

2 **2SSB 5157 - H AMDS ADOPTED 4/10/95**

3 By Representative Hatfield and others

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5 On page 1, after line 14, insert the following:

6 "The legislature further declares that the establishment of other
7 incentives for commercial fishing and fish processing in Washington
8 will complement the program of selective harvest in mixed stock
9 fisheries anticipated by this legislation."

10 On page 2, after line 28, insert the following:

11 "**Sec. 4.** RCW 75.08.011 and 1994 c 255 s 2 are each amended to read
12 as follows:

13 As used in this title or rules of the director, unless the context
14 clearly requires otherwise:

15 (1) "Director" means the director of fish and wildlife.

16 (2) "Department" means the department of fish and wildlife.

17 (3) "Person" means an individual or a public or private entity or
18 organization. The term "person" includes local, state, and federal
19 government agencies, and all business organizations, including
20 corporations and partnerships.

21 (4) "Fisheries patrol officer" means a person appointed and
22 commissioned by the director, with authority to enforce this title,
23 rules of the director, and other statutes as prescribed by the
24 legislature. Fisheries patrol officers are peace officers.

25 (5) "Ex officio fisheries patrol officer" means a commissioned
26 officer of a municipal, county, state, or federal agency having as its
27 primary function the enforcement of criminal laws in general, while the
28 officer is in the appropriate jurisdiction. The term "ex officio
29 fisheries patrol officer" also includes wildlife agents, special agents
30 of the national marine fisheries service, United States fish and
31 wildlife special agents, state parks commissioned officers, department
32 of natural resources enforcement officers, and United States forest
33 service officers, while the agents and officers are within their
34 respective jurisdictions.

1 (6) "To fish," "to harvest," and "to take" and their derivatives
2 mean an effort to kill, injure, harass, or catch food fish or
3 shellfish.

4 (7) "State waters" means all marine waters and fresh waters within
5 ordinary high water lines and within the territorial boundaries of the
6 state.

7 (8) "Offshore waters" means marine waters of the Pacific Ocean
8 outside the territorial boundaries of the state, including the marine
9 waters of other states and countries.

10 (9) "Concurrent waters of the Columbia river" means those waters of
11 the Columbia river that coincide with the Washington-Oregon state
12 boundary.

13 (10) "Resident" means a person who has maintained a permanent place
14 of abode within the state for at least ninety days immediately
15 preceding an application for a license, has established by formal
16 evidence an intent to continue residing within the state, and who is
17 not licensed to hunt or fish as a resident in another state.

18 (11) "Nonresident" means a person who has not fulfilled the
19 qualifications of a resident.

20 (12) "Food fish" means those species of the classes:

21 (a) Osteichthyes, except all species of tuna, mackerel, and jack;

22 (b) Agnatha(($\bar{\tau}$)); and

23 (c) Chondrichthyes

24 that have been classified and that shall not be fished for except as
25 authorized by rule of the director. The term "food fish" includes all
26 stages of development and the bodily parts of food fish species.

27 (13) "Shellfish" means those species of marine and freshwater
28 invertebrates that have been classified and that shall not be taken
29 except as authorized by rule of the director. The term "shellfish"
30 includes all stages of development and the bodily parts of shellfish
31 species.

32 (14) "Salmon" means all species of the genus *Oncorhynchus*, except
33 those classified as game fish in Title 77 RCW, and includes:

1	Scientific Name	Common Name
2	Oncorhynchus tshawytscha	Chinook salmon
3	Oncorhynchus kisutch	Coho salmon
4	Oncorhynchus keta	Chum salmon
5	Oncorhynchus gorbuscha	Pink salmon
6	Oncorhynchus nerka	Sockeye salmon

7 (15) "Commercial" means related to or connected with buying,
8 selling, or bartering. Fishing for food fish or shellfish with gear
9 unlawful for fishing for personal use, or possessing food fish or
10 shellfish in excess of the limits permitted for personal use are
11 commercial activities.

12 (16) "To process" and its derivatives mean preparing or preserving
13 food fish or shellfish.

14 (17) "Personal use" means for the private use of the individual
15 taking the food fish or shellfish and not for sale or barter.

16 (18) "Angling gear" means a line attached to a rod and reel capable
17 of being held in hand while landing the fish or a hand-held line
18 operated without rod or reel.

19 (19) "Open season" means those times, manners of taking, and places
20 or waters established by rule of the director for the lawful fishing,
21 taking, or possession of food fish or shellfish. "Open season"
22 includes the first and last days of the established time.

23 (20) "Fishery" means the taking of one or more particular species
24 of food fish or shellfish with particular gear in a particular
25 geographical area.

26 (21) "Limited-entry license" means a license subject to a license
27 limitation program established in chapter 75.30 RCW.

28 (22) "Seaweed" means marine aquatic plant species that are
29 dependent upon the marine aquatic or tidal environment, and exist in
30 either an attached or free floating form, and includes but is not
31 limited to marine aquatic plants in the classes Chlorophyta,
32 Phaeophyta, and Rhodophyta.

33 **Sec. 5.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read
34 as follows:

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

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

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

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

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

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

32 NEW SECTION. **Sec. 6.** A new section is added to Title 75 RCW to
33 read as follows:

34 The department may require the reporting of catch data and other
35 relevant data for the commercial landing of tuna, mackerel, and jack."

36 Renumber the remaining sections consecutively and correct internal
37 references accordingly.

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2 By Representative Hatfield

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4 On page 1, line 2 of the title, after "salmon;" insert "amending
5 RCW 75.08.011 and 82.27.010;"

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