
SUBSTITUTE SENATE BILL 5013

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senator Snyder)

Read first time 02/01/95.

1 AN ACT Relating to the definition of food fish and enhanced food
2 fish; amending RCW 75.08.011 and 82.27.010; and adding a new section to
3 Title 75 RCW.

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

5 **Sec. 1.** RCW 75.08.011 and 1994 c 255 s 2 are each amended to read
6 as follows:

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

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

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

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

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

1 (5) "Ex officio fisheries patrol officer" means a commissioned
2 officer of a municipal, county, state, or federal agency having as its
3 primary function the enforcement of criminal laws in general, while the
4 officer is in the appropriate jurisdiction. The term "ex officio
5 fisheries patrol officer" also includes wildlife agents, special agents
6 of the national marine fisheries service, United States fish and
7 wildlife special agents, state parks commissioned officers, department
8 of natural resources enforcement officers, and United States forest
9 service officers, while the agents and officers are within their
10 respective jurisdictions.

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

14 (7) "State waters" means all marine waters and fresh waters within
15 ordinary high water lines and within the territorial boundaries of the
16 state.

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

20 (9) "Concurrent waters of the Columbia river" means those waters of
21 the Columbia river that coincide with the Washington-Oregon state
22 boundary.

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

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

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

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

32 (b) Agnatha((-)); and

33 (c) Chondrichthyes

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

37 (13) "Shellfish" means those species of marine and freshwater
38 invertebrates that have been classified and that shall not be taken
39 except as authorized by rule of the director. The term "shellfish"

1 includes all stages of development and the bodily parts of shellfish
2 species.

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

5	Scientific Name	Common Name
6	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
7	<i>Oncorhynchus kisutch</i>	Coho salmon
8	<i>Oncorhynchus keta</i>	Chum salmon
9	<i>Oncorhynchus gorbuscha</i>	Pink salmon
10	<i>Oncorhynchus nerka</i>	Sockeye salmon

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

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

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

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

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

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

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

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

1 **Sec. 2.** RCW 82.27.010 and 1985 c 413 s 1 are each amended to read
2 as follows:

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

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

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

24 (3) "Possession" means the control of enhanced food fish by the
25 owner and includes both actual and constructive possession.
26 Constructive possession occurs when the person has legal ownership but
27 not actual possession of the enhanced food fish.

28 (4) "Anadromous game fish" means steelhead trout and anadromous
29 cutthroat trout and Dolly Varden char and includes byproducts and also
30 parts of anadromous game fish, whether fresh, frozen, canned, or
31 otherwise.

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

36 NEW SECTION. **Sec. 3.** A new section is added to Title 75 RCW to
37 read as follows:

1 The director may require the reporting of catch data from the
2 commercial landing of tuna, mackerel, and jack.

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