
HOUSE BILL 2156

State of Washington 56th Legislature 1999 Regular Session

By Representatives Eickmeyer, Rockefeller, Haigh, McIntire and Scott

Read first time 02/17/1999. Referred to Committee on Natural Resources.

1 AN ACT Relating to limitations on salmon fishing in Hood Canal;
2 amending RCW 75.46.010; adding a new section to chapter 75.46 RCW;
3 creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the summer chum
6 salmon (*Onchorynchus keta*) evolutionarily significant unit of Hood
7 Canal within the Puget Sound chinook salmon (*Onchorynchus tshawytscha*)
8 evolutionarily significant unit is in danger of extinction, and that
9 other wild stocks of salmon and steelhead in Hood Canal have been
10 drastically reduced. The legislature also finds that other species of
11 fish, including ling cod, black cod, perch, and smelt, have been
12 greatly depleted in the unique body of water known as Hood Canal. The
13 legislature finds that a closing of this body of water to fishing would
14 help restore the natural balance of all these species.

15 **Sec. 2.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
16 as follows:

17 The definitions in this section apply throughout this chapter
18 unless the context clearly requires otherwise.

1 (1) "Adaptive management" means reliance on scientific methods to
2 test the results of actions taken so that the management and related
3 policy can be changed promptly and appropriately.

4 (2) "Critical pathways methodology" means a project scheduling and
5 management process for examining interactions between habitat projects
6 and salmonid species, prioritizing habitat projects, and assuring
7 positive benefits from habitat projects.

8 (3) "Habitat project list" is the list of projects resulting from
9 the critical pathways methodology under RCW 75.46.070(2). Each project
10 on the list must have a written agreement from the landowner on whose
11 land the project will be implemented. Projects include habitat
12 restoration projects, habitat protection projects, habitat projects
13 that improve water quality, habitat projects that protect water
14 quality, habitat-related mitigation projects, and habitat project
15 maintenance and monitoring activities.

16 (4) "Habitat work schedule" means those projects from the habitat
17 project list that will be implemented during the current funding cycle.
18 The schedule shall also include a list of the entities and individuals
19 implementing projects, the start date, duration, estimated date of
20 completion, estimated cost, and funding sources for the projects.

21 (5) "Hood Canal coordinating council" means the council of
22 governments created within Kitsap, Jefferson, and Mason counties as
23 provided under chapter 39.34 RCW.

24 (6) "Limiting factors" means conditions that limit the ability of
25 habitat to fully sustain populations of salmon. These factors are
26 primarily fish passage barriers and degraded estuarine areas, riparian
27 corridors, stream channels, and wetlands.

28 ~~((+6))~~ (7) "Project sponsor" is a county, city, special district,
29 tribal government, a combination of such governments through interlocal
30 agreements provided under chapter 39.34 RCW, a nonprofit organization,
31 or one or more private citizens.

32 ~~((+7))~~ (8) "Salmon" includes all species of the family Salmonidae
33 which are capable of self-sustaining, natural production.

34 ~~((+8))~~ (9) "Salmon recovery plan" means a state plan developed in
35 response to a proposed or actual listing under the federal endangered
36 species act that addresses limiting factors including, but not limited
37 to harvest, hatchery, hydropower, habitat, and other factors of
38 decline.

1 (~~(9)~~) (10) "Tribe" or "tribes" means federally recognized Indian
2 tribes.

3 (~~(10)~~) (11) "WRIA" means a water resource inventory area
4 established in chapter 173-500 WAC as it existed on January 1, 1997.

5 (~~(11)~~) (12) "Owner" means the person holding title to the land or
6 the person under contract with the owner to lease or manage the legal
7 owner's property.

8 NEW SECTION. Sec. 3. A new section is added to chapter 75.46 RCW
9 to read as follows:

10 (1) The Hood Canal marine sanctuary is created within the
11 geographic area covered by the Hood Canal summer chum salmon
12 evolutionarily significant unit. The sanctuary is bounded by northwest
13 corner of Kitsap county and runs due west to the shoreline of Jefferson
14 county and claims all waters south of that boundary. The sanctuary is
15 designed to protect, preserve, and fully recover in the following
16 order:

17 (a) Wild or naturally spawning summer chum salmon, chinook salmon,
18 coho salmon, and steelhead;

19 (b) Herring, smelt, ling cod, perch, and black cod; and

20 (c) All other species of aquatic animal and plant life indigenous
21 to Hood Canal.

22 (2) The fish and wildlife commission, in coordination with the
23 tribal comanagers, shall prohibit any harvest of wild or naturally
24 spawning summer chum, fall chinook, or coho salmon, or of steelhead, in
25 Hood Canal and its tributaries until such time as the runs have fully
26 recovered and can sustain such harvest without impairing future
27 production.

28 (3) Chum, chinook, and coho salmon and steelhead of hatchery origin
29 in Hood Canal may continue to be harvested commercially in a manner the
30 fish and wildlife commission, in coordination with the tribal
31 comanagers, determines will minimize the by-catch of wild or naturally
32 spawning salmon and steelhead. Such harvest shall be monitored to
33 ensure that significant numbers of wild or naturally spawning stocks of
34 salmon and steelhead are not present in the run at the time of harvest.
35 If protected runs have already reached their spawning streams or moved
36 well beyond the harvest activities, such by-catch will not be regarded
37 as significant.

1 (4) By June 30, 2001, the department of fish and wildlife, in
2 coordination with the tribal comanagers, shall develop a definition of
3 full recovery as it is applied to summer chum, chinook, and coho salmon
4 and steelhead. This definition shall be based on the most recently
5 available scientific data and shall be based primarily on a field
6 inventory count of escapement in all spawning tributaries. By
7 September 30, 1999, the department shall provide a complete inventory
8 of all streams in the geographic area covered by the summer chum salmon
9 evolutionarily significant unit. The effort to define full recovery
10 and to identify all of the streams shall include the participation of
11 the Hood Canal coordinating council and of the Hood Canal salmon
12 enhancement group.

13 (5) The department of fish and wildlife may use remote site
14 incubators to enhance summer chum salmon production. The department,
15 in coordination with the Hood Canal salmon enhancement group, shall:

16 (a) Identify sites on tributaries of Hood Canal that would be
17 suitable for the placement of remote site incubators; and

18 (b) Place the incubators in suitable locations and manage the
19 incubators as necessary.

20 (6) The department, in coordination with the Hood Canal
21 coordination council and volunteer groups, shall direct efforts toward
22 ensuring that suitable habitat in the watersheds covered by the summer
23 chum evolutionarily significant unit is used by naturally spawning
24 summer chum salmon.

25 (7) The Hood Canal coordinating council shall report to the salmon
26 recovery office as provided in RCW 75.46.040 on the status of summer
27 chum runs after the harvest prohibition has been in place for two
28 generations of summer chum salmon. The first report on summer chum
29 returns shall be provided no later than December 31, 2004, and the
30 second report shall be provided no later than December 31, 2008. At
31 such time as it is determined that all species of salmon and steelhead
32 have reached full recovery, the department of fish and wildlife shall
33 submit a report to the legislature with a recommendation to change the
34 designation of sanctuary to a designation that would allow controlled
35 harvest.

36 (8) The department of fish and wildlife is authorized to extend the
37 same protection to those waters outside of the marine sanctuary as
38 defined in subsection (1) of this section that enter into Hood Canal as
39 to Hood Canal or its tributaries.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 immediately.

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