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HOUSE BILL 1210

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Blake, Chandler, Kretz, and Takko

Read first time 01/17/11. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the standardization of salmon fishing time for  
2 gill net gear and purse seine gear in Puget Sound; amending RCW  
3 77.50.010; and amending 2002 c 311 s 1 (uncodified).

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

5 **Sec. 1.** 2002 c 311 s 1 (uncodified) is amended to read as follows:

6 (1) The legislature finds that the economic well-being and  
7 stability of the fishing industry and the conservation of the food fish  
8 resources of the state of Washington are best served by providing  
9 managers with all available tools to stabilize and distribute the  
10 commercial harvest of targeted Puget Sound salmon stocks. In recent  
11 years, segments of the industry in cooperation with the department of  
12 fish and wildlife have funded studies examining modification of harvest  
13 practices and fishing gear, particularly purse seine gear, to minimize  
14 or avoid impacts on nontargeted Puget Sound salmon stocks.

15 (2) The legislature finds that the new Pacific salmon treaty  
16 agreement of 1999 will drastically reduce the commercial harvest of  
17 Fraser river sockeye salmon while likely providing increased harvest  
18 opportunities in areas of Puget Sound where only gill net gear is now  
19 authorized. This exclusive limitation is contrary to the long-term

1 needs of the fishing industry and inconsistent with the legislature's  
2 intent to stabilize harvest levels while selectively targeting healthy  
3 salmon stocks.

4 (3) The legislature further finds that the economic well-being and  
5 stability of the fishing industry and the conservation of the food fish  
6 resources of the state of Washington are best served by allocating an  
7 equal amount of time to gill net gear and purse seine gear to harvest  
8 salmon in Puget Sound.

9 **Sec. 2.** RCW 77.50.010 and 2002 c 311 s 2 are each amended to read  
10 as follows:

11 (1) The commission may authorize commercial fishing for sockeye  
12 salmon within the waters described in subsection (2) of this section  
13 only during the period June 10th to July 25th and for other salmon only  
14 from the second Monday of September through November 30th, except  
15 during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the  
16 following Sunday.

17 (2) All waters east and south of a line commencing at a concrete  
18 monument on Angeles Point in Clallam county near the mouth of the Elwha  
19 River on which is inscribed "Angeles Point Monument" (latitude 48° 9'  
20 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence  
21 running east on a line 81° 30' true across the flashlight and bell buoy  
22 off Partridge Point and thence continued to longitude 122° 40' west;  
23 thence north to the southerly shore of Sinclair Island; thence along  
24 the southerly shore of the island to the most easterly point of the  
25 island; thence 46° true to Carter Point, the most southerly point of  
26 Lummi Island; thence northwesterly along the westerly shore line of  
27 Lummi Island to where the shore line intersects line of longitude 122°  
28 40' west; thence north to the mainland, including: The southerly  
29 portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay,  
30 Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes  
31 Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and  
32 their inlets, passages, waters, waterways, and tributaries.

33 (3) The commission may authorize commercial fishing for salmon with  
34 gill net, purse seine, and other lawful gear prior to the second Monday  
35 in September within the waters of Hale Passage, Bellingham Bay, Samish  
36 Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk

1 Bay, to wit: Those waters northerly and easterly of a line commencing  
2 at Stanwood, thence along the south shore of Skagit Bay to Rocky Point  
3 on Camano Island; thence northerly to Polnell Point on Whidbey Island.

4 (4) Whenever the commission determines that a stock or run of  
5 salmon cannot be harvested in the usual manner, and that the stock or  
6 run of salmon may be in danger of being wasted and surplus to natural  
7 or artificial spawning requirements, the commission may, consistent  
8 with subsection (6) of this section, authorize units of gill net and  
9 purse seine gear in any number or equivalents, by time and area, to  
10 fully utilize the harvestable portions of these salmon runs for the  
11 economic well being of the citizens of this state. Gill net and purse  
12 seine gear other than emergency and test gear authorized by the  
13 director shall not be used in Lake Washington.

14 (5) The commission may authorize commercial fishing for pink salmon  
15 in each odd-numbered year from August 1st through September 1st in the  
16 waters lying inside of a line commencing at the most easterly point of  
17 Dungeness Spit and thence projected to Point Partridge on Whidbey  
18 Island and a line commencing at Olele Point and thence projected  
19 easterly to Bush Point on Whidbey Island.

20 (6)(a) Whenever the commission authorizes commercial fishing for  
21 salmon with gill net or purse seine gear within the waters described by  
22 this section, the commission shall adopt rules specifying weekly  
23 fishing schedules for both gear types that provide:

24 (i) An equal amount of time opened during each week to take salmon  
25 with both gill net and purse seine gear types; and

26 (ii) Alternate first day of the week openings to each gear type.

27 (b) Exceptions to this equal time provision may be made only when:

28 (i) Estimates obtained by direct, on-water sampling of each gear  
29 type show a disproportionate amount of the bycatch mortality of  
30 incidentally encountered fish or other species associated with fishing  
31 by either gear type;

32 (ii) Economic analyses of Puget Sound commercial salmon  
33 conclusively demonstrate that allocating a greater amount of time to  
34 either gear type will improve the economic well-being and stability of  
35 the fishing industry; or

36 (iii) The total allowable harvest, determined by the department on  
37 the basis of either preseason forecast or in-season gathered

1 information, is insufficient to allow openings for both gill net and  
2 purse seine gears.

3 (c) Nothing in this subsection limits the authority of the  
4 commission under this section.

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