
SENATE BILL 5291

State of Washington

62nd Legislature

2011 Regular Session

By Senators Swecker, Rockefeller, Ranker, Fraser, Stevens, Nelson, Kohl-Welles, and Conway; by request of Department of Fish and Wildlife

Read first time 01/20/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to recreational fishing opportunities; amending RCW
2 77.105.005, 77.105.020, 77.105.030, 77.105.050, and 77.105.160; adding
3 a new section to chapter 77.105 RCW; and repealing RCW 77.105.040,
4 77.105.060, 77.105.070, 77.105.080, 77.105.090, 77.105.100, 77.105.110,
5 77.105.120, and 77.105.130.

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

7 **Sec. 1.** RCW 77.105.005 and 1993 sp.s. c 2 s 82 are each amended to
8 read as follows:

9 (1) The legislature finds the sheltered waters of Puget Sound
10 (waters east of the Sekiu river) have historically provided the
11 citizens of the state with the safest and most convenient access to
12 productive marine recreational fishing.

13 (2) The legislature ((finds that recreational fishing opportunities
14 for salmon and marine bottomfish have been dwindling in recent years.
15 It is important to restore diminished recreational fisheries and to
16 enhance the salmon and marine bottomfish resource to assure sustained
17 productivity)) further recognizes the economic value in restoring and
18 rebuilding the recreational fishing opportunities in Puget Sound for
19 salmon and marine bottomfish, and that these opportunities have

1 declined in the past two decades. Investments made in recreational
2 fishing programs will repay the people of the state many times over in
3 increased economic activity and in an improved quality of life.

4 (3) It is the intent of the legislature to improve recreational
5 fishing opportunities in Puget Sound and Lake Washington from current
6 levels and increase the economic benefits from the fishery,
7 particularly recognizing the unique recreational experience provided by
8 the winter salmon fishery. In addition, the legislature has determined
9 that the number of angler trips expended in these waters is the measure
10 of fishing opportunity.

11 **Sec. 2.** RCW 77.105.020 and 1993 sp.s. c 2 s 84 are each amended to
12 read as follows:

13 (1) Consistent with available revenue, commission policies, tribal
14 comanager agreements, and limitations of the endangered species act,
15 the department, in consultation with the oversight committee created in
16 RCW 77.105.160, shall adaptively manage the Puget Sound recreational
17 salmon and marine fish enhancement program to maximize the benefits to
18 the Puget Sound recreational fishery.

19 (2) The department has the following duties:

20 (a) The department shall(~~Develop a short-term~~) utilize a
21 program of hatchery-based salmon enhancement (~~using freshwater pond~~
22 sites for the final rearing phase~~+~~) and solicit support from
23 cooperative projects, regional enhancement groups, and other supporting
24 organizations(~~+~~) to improve recreational salmon fishing in Puget
25 Sound.

26 (b) The department may conduct comprehensive research on resident
27 and migratory salmon production opportunities(~~and conduct research~~)
28 on marine bottomfish production limitations, and on methods for
29 artificial propagation of depleted marine bottomfish.

30 (~~Long term responsibilities of the department are to: Fully~~
31 implement enhancement efforts for Puget Sound and Hood Canal resident
32 salmon and marine bottomfish; identify opportunities to reestablish
33 salmon runs into areas where they no longer exist; encourage naturally
34 spawning salmon populations to develop to their fullest extent; and
35 fully utilize hatchery programs to improve recreational fishing.))

36 (c) The program must facilitate continued and improved recreational
37 fishing opportunities in Puget Sound and Lake Washington as measured by

1 increased angler trips of participation. The coordinator, as
2 identified in RCW 77.105.010, shall assist the oversight committee with
3 development of recommendations for outcome-based goals and objectives
4 to assess the effectiveness of the program.

5 (d) The director shall meet with the oversight committee each year
6 to review and approve these goals and objectives.

7 (e) The director and oversight committee shall report annually to
8 the commission on the goals of the program and the effectiveness of the
9 program in meeting those goals. Objectives include, but are not
10 limited to, an increase in salmon and bottomfish angler trips.

11 (f) The department and the oversight committee shall seek to reach
12 consensus regarding program activities and expenditures. The
13 department shall provide the oversight committee with a written
14 explanation when the department expends funds from the recreational
15 fisheries enhancement account that differs substantially from oversight
16 committee recommendations.

17 (g) Consistent with RCW 43.01.036, the department and oversight
18 committee shall make a joint report to the legislature on the
19 effectiveness of this program in biennial reports. Reports must
20 include the goals and objectives of the previous biennium and a
21 determination of whether the goals and objectives were met and an
22 explanation if the department did not meet these specific objectives.

23 **Sec. 3.** RCW 77.105.030 and 1993 sp.s. c 2 s 85 are each amended to
24 read as follows:

25 The department (~~shall~~) may seek recommendations from persons who
26 are expert on the planning and operation of programs for enhancement of
27 recreational fisheries. The department (~~shall fully~~) may use the
28 expertise of the University of Washington (~~college of fisheries~~)
29 school of aquatic and fishery sciences and the sea grant program to
30 develop research and enhancement programs.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.105 RCW
32 to read as follows:

33 The department shall utilize artificial rearing of salmon to
34 improve recreational salmon fishing in Puget Sound. In managing
35 salmon, the department shall seek to develop and implement methods that

1 will increase recreational angling opportunities. These methods may
2 include, but are not limited to, the following tools:

3 (1) Utilization of salmon artificial rearing techniques that
4 contribute to the recreational fisheries in Puget Sound, especially
5 winter salmon fishing.

6 (2) Optimum use of hatchery salmon through expanded recreational
7 mark-selective fisheries.

8 (3) Utilization of recreational salmon and marine fish enhancement
9 program funds for catch monitoring when required to increase
10 recreational mark-selective fisheries.

11 (4) Consideration of new catch and release recreational fisheries
12 utilizing gear and methods known to minimize hooking mortality.

13 (5) Providing public information regarding angling opportunities
14 and fishing methods.

15 **Sec. 5.** RCW 77.105.050 and 1993 sp.s. c 2 s 87 are each amended to
16 read as follows:

17 The department (~~shall~~) may conduct research, develop methods, and
18 implement programs for the artificial rearing and release of marine
19 bottomfish species. (~~Lingcod, halibut, rockfish, and Pacific cod~~
20 ~~shall be the species of primary emphasis due to their importance in the~~
21 ~~recreational fishery.~~) Marine bottomfish species of importance in the
22 recreational fishery are the primary emphasis. The department may use
23 artificial habitats to restore and mitigate for degraded rockfish
24 habitats and enhance recreational opportunities.

25 **Sec. 6.** RCW 77.105.160 and 2003 c 173 s 2 are each amended to read
26 as follows:

27 (1) The Puget Sound recreational fisheries enhancement oversight
28 committee is created. The director shall appoint at least seven
29 members representing sport fishing (~~organizations~~) interests to the
30 committee from a list of applicants, ensuring broad representation from
31 the sport fishing community. Each member shall serve for a term of two
32 years, and may be reappointed for subsequent two-year terms at the
33 discretion of the director. Members of the committee serve without
34 compensation.

35 (2) The Puget Sound recreational fisheries enhancement oversight
36 committee has the following duties:

1 (a) Advise the department on all aspects of the Puget Sound
2 recreational fisheries enhancement program;

3 (b) Develop recommendations, with assistance from the coordinator,
4 for outcome-based goals and objectives to assess the effectiveness of
5 the program;

6 (c) Meet with the director each year to review these goals and
7 objectives;

8 (d) Report annually with the director to the commission on the
9 goals of the program and the effectiveness of the program in meeting
10 those goals;

11 (e) Review and provide guidance on the annual budget for the
12 recreational fisheries enhancement account;

13 ~~((e))~~ (f) Select a chair of the committee. It is the chair's
14 duty to coordinate with the department on all issues related to the
15 Puget Sound recreational fisheries enhancement program;

16 ~~((d))~~ (g) Meet at least quarterly with the department's
17 coordinator as identified in RCW 77.105.010 of the Puget Sound
18 recreational fisheries enhancement program;

19 ~~((e))~~ (h) Review and comment on program documents and proposed
20 production of salmon and other species; ~~(and~~

21 ~~(f))~~ (i) Address other issues related to the purposes of the Puget
22 Sound recreational fisheries enhancement program that are of interest
23 to recreational fishers in Puget Sound; and

24 (j) Consistent with RCW 43.01.036, make a joint report with the
25 department to the legislature each biennium on the status of the
26 program.

27 NEW SECTION. Sec. 7. The following acts or parts of acts are each
28 repealed:

29 (1) RCW 77.105.040 (Delayed-release chinook salmon--Freshwater
30 rearing) and 1993 sp.s. c 2 s 86;

31 (2) RCW 77.105.060 (Additional research) and 1993 sp.s. c 2 s 88;

32 (3) RCW 77.105.070 (Siting process for enhancement projects--
33 Cooperation with other entities) and 1994 c 264 s 47 & 1993 sp.s. c 2
34 s 89;

35 (4) RCW 77.105.080 (Public awareness program) and 1993 sp.s. c 2 s
36 90;

- 1 (5) RCW 77.105.090 (Management of predators) and 1993 sp.s. c 2 s
2 91;
- 3 (6) RCW 77.105.100 (Plans to target hatchery-produced fish--
4 Participation by fishing interests--Feasibility of increased survival
5 and production of chinook and coho salmon) and 1993 sp.s. c 2 s 92;
- 6 (7) RCW 77.105.110 (Coordination of sport fishing program with wild
7 stock initiative) and 1993 sp.s. c 2 s 93;
- 8 (8) RCW 77.105.120 (Increased recreational access to salmon and
9 marine fish resources--Plans) and 1993 sp.s. c 2 s 94; and
- 10 (9) RCW 77.105.130 (Recreational fishing projects--Contracting with
11 entities) and 1993 sp.s. c 2 s 95.

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