

CERTIFICATION OF ENROLLMENT  
**FOURTH SUBSTITUTE SENATE BILL 5159**

Chapter 222, Laws of 1996

54th Legislature  
1996 Regular Session

WARM WATER FISH ENHANCEMENT PROGRAM

EFFECTIVE DATE: 6/6/96 - Except sections 1, 2, and 4-6 which become effective on 7/1/96; section 3 which becomes effective on 1/1/97.

Passed by the Senate March 6, 1996  
YEAS 46 NAYS 0

JOEL PRITCHARD

**President of the Senate**

Passed by the House March 5, 1996  
YEAS 95 NAYS 0

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Approved March 28, 1996

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **FOURTH SUBSTITUTE SENATE BILL 5159** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

**Secretary**

FILED

March 28, 1996 - 4:57 p.m.

MIKE LOWRY

**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**FOURTH SUBSTITUTE SENATE BILL 5159**

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AS AMENDED BY THE HOUSE

Passed Legislature - 1996 Regular Session

**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senate Committee on Ways & Means (originally sponsored by Senators Owen, Oke, Haugen and Hochstatter)

Read first time 02/06/96.

1 AN ACT Relating to a warm water game fish enhancement program;  
2 adding a new chapter to Title 77 RCW; creating a new section; and  
3 providing effective dates.

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

5 NEW SECTION. **Sec. 1.** A warm water game fish enhancement program  
6 is created in the department to be funded from the sale of a warm water  
7 game fish surcharge. The enhancement program shall be designed to  
8 increase the opportunities to fish for and catch warm water game fish  
9 including: Largemouth black bass, smallmouth black bass, channel  
10 catfish, black crappie, white crappie, walleye, and tiger musky. The  
11 program shall be designed to use a practical applied approach to  
12 increasing warm water fishing. The department shall use the funds  
13 available efficiently to assure the greatest increase in the fishing  
14 for warm water fish at the lowest cost. This approach shall involve  
15 the minimization of overhead and administrative costs and the  
16 maximization of productive in-the-field activities.

17 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
18 otherwise, as used in this chapter, "warm water game fish" includes the

1 following species: Bass, channel catfish, walleye, crappie, and other  
2 species as defined by the department.

3 NEW SECTION. **Sec. 3.** (1) A warm water game fish surcharge allows  
4 a person to fish throughout the state for warm water game fish.

5 (2) The annual fee for a game fish surcharge is five dollars and  
6 the surcharge is required in addition to an annual game fishing  
7 license, except for those persons under fifteen years of age for which  
8 there is no charge. Holders of three-day resident fishing licenses,  
9 three-day nonresident fishing licenses, and nonresident annual fishing  
10 licenses shall pay a five-dollar surcharge to fish for warm water fish.

11 (3) The department shall use the most cost-effective format in  
12 designing and administering the warm water game fish surcharge.

13 (4) A warm water game fish surcharge shall only be required to  
14 fish for: Largemouth bass, smallmouth bass, walleye, black crappie,  
15 white crappie, channel catfish, and tiger musky.

16 NEW SECTION. **Sec. 4.** The goals of the warm water game fish  
17 enhancement program are to improve the fishing for warm water game fish  
18 using cost-effective management. Development of new ponds and lakes  
19 shall be an important and integral part of the program. The department  
20 shall work with the department of natural resources to coordinate the  
21 reclamation of surface mines and the development of warm water game  
22 fish ponds. Improvement of warm water fishing shall be coordinated  
23 with the protection and conservation of cold water fish populations.  
24 This shall be accomplished by carefully designing the warm water  
25 projects to have minimal adverse effects upon the cold water fish  
26 populations. New pond and lake development should have beneficial  
27 effects upon wildlife due to the increase in lacustrine and wetland  
28 habitat that will accompany the improvement of warm water fish habitat.  
29 The department shall not develop projects that will increase the  
30 populations of undesirable or deleterious fish species such as carp,  
31 squawfish, walking catfish, and others.

32 Fish culture programs shall be used in conditions where they will  
33 prove to be cost-effective, and may include the purchase of warm water  
34 fish from aquatic farmers defined in RCW 15.85.020. Consideration  
35 should be made for development of urban area enhancement of fishing  
36 opportunity for put-and-take species, such as channel catfish, that are  
37 amenable to production by low-cost fish culture methods. Fish culture

1 shall also be used for stocking of high value species, such as walleye,  
2 smallmouth bass, and tiger musky. Introduction of special genetic  
3 strains that show high potential for recreational fishing improvement,  
4 including Florida strain largemouth bass and striped bass, shall be  
5 considered.

6 Transplantation and introduction of exotic warm water fish shall be  
7 carefully reviewed to assure that adverse effects to native fish and  
8 wildlife populations do not occur. This review shall include an  
9 analysis of consequences from disease and parasite introduction.

10 Population management through the use of fish toxicants, including  
11 rotenone or derris root, shall be an integral part of the warm water  
12 game fish enhancement program. However, any use of fish toxicants  
13 shall be subject to a thorough review to prevent adverse effects to  
14 cold water fish, desirable warm water fish, and other biota.  
15 Eradication of deleterious fish species shall be a goal of the program.

16 Habitat improvement shall be a major aspect of the warm water game  
17 fish enhancement program. Habitat improvement opportunities shall be  
18 defined with scientific investigations, field surveys, and by using the  
19 extensive experience of other state management entities. Installation  
20 of cover, structure, water flow control structures, screens, spawning  
21 substrate, vegetation control, and other management techniques shall be  
22 fully used. The department shall work to gain access to privately  
23 owned waters that can be developed with habitat improvements to improve  
24 the warm water resource for public fishing.

25 The department shall use the resources of cooperative groups to  
26 assist in the planning and implementation of the warm water game fish  
27 enhancement program. In the development of the program the department  
28 shall actively involve the organized fishing clubs that primarily fish  
29 for warm water fish. The warm water fish enhancement program shall be  
30 cooperative between the department and private landowners; private  
31 landowners shall not be required to alter the uses of their private  
32 property to fulfill the purposes of the warm water fish enhancement  
33 program. The director shall not impose restrictions on the use of  
34 private property, or take private property, for the purpose of the warm  
35 water fish enhancement program.

36 NEW SECTION. **Sec. 5.** The warm water game fish account is hereby  
37 created in the state wildlife fund. Moneys in the account are subject  
38 to legislative appropriation and shall be used for the purpose of

1 funding the warm water game fish enhancement program, including the  
2 development of warm water pond and lake habitat, culture of warm water  
3 game fish, improvement of warm water fish habitat, management of warm  
4 water fish populations, and other practical activities that will  
5 improve the fishing for warm water fish. Funds from the warm water  
6 game fish surcharge shall not serve as replacement funding for  
7 department-operated warm water fish projects existing on December 31,  
8 1994. Funds from the warm water game fish account shall not be used  
9 for the operation or construction of the warm water fish culture  
10 project at Ringold unless specifically authorized by legislation.

11 Funds from the sale of the warm water game fish surcharges shall be  
12 deposited in the warm water game fish account.

13 NEW SECTION. **Sec. 6.** The department of fish and wildlife shall  
14 provide to the natural resource committees of the legislature an  
15 operational and management plan for the Ringold warm water fish culture  
16 project on or before December 31, 1996.

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

19 NEW SECTION. **Sec. 8.** (1) Sections 1, 2, and 4 through 6 of this  
20 act shall take effect July 1, 1996.

21 (2) Section 3 of this act shall take effect January 1, 1997.

Passed the Senate March 6, 1996.

Passed the House March 5, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.