

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5157

Chapter 372, Laws of 1995

54th Legislature
1995 Regular Session

CHINOOK AND COHO SALMON--EXTERNAL MARKING OF
HATCHERY-PRODUCED FISH

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 21, 1995
YEAS 45 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 20, 1995
YEAS 94 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5157** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 16, 1995 - 11:22 a.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5157

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen)

Read first time 03/06/95.

1 AN ACT Relating to conspicuous external marking of hatchery
2 produced chinook salmon and coho salmon; amending RCW 82.27.010; adding
3 new sections to Title 75 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that the state has
6 a vital interest in the continuation of recreational fisheries for
7 chinook salmon and coho salmon in mixed stock areas, and that the
8 harvest of hatchery origin salmon should be encouraged while wild
9 salmon should be afforded additional protection when required. A
10 program of selective harvest shall be developed utilizing hatchery
11 salmon that are externally marked in a conspicuous manner, regulations
12 that promote the unharmed release of unmarked fish, when and where
13 appropriate, and a public information program that educates the public
14 about the need to protect depressed stocks of wild salmon.

15 The legislature further declares that the establishment of other
16 incentives for commercial fishing and fish processing in Washington
17 will complement the program of selective harvest in mixed stock
18 fisheries anticipated by this legislation.

1 NEW SECTION. **Sec. 2.** The department shall mark appropriate coho
2 salmon that are released from department operated hatcheries and
3 rearing ponds in such a manner that the fish are externally
4 recognizable as hatchery origin salmon by fishers for the purpose of
5 maximized catch while sustaining wild and hatchery reproduction.

6 The department shall mark all appropriate chinook salmon targeted
7 for contribution to the Washington catch that are released from
8 department operated hatcheries and rearing ponds in such a manner that
9 the fish are externally recognizable as hatchery origin salmon by
10 fishers.

11 The goal of the marking program is the annual marking by June 30,
12 1997, of all appropriate hatchery origin chinook and coho salmon
13 produced by the department with marking to begin with the 1994 Puget
14 Sound coho brood. The department may experiment with different methods
15 for marking hatchery salmon with the primary objective of maximum
16 survival of hatchery marked fish, maximum contribution to fisheries,
17 and minimum cost consistent with the other goals.

18 The department shall coordinate with other entities that are
19 producing hatchery chinook and coho salmon for release into public
20 waters to enable the broadest application of the marking program to all
21 hatchery produced chinook and coho salmon. The ultimate goal of the
22 program is the coast-wide marking of appropriate hatchery origin
23 chinook and coho salmon, and the protection of all wild chinook and
24 coho salmon, where appropriate.

25 NEW SECTION. **Sec. 3.** The department shall adopt rules to control
26 the mixed stock chinook and coho fisheries of the state so as to
27 sustain healthy stocks of wild salmon, allow the maximum survival of
28 wild salmon, allow for spatially separated fisheries that target on
29 hatchery stocks, foster the best techniques for releasing wild chinook
30 and coho salmon, and contribute to the economic viability of the
31 fishing businesses of the state.

32 **Sec. 4.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read
33 as follows:

34 As used in this chapter, the following terms have the meanings
35 indicated unless the context clearly requires otherwise.

36 (1) "Enhanced food fish" includes all species of food fish, except
37 all species of tuna, mackerel, and jack; shellfish((τ)); and anadromous

1 game fish, including byproducts and parts thereof, originating within
2 the territorial and adjacent waters of Washington and salmon
3 originating from within the territorial and adjacent waters of Oregon,
4 Washington, and British Columbia, and all troll-caught Chinook salmon
5 originating from within the territorial and adjacent waters of
6 southeast Alaska. As used in this subsection, "adjacent" waters of
7 Oregon, Washington, and Alaska are those comprising the United States
8 fish conservation zone; "adjacent" waters of British Columbia are those
9 comprising the Canadian two hundred mile exclusive economic zone; and
10 "southeast Alaska" means that portion of Alaska south and east of Cape
11 Suckling to the Canadian border. For purposes of this chapter, point
12 of origination is established by a document which identifies the
13 product and state or province in which it originates, including, but
14 not limited to fish tickets, bills of lading, invoices, or other
15 documentation required to be kept by governmental agencies.

16 (2) "Commercial" means related to or connected with buying,
17 selling, bartering, or processing.

18 (3) "Possession" means the control of enhanced food fish by the
19 owner and includes both actual and constructive possession.
20 Constructive possession occurs when the person has legal ownership but
21 not actual possession of the enhanced food fish.

22 (4) "Anadromous game fish" means steelhead trout and anadromous
23 cutthroat trout and Dolly Varden char and includes byproducts and also
24 parts of anadromous game fish, whether fresh, frozen, canned, or
25 otherwise.

26 (5) "Landed" means the act of physically placing enhanced food fish
27 (a) on a tender in the territorial waters of Washington; or (b) on any
28 land within or without the state of Washington including wharves,
29 piers, or any such extensions therefrom.

30 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this
31 act, referencing this act by bill number, is not provided by June 30,
32 1995, in the omnibus appropriations act, this act shall be null and
33 void.

34 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act are each
35 added to Title 75 RCW.

Passed the Senate April 21, 1995.
Passed the House April 20, 1995.
Approved by the Governor May 16, 1995.
Filed in Office of Secretary of State May 16, 1995.