

**SUBSTITUTE SENATE BILL 5014**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf, Snyder, Oke, Thorsness, Rasmussen, Conner and Hansen).

Read first time January 24, 1991.

1       AN ACT Relating to enhancement of recreational fishing for coho  
2 salmon and chinook salmon; amending RCW 75.08.230; adding new sections  
3 to chapter 75.50 RCW; and creating new sections.

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

5       NEW SECTION.   **Sec. 1.**   The legislature recognizes that there is a  
6 need to provide for greater fishing success for recreational salmon  
7 fishers. Coho salmon and chinook salmon are prime recreational salmon  
8 species that can be easily propagated with fish culture practices and  
9 that can be produced with a cost-effective program. The legislature  
10 wishes to produce more coho salmon and chinook salmon for recreational  
11 fisheries and fund the program with revenues generated from surplus  
12 salmon carcass and egg sales.

13       NEW SECTION.   **Sec. 2.**   A new section is added to chapter 75.50 RCW  
14 to read as follows:

1 Unless the context clearly requires otherwise, the definitions in  
2 this section apply throughout chapter 75.50 RCW.

3 (1) "Aquatic farmer" means a private-sector person who commercially  
4 farms and manages the cultivating of private-sector cultured aquatic  
5 products, as defined in RCW 15.85.020, on the person's own land or on  
6 land in which the person has a present right of possession in the state  
7 of Washington.

8 (2) "Contract" means an agreement setting price, size, and quantity  
9 of fish to be delivered, time of delivery, location of delivery, and  
10 fish health requirements between the department and an aquatic farmer.

11 (3) "Fish health requirements" means those fish health requirements  
12 actually used by the department of fisheries when rearing or planting  
13 department fish in the same or similar areas.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.50 RCW  
15 to read as follows:

16 The director shall approve floating pen coho salmon projects that  
17 meet the following criteria:

18 (1) Coho salmon eggs shall be provided by the department or  
19 purchased from private-sector aquatic farmers and shall be of suitable  
20 stock for the project region;

21 (2) Production of coho salmon smolts shall be contracted with  
22 private-sector aquatic farmers;

23 (3) The department shall administer the contracting and set the  
24 standards for the coho smolts, as to quality and fish health  
25 specifications, price, and payment terms;

26 (4) Coho smolts are to be as large as practical when entering  
27 saltwater, and preferably shall be cared for in relatively warm spring  
28 or ground water to achieve maximum smolt size of .10 to .33 of a pound  
29 each;

1 (5) Pens may be located in any marine, brackish, or fresh waters of  
2 the state and shall be located at existing piers, such as fishing  
3 piers, ferry docks, marinas, or other existing waterfront developments;

4 (6) Within available funding all regional enhancement groups may  
5 request the department to participate;

6 (7) Coho reared in the pens shall not be released into marine or  
7 estuarine waters until small juvenile salmon, such as pink, chum, or  
8 chinook fry have cleared the area of the release site, generally in  
9 June, in order to minimize predation on other salmon species;

10 (8) Interpretive signs shall be placed on the project to inform  
11 people about the purpose and goals of the project;

12 (9) Experimental salmon food vending machines shall be tested to  
13 allow visitors to purchase food with coins and feed the pen-reared  
14 salmon. Funds generated by this activity shall be used by the  
15 department for pen-reared coho projects;

16 (10) Each pen shall be adequately covered to prevent predation from  
17 birds, seals, otters, and other fish predators;

18 (11) The department shall fund the purchase of nets, floats,  
19 mooring lines, or other supplies necessary to operate the program; and

20 (12) Release size of the smolts from the pens into saltwater shall  
21 be as large as possible to assure maximum survival rates.

22 NEW SECTION. **Sec. 4.** The director shall approve chinook salmon  
23 extended rearing projects that meet the following criteria:

24 (1) Chinook salmon are to be reared to relatively large size in  
25 freshwater ponds, net pens, or other low-cost rearing facilities prior  
26 to release;

27 (2) The chinook salmon are to be released at later than normal  
28 dates to encourage residence within areas easily accessible to  
29 recreational fishers;

1 (3) The quality of the chinook salmon smolts is to be maximized by  
2 providing them with the best quality fish food, sufficient water  
3 inflow, and rearing them with methods which do not result in high-  
4 density deleterious effects on fish health or survival;

5 (4) The chinook salmon shall be subject to a minimum of physical  
6 handling or other stressful rearing procedures;

7 (5) The chinook salmon shall be allowed to voluntarily migrate over  
8 a considerable period of time, rather than all being planted at one  
9 place or time;

10 (6) Rearing ponds or containers are to be managed for the highest  
11 level of cleanliness to maximize the health and survivability of the  
12 fish produced;

13 (7) Predators shall be physically excluded from the rearing  
14 facilities;

15 (8) Within available funding, all regional fisheries enhancement  
16 groups may request the department to participate.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.50 RCW  
18 to read as follows:

19 The director shall evaluate the establishment of more liberal  
20 recreational coho and chinook salmon bag limit rules in areas where  
21 coho and chinook will be predominantly originated from recreational  
22 fishery enhancement projects.

23 NEW SECTION. **Sec. 6.** A new section is added to chapter 75.50 RCW  
24 to read as follows:

25 The legislature declares that the increase in coho salmon and  
26 chinook salmon within the waters of the state is in the best interest  
27 of all of the people of the state, and that improvement of coho and  
28 chinook salmon resources is a state-wide interest.

1 Salmon net pen sites established under sections 3 and 4 of this act  
2 shall not be located in such a way as to alter the natural condition of  
3 the shorelines of the state. The director shall make certain that coho  
4 and chinook salmon pens are located adjacent to existing aquatic  
5 structures, such as ferry docks, marinas, fishing piers, or other  
6 existing waterfront developments.

7 The director shall work with the director of the department of  
8 ecology and local government entities to obtain the necessary permits  
9 for the coho and chinook salmon pens.

10 **Sec. 7.** RCW 75.08.230 and 1989 c 176 s 4 are each amended to read  
11 as follows:

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

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

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

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

18 (d) The sale of real or personal property held for department  
19 purposes;

20 (e) Rentals or concessions of the department;

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

23 (g) Gifts.

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

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

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

7 (5) Proceeds from the sale of salmon and salmon eggs by the  
8 department, to the extent these proceeds exceed estimates in the budget  
9 approved by the legislature, may be allocated as unanticipated receipts  
10 under RCW 43.79.270. Allocations under this subsection shall be made  
11 only for hatchery operations partially or wholly financed by sources  
12 other than state general revenues or for purposes of processing human  
13 consumable salmon for disposal.

14 (6) Proceeds from the sale of salmon and salmon eggs by the  
15 department not allocated as unanticipated receipts under this section  
16 shall be appropriated to the department of fisheries for the purposes  
17 of sections 3 and 4 of this act.

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

26 ((+7)) (8) Proceeds from the sale of herring spawn on kelp permits  
27 by the department, to the extent those proceeds exceed estimates in the  
28 budget approved by the legislature, may be allocated as unanticipated  
29 receipts under RCW 43.79.270. Allocations under this subsection shall  
30 be made only for herring management, enhancement, and enforcement.