform license requirements and
33 procedures.

34 There is created a sport recreational license, to be administered
35 by the department of fish and wildlife. The sport recreational license
36 shall include the personal use food fish, personal use catch and
37 release, game fish, game fish catch and release, hunting, hound, and
38 eastern Washington upland bird licenses, for residents and

1 nonresidents. The license shall also include three-day game fish and
2 food fish licenses, for residents and nonresidents. The license shall
3 include a warm water game fish surcharge, the funds from which shall be
4 deposited in the warm water game fish account created under section 18
5 of this act.

6 **Sec. 9.** RCW 77.32.101 and 1994 c 255 s 11 are each amended to read
7 as follows:

8 (1) A combination hunting and fishing license allows a resident
9 holder to hunt, and to fish for game fish throughout the state. The
10 fee for this license is twenty-nine dollars.

11 (2) A hunting license allows the holder to hunt throughout the
12 state. The fee for this license is fifteen dollars for residents and
13 one hundred fifty dollars for nonresidents.

14 (3) A fishing license allows the holder to fish for game fish
15 throughout the state. The fee for this license is seventeen dollars
16 for residents fifteen years of age or older and under seventy years of
17 age, three dollars for residents seventy years of age or older, twenty
18 dollars for nonresidents under fifteen years of age, and forty-eight
19 dollars for nonresidents fifteen years of age or older.

20 (4) A game fish catch and release only license allows the holder to
21 fish for game fish throughout the state provided that the holder:

22 (a) Is not entitled to take or possess game fish from state waters;

23 (b) Shall use single barbless hooks at all times; and

24 (c) Shall follow all other rules established by the department
25 pertaining to the catch and release only license.

26 The fee for this license is eight dollars and fifty cents for
27 residents fifteen years of age or older and under seventy years of age,
28 one dollar and fifty cents for residents seventy years of age or older,
29 ten dollars for nonresidents under fifteen years of age, and twenty-
30 four dollars for nonresidents fifteen years of age or older.

31 (5) A steelhead fishing license allows the holder of a combination
32 hunting and fishing license, game fish catch and release only license,
33 or a fishing license issued under this section to fish for steelhead
34 throughout the state. The fee for this license is eighteen dollars.

35 ~~((+5))~~ (6) A juvenile steelhead license allows residents under
36 fifteen years of age and nonresidents under fifteen years of age who
37 hold a fishing license to fish for steelhead throughout the state. The
38 fee for this license is six dollars and entitles the holder to take up

1 to five steelhead at which time another juvenile steelhead license may
2 be purchased. Any person who purchases a juvenile steelhead license is
3 prohibited from purchasing a steelhead license for the same calendar
4 year.

5 NEW SECTION. **Sec. 10.** This act shall take effect January 1, 1997.

6 NEW SECTION. **Sec. 11.** The director of the department of fish and
7 wildlife may take such steps as are necessary to ensure that this act
8 is implemented on its effective date.

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