

2 **SSB 6204 - H COMM AMD ADOPTED AS AMENDED BY AMD 1255 03/02/94**
3 By Committee on Fisheries & Wildlife

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 79.01.805 and 1993 c 283 s 3 are each amended to read
8 as follows:

9 (1) The maximum daily wet weight harvest or possession of seaweed
10 for personal use from all ((private and public tidelands and state
11 bedlands)) aquatic lands as defined under RCW 79.90.010 and all
12 privately owned tidelands is ten pounds per person. The department of
13 natural resources in cooperation with the department of ((fisheries))
14 fish and wildlife may establish seaweed harvest limits of less than ten
15 pounds for conservation purposes. This section shall in no way affect
16 the ability of any state agency to prevent harvest of any species of
17 marine aquatic plant from lands under its control, ownership, or
18 management.

19 (2) Except as provided under subsection (3) of this section,
20 commercial harvesting of seaweed from aquatic lands as defined under
21 RCW 79.90.010, and all privately owned tidelands is prohibited. This
22 subsection shall in no way affect commercial seaweed aquaculture.

23 (3) Upon mutual approval by the department and the department of
24 fish and wildlife, seaweed species of the genus Macrocyctis may be
25 commercially harvested for use in the herring spawn-on-kelp fishery.

26 **Sec. 2.** RCW 79.01.810 and 1993 c 283 s 4 are each amended to read
27 as follows:

28 ~~((A violation of RCW 79.01.805 is an infraction under chapter 7.84~~
29 ~~RCW, punishable by a penalty of one hundred dollars.))~~

30 It is unlawful to exceed the harvest and possession restrictions
31 imposed under RCW 79.01.805. A violation of this section is a
32 misdemeanor punishable in accordance with RCW 9.92.030, and a violation
33 taking place on aquatic lands is subject to the provisions of RCW
34 79.01.760. A person committing a violation of this section on private
35 tidelands which he or she owns is liable to the state for treble the
36 amount of damages to the seaweed resource, and a person trespassing on
37 private tidelands and committing a violation of this section is liable

1 to the private tideland owner for treble the amount of damages to the
2 seaweed resource. Damages recoverable include, but are not limited to,
3 damages for the market value of the seaweed, for injury to the aquatic
4 ecosystem, and for the costs of restoration. In addition, the person
5 is liable for reimbursing the injured party for the party's reasonable
6 costs, including but not limited to investigative costs and reasonable
7 attorneys' fees and other litigation-related costs.

8 **Sec. 3.** RCW 79.01.815 and 1993 c 283 s 5 are each amended to read
9 as follows:

10 The department of (~~fisheries~~) fish and wildlife and law
11 enforcement authorities may enforce the provisions of RCW 79.01.805 and
12 79.01.810.

13 NEW SECTION. **Sec. 4.** RCW 79.01.820 and 1993 c 283 s 6 are each
14 repealed.

15 NEW SECTION. **Sec. 5.** RCW 79.96.907 is decodified.

16 NEW SECTION. **Sec. 6.** This act shall take effect July 1, 1994."

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