
SENATE BILL 6151

State of Washington

52nd Legislature

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By Senators Barr, Anderson, Sutherland, Owen, Snyder, Hayner, Newhouse, Rasmussen, L. Smith, Bauer, Roach and Conner

Read first time 01/20/92. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to harvest management of weak stocks of anadromous
2 fish; amending RCW 75.08.012 and 77.12.010; creating new sections;
3 providing an expiration date; 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 declarations
6 by the federal government that species of anadromous fish are
7 threatened or endangered can cause severe disruption to the economic
8 health of the state and to a wide range of livelihoods of its citizens.
9 Significant economic and social impacts will be incurred by the listing
10 of a few fish stocks for which petitions have already been filed with
11 the federal government for listing certain species as threatened or
12 endangered. The flexibility to develop recovery plans will diminish as
13 additional stock are listed.

1 The legislature finds that there is documentation that many other
2 species of anadromous fish in rivers and streams throughout many
3 regions of the state are in a severely depressed condition and have a
4 significant potential to be petitioned for threatened or endangered
5 status. Several of the depressed runs are in watercourses that do not
6 have either hydroelectric or water withdrawal projects situated on
7 them.

8 The legislature finds that the public has invested several hundred
9 million dollars in the development and implementation of plans and has
10 adopted wide-ranging regulations to protect and enhance habitat for
11 anadromous fish and that these activities will in all likelihood
12 continue. However, the legislature finds that there are insufficient
13 mechanisms in place to assure that the significant current and future
14 investment of funds by the taxpaying and ratepaying public is protected
15 from overfishing of weak stocks in the mixed stock fishery. If an
16 effective means is not found to protect weak stocks from overharvest,
17 the benefits of this current investment and future investments are in
18 serious jeopardy.

19 The legislature finds it to be the policy of the federal government
20 that weak stocks be protected from being overharvested. In observance
21 of this policy, it is in the state's interest to develop a
22 comprehensive plan that protects and strengthens weak stocks of fish
23 while maintaining to the maximum extent feasible a viable fishery on
24 abundant stocks.

25 NEW SECTION. **Sec. 2.** A committee shall be established to
26 carry out a study on ways to improve harvest management to increase the
27 returns to weak stocks of anadromous fish. The committee, in
28 consultation with other interested agencies, organizations, and the
29 public, shall investigate and evaluate options of increasing the

1 returns of adult spawners. The evaluation shall include but not be
2 limited to the following:

3 (1) Identify and map rivers and streams in the state that have weak
4 stocks of anadromous fish including a review and evaluation of
5 information developed by the American fisheries society. For each
6 stock that is a weak stock, rate whether there is a high, moderate, or
7 low risk of the fish species becoming listed as a threatened or
8 endangered species;

9 (2) Identify the nature of the fishing pressure on the various
10 stocks, including the approximate percentage of adult fish being
11 harvested by each fishery group and an estimation of the number and
12 percentage of adults currently returning to the river or stream for
13 spawning;

14 (3) Develop goals of the number of fish that need to return to the
15 river for spawning that will allow the stocks of fish identified in
16 subsection (1) of this section to be considered not at risk of listing;

17 (4) Develop alternative harvest management options for increasing
18 the number of adult fish available for spawning to meet the established
19 spawning goal;

20 (5) Review, evaluate, and augment the harvest management options
21 recommended by the Northwest power planning council;

22 (6) Evaluate which of the alternative harvest management options
23 allows the achievement of the spawning goal with the minimum effect on
24 the harvest of abundant stocks;

25 (7) Develop a recommended schedule for incremental increases in
26 returns of adults for spawning necessary to reach the spawning goal
27 over the next three life cycles;

28 (8) Develop recommendations for a public education program for the
29 need to implement programs to protect weak stocks of fish; and

1 (9) Develop recommendations for any needed changes in laws, rules,
2 policies, and programs to facilitate harvest management changes to
3 increase the return of weak stock fish.

4 NEW SECTION. **Sec. 3.** (1) The committee created in section 2
5 of this act shall consist of the following voting members:

6 (a) Four members of the house of representatives, appointed by the
7 speaker, two from each major political party;

8 (b) Four members of the senate, appointed by the president of the
9 senate, two from each major political party;

10 (c) One individual representing the commercial fishing industry;

11 (d) One individual representing the sports fishing industry;

12 (e) One individual representing the commercial charter boat
13 industry;

14 (f) One individual representing Indian tribes in western
15 Washington;

16 (g) One individual representing Indian tribes in eastern
17 Washington;

18 (h) One individual representing environmental interests;

19 (i) One individual representing hydro-based public electric
20 utilities;

21 (j) One individual representing hydro-based private power
22 utilities;

23 (k) One individual representing forestry interests;

24 (l) One individual representing irrigated agriculture;

25 (m) One individual representing commercial water borne commerce;

26 (n) One individual representing industries heavily dependent on
27 electricity;

28 (o) One individual representing public water utilities who obtain
29 water from surface waters; and

1 (p) One member appointed by the governor to represent the
2 administrative branch.

3 (2) An individual from each of the following agencies shall be
4 appointed as a nonvoting member of the committee: University of
5 Washington school of fisheries, department of fisheries, and department
6 of wildlife. An individual from the national marine fisheries service
7 shall be invited to serve on the committee as a nonvoting member.

8 (3) The thirteen individuals listed in subsection (1)(c) through
9 (o) of this section who are not legislators shall be appointed by the
10 speaker of the house of representatives and the president of the
11 senate. Whenever possible, each interest group listed in subsection
12 (1)(c) through (o) of this section shall attempt to identify one
13 nominee as an interest group representative. Any nominations for
14 appointments to fill positions on the committee listed in subsection
15 (1)(c) through (o) of this section shall be submitted to either the
16 chief clerk of the house of representatives or the secretary of the
17 senate no later than fifteen calendar days after the effective date of
18 this section. From the nominations, the speaker of the house of
19 representatives and the president of the senate shall appoint people
20 from various regions of the state. Appointments to the committee shall
21 be completed within thirty calendar days after the effective date of
22 this section.

23 (4) Members of the committee shall serve without compensation. A
24 member representing a state agency shall be reimbursed, by his or her
25 employing agency or office, for travel expenses in accordance with RCW
26 43.03.050 and 43.03.060. Members of the committee who are members of
27 the legislature shall be reimbursed as provided in chapter 44.04 RCW.
28 All other members of the committee shall be reimbursed by the
29 University of Washington as provided in RCW 43.03.050 and 43.03.060.

1 (5) At the initial meeting of the committee, the voting members of
2 the committee shall elect a chair from among themselves. The chair
3 shall preside over the meetings of the committee. The committee may
4 organize itself into subcommittees as necessary to carry out the study
5 described in section 2 of this act.

6 (6) The committee shall hold public meetings to inform the public
7 about the study, and to receive public comment on a draft report of its
8 findings and recommendations.

9 (7) The committee shall submit its recommendations in its final
10 report. The final report shall also include an estimate of staffing
11 and funding needed to carry out each of the recommendations.

12 (8) The committee shall submit a written report of its findings and
13 recommendations to the legislature no later than December 31, 1992.
14 State agencies shall seriously consider the recommendations developed
15 by the committee that can be implemented without additional
16 legislation.

17 (9) The committee shall expire December 31, 1992.

18 NEW SECTION. **Sec. 4.** It is the responsibility of the
19 University of Washington school of fisheries to provide staff support
20 to the committee and to assist in the identification of options to
21 increase the return of weak stocks of adult salmon and steelhead to
22 their spawning areas. The department of fisheries and the department
23 of wildlife shall assist the university in developing options for the
24 committee to consider.

25 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act shall
26 expire June 30, 1993.

1 **Sec. 6.** RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended
2 to read as follows:

3 The department shall preserve, protect, perpetuate and manage the
4 food fish and shellfish in state waters and offshore waters.

5 The department shall conserve the food fish and shellfish resources
6 in a manner that does not impair the resource. In a manner consistent
7 with this goal, the department shall seek to maintain the economic
8 well-being and stability of the fishing industry in the state. The
9 department shall promote orderly fisheries and shall enhance and
10 improve recreational and commercial fishing in this state. In carrying
11 out this policy, the department shall regulate the harvest of
12 anadromous fish in such a way as to protect and strengthen weak stocks
13 to meet escapement goals while maintaining to the maximum extent
14 feasible a viable fishery on abundant stocks of fish.

15 **Sec. 7.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to read
16 as follows:

17 Wildlife is the property of the state. The department shall
18 preserve, protect, and perpetuate wildlife. The department shall
19 regulate the harvest of anadromous fish in such a way as to protect and
20 strengthen weak stocks to meet escapement goals, while maintaining to
21 the maximum extent feasible a viable fishery on abundant stocks. Game
22 animals, game birds, and game fish may be taken only at times or
23 places, or in manners or quantities as in the judgment of the
24 commission maximizes public recreational opportunities without
25 impairing the supply of wildlife.

26 The commission shall not adopt rules that categorically prohibit
27 fishing with bait or artificial lures in streams, rivers, beaver ponds,
28 and lakes except that the commission may adopt rules and regulations
29 restricting fishing methods upon a determination by the director that

1 an individual body of water or part thereof clearly requires a fishing
2 method prohibition to conserve or enhance the fisheries resource or to
3 provide selected fishing alternatives. The commission shall attempt to
4 maximize the public recreational fishing opportunities of all citizens,
5 particularly juvenile, handicapped, and senior citizens.

6 Nothing contained herein shall be construed to infringe on the
7 right of a private property owner to control the owner's private
8 property.

9 NEW SECTION. **Sec. 8.** For the purposes of sections 1 and 2 of
10 this act and RCW 75.08.012 and 77.12.010, "anadromous fish" means those
11 species of fish, commonly referred to as salmon and steelhead, that
12 spend a portion of their life cycle in saltwater.

13 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect immediately.