
HOUSE BILL 2463

State of Washington

57th Legislature

2002 Regular Session

By Representatives Eickmeyer, Sump, Jackley, Rockefeller, Doumit, Haigh, Pearson, Grant and Chase

Read first time 01/17/2002. Referred to Committee on Natural Resources.

1 AN ACT Relating to limitations on fishing for salmon and other
2 depressed fish stocks in Hood Canal; amending RCW 77.85.010; adding a
3 new section to chapter 77.85 RCW; creating a new section; and declaring
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the summer chum
7 salmon (*Onchorynchus keta*) evolutionarily significant unit of Hood
8 Canal within the Puget Sound chinook salmon (*Onchorynchus tshawytscha*)
9 evolutionarily significant unit is in danger of extinction, and that
10 other stocks of salmon and steelhead in Hood Canal have been
11 drastically reduced. The legislature also finds that other species of
12 fish, including ling cod, black cod, perch, and smelt, have been
13 greatly depleted in the waters of Hood Canal. The legislature
14 recognizes that volunteers have restored miles of spawning and rearing
15 habitat for these fish, but this pristine habitat is largely unused
16 because of insufficient numbers of fish returning to spawn. The
17 legislature finds that a temporary closing of this body of water to
18 fishing would help restore the natural balance of all these species.

1 **Sec. 2.** RCW 77.85.010 and 2000 c 107 s 92 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Adaptive management" means reliance on scientific methods to
6 test the results of actions taken so that the management and related
7 policy can be changed promptly and appropriately.

8 (2) "Critical pathways methodology" means a project scheduling and
9 management process for examining interactions between habitat projects
10 and salmonid species, prioritizing habitat projects, and assuring
11 positive benefits from habitat projects.

12 (3) "Habitat project list" is the list of projects resulting from
13 the critical pathways methodology under RCW 77.85.060(2). Each project
14 on the list must have a written agreement from the landowner on whose
15 land the project will be implemented. Projects include habitat
16 restoration projects, habitat protection projects, habitat projects
17 that improve water quality, habitat projects that protect water
18 quality, habitat-related mitigation projects, and habitat project
19 maintenance and monitoring activities.

20 (4) "Habitat work schedule" means those projects from the habitat
21 project list that will be implemented during the current funding cycle.
22 The schedule shall also include a list of the entities and individuals
23 implementing projects, the start date, duration, estimated date of
24 completion, estimated cost, and funding sources for the projects.

25 (5) "Hood Canal coordinating council" means the council of
26 governments created within Kitsap, Jefferson, and Mason counties as
27 provided under chapter 39.34 RCW.

28 (6) "Limiting factors" means conditions that limit the ability of
29 habitat to fully sustain populations of salmon. These factors are
30 primarily fish passage barriers and degraded estuarine areas, riparian
31 corridors, stream channels, and wetlands.

32 (~~(6)~~) (7) "Project sponsor" is a county, city, special district,
33 tribal government, a combination of such governments through interlocal
34 agreements provided under chapter 39.34 RCW, a nonprofit organization,
35 or one or more private citizens.

36 (~~(7)~~) (8) "Salmon" includes all species of the family Salmonidae
37 which are capable of self-sustaining, natural production.

38 (~~(8)~~) (9) "Salmon recovery plan" means a state plan developed in
39 response to a proposed or actual listing under the federal endangered

1 species act that addresses limiting factors including, but not limited
2 to harvest, hatchery, hydropower, habitat, and other factors of
3 decline.

4 ~~((+9+))~~ (10) "Tribe" or "tribes" means federally recognized Indian
5 tribes.

6 ~~((+10+))~~ (11) "WRIA" means a water resource inventory area
7 established in chapter 173-500 WAC as it existed on January 1, 1997.

8 ~~((+11+))~~ (12) "Owner" means the person holding title to the land or
9 the person under contract with the owner to lease or manage the legal
10 owner's property.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.85 RCW
12 to read as follows:

13 (1) The Hood Canal marine sanctuary is created within the
14 geographic area covered by the Hood Canal summer chum salmon
15 evolutionarily significant unit. The sanctuary is bounded by northwest
16 corner of Kitsap county and runs due west to the shoreline of Jefferson
17 county and claims all waters south of that boundary. The sanctuary is
18 designed to protect, preserve, and fully recover in the following
19 order:

20 (a) Summer chum salmon, chinook salmon, coho salmon, and steelhead;

21 (b) Herring, smelt, ling cod, perch, and black cod; and

22 (c) All other species of aquatic animal and plant life indigenous
23 to Hood Canal, except shellfish.

24 (2) The fish and wildlife commission, in coordination with the
25 tribal comanagers, must prohibit any harvest of summer chum, fall
26 chinook, or coho salmon, or of steelhead, in Hood Canal and its
27 tributaries until such time as the runs have fully recovered and can
28 sustain such a harvest without impairing future production. Nothing in
29 this section is intended to impair any tribal treaty fishing right.
30 Tribes are encouraged to limit the harvest of these fish until they are
31 fully recovered.

32 (3) By July 1, 2004, the department of fish and wildlife, in
33 coordination with the tribal comanagers, must develop a definition of
34 full recovery as it is applied to summer chum, chinook, and coho salmon
35 and steelhead. This definition must be based on the most recently
36 available scientific data and be based primarily on a field inventory
37 count of escapement in all spawning tributaries. By October 1, 2002,
38 the department must provide a complete inventory of all streams in the

1 geographic area covered by the summer chum salmon evolutionarily
2 significant unit. The effort to define full recovery and to identify
3 all of the streams must include the participation of the Hood Canal
4 coordinating council and of the Hood Canal salmon enhancement group.

5 (4) The department of fish and wildlife must authorize the use of
6 remote site incubators to enhance summer chum salmon production. The
7 department, in coordination with the Hood Canal salmon enhancement
8 group, must:

9 (a) Identify sites on tributaries of Hood Canal that would be
10 suitable for the placement of remote site incubators; and

11 (b) Place the incubators in suitable locations and manage the
12 incubators as necessary.

13 (5) The department, in coordination with the Hood Canal
14 coordination council and volunteer groups, must direct efforts toward
15 ensuring that suitable habitat in the watersheds covered by the summer
16 chum evolutionarily significant unit is used by summer chum salmon.

17 (6) The Hood Canal coordinating council must report to the salmon
18 recovery office as provided in RCW 77.85.030 on the status of summer
19 chum runs after the harvest prohibition has been in place for two
20 generations of summer chum salmon. The first report on summer chum
21 returns must be provided no later than December 31, 2007, and the
22 second report must be provided no later than December 31, 2011. At
23 such time as it is determined that all species of salmon and steelhead
24 have reached full recovery, the department of fish and wildlife must
25 submit a report to the legislature with a recommendation to change the
26 designation of sanctuary to a designation that would allow controlled
27 harvest.

28 (7) The department of fish and wildlife is authorized to extend the
29 same protection to those waters outside of the marine sanctuary as
30 defined in subsection (1) of this section that enter into Hood Canal as
31 to Hood Canal or its tributaries.

32 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect
35 immediately.

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