
SUBSTITUTE HOUSE BILL 2365

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives Foreman, King, Rust and Quall)

Read first time 02/04/94.

1 AN ACT Relating to reducing disturbance to fish, wildlife, and
2 their habitats; adding a new chapter to Title 77 RCW; creating a new
3 section; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that operation of
6 motor-driven boats or vessels can disturb fish, wildlife, and their
7 habitats. Restricting the use of such vessels in designated areas or
8 at specified times of the year is in the best interest of Washington's
9 fish and wildlife.

10 NEW SECTION. **Sec. 2.** Unless the context clearly requires
11 otherwise, the definitions in this section apply throughout this
12 chapter.

13 (1) "Jet pump propelled vessel" means a vessel of any length that
14 uses a motor powering a water jet pump as its primary source of motive
15 power.

16 (2) "Motor-driven vessels" means all boats and vessels that are
17 self-propelled, including jet pump propelled vessels and personal
18 watercraft.

1 (3) "Personal watercraft" means a vessel of fewer than sixteen feet
2 that uses a motor powering a water jet pump as its primary source of
3 motive power, and that is designed to be operated by a person sitting,
4 standing, or kneeling on, or being towed behind the vessel, rather than
5 in the conventional manner of sitting or standing inside the vessel.

6 (4) "Waters of the state" means any waters within the territorial
7 limits of Washington state.

8 NEW SECTION. **Sec. 3.** The department of fish and wildlife may
9 restrict the use of fresh waters of the state by motor-driven vessels
10 if:

11 (1) The department identifies that there are spawning grounds of
12 state or federally listed endangered, threatened, or sensitive species
13 of fish, or of stocks of fish in depressed or critical condition within
14 the area of potential restriction;

15 (2) The department allows vessels to operate within the area at
16 speeds no greater than those sufficient to maintain steerage to reach
17 their destinations in the open area, unless, in the department's
18 judgment, operation within the restricted area at times or speeds
19 prescribed by the department does not harm the fish or spawning
20 grounds;

21 (3) The department has coordinated with the appropriate federal
22 agencies to ensure compliance with federal laws; and

23 (4) The state has formally indicated a concern with impacts to the
24 spawning grounds within the area of potential restriction, by having
25 requested review by the relevant growth planning hearings board
26 pursuant to RCW 36.70A.290 of county or city critical area designations
27 pursuant to RCW 36.70A.170, or county or city development regulations
28 pursuant to RCW 36.70A.060.

29 NEW SECTION. **Sec. 4.** Restrictions established under section 3 of
30 this act shall preclude local government regulations that are in
31 conflict, unless such regulations are more restrictive.

32 NEW SECTION. **Sec. 5.** It is unlawful to operate a vessel in
33 violation of the restrictions imposed pursuant to section 3 of this
34 act. A violation of this section is a misdemeanor. The minimum
35 penalty for the first offense is five hundred dollars and for each
36 subsequent offense is one thousand dollars.

1 NEW SECTION. **Sec. 6.** By December 1, 1994, the house of
2 representatives committee on fisheries and wildlife and the senate
3 committee on natural resources shall jointly recommend to the
4 legislature whether more restrictive protections of wildlife and fish
5 against operation of motor-driven vessels is needed.

6 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act shall
7 constitute a new chapter in Title 77 RCW.

8 NEW SECTION. **Sec. 8.** This act shall take effect July 1, 1994.

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