

## CHAPTER 247.

[H. B. 232.]

## AMENDING ACT RELATING TO THE TAKING OF FOOD FISHES.

AN ACT relating to the taking of food fishes, providing penalties for a violation thereof, amending section 2 of chapter 117, Session Laws 1899, also amending section 3 of chapter 170 of Session Laws of 1905, and repealing section 4 of chapter 170, Session Laws of 1905, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 2 of chapter 117, Session Laws 1899, relating to the taking of food fishes, be amended to read as follows: Sec. 2. The use of pound nets, traps, weirs, fish wheels and other fixed appliances, and purse nets, drag seines and other seines for catching salmon is hereby authorized in all the waters of this State wherein the same is not prohibited by section one, subject to the regulation and license hereinafter provided for or otherwise required by law, and the use of set nets and gill or drift nets, subject to said license and regulation for said purpose is authorized in all the waters of this State, except as otherwise provided by law: *Provided, however,* That no fishing appliances shall be constructed, operated or maintained upon any of the waters of this State or the Columbia river or its tributaries by any person whomsoever, unless such person shall have first obtained a license so to do from the Fish Commissioner of this State, who is hereby authorized to issue said licenses: *Provided further,* That the Fish Commissioner shall obtain from the State Auditor all licenses in blank, and that when he reports to the State Treasurer, the number of licenses so received shall be accounted for. The State Auditor is hereby authorized and directed to prepare in blank consecutively numbered, all licenses to be turned over as herein provided to the Fish Commissioner, keeping a receipt for the licenses so delivered. A separate license shall be required for each trap, pound net, weir, fish wheel or any other fixed appliance, and for every purse net, purse seine, drag seine, or

Use of certain appliances authorized.

License.

other seine, gill net, drift net or set net, which license shall be numbered and dated, and shall specify the number of the pound net, trap, weir, fish wheel, or other fixed appliance, seine, gill net, drift net or set net, which number shall be designated by the said Commissioner, and said license shall also contain the name of the person to whom such license shall be granted. No license shall be issued to any person who is not a citizen of the United States, unless such person has declared his intention to become such one year prior thereto, and is and has been for one year immediately prior to the time of the application for license an actual resident of the State of Washington, nor shall any license be issued to any corporation, unless such corporation shall be authorized to do business in this State: *Provided*, That nothing in this act shall be construed to prevent the issuance of licenses to women, minors of the age of eighteen years or more, or Indians, who possess the qualifications of citizenship and residence hereinbefore required, nor to prevent the renewal of any licenses by persons now holding the same: *Provided*, Licenses issued by the State of Oregon shall be deemed valid as to gill nets for use on the Columbia river as though issued by the Fish Commissioner of this State. No more than three licenses shall be issued to any one person, firm or corporation. Licenses may be assigned or transferred to any person or corporation entitled to hold licenses under the provisions of this act: *Provided*, That notice is given to the Fish Commissioner of said transfer or assignment by the transferee within twenty days from the date of said transfer or assignment: *And provided further*, If such notice of transfer is not given such license shall be void. No person or corporation shall own, operate or construct, or cause to be constructed or operated any pound net, trap, weir, fish wheel or other fixed appliance for the catching of salmon on the waters of the Columbia river, or its tributaries, or in any of the waters of the State of Washington, the meshes of which are less than three inches stretched measure.

Who may  
be licensed.

Certain  
Oregon li-  
censes valid.

Transfer.

Size of  
mesh.

SEC. 2. It shall be unlawful to take or fish for salmon, except with hook or line in any of the tributaries of Puget

Sound above tide water; and it shall further be unlawful to take or fish for salmon, except with hook and line in any of the open waters of Puget Sound between the hours of six o'clock p. m. Friday, and six o'clock a. m. Sunday, and in the tributaries of Puget Sound and that arm of the Sound known as Swinomish Slough, between the hours of six o'clock a. m. Saturday, and six o'clock p. m. Sunday, of each calendar week in each year. And it shall be unlawful to fish for sockeye salmon in the waters of Puget Sound between August 25th and September 15th of each year, and any salmon of that species taken between said last named dates in the waters of Puget Sound shall be liberated. That between six o'clock p. m. Friday and six o'clock a. m. Sunday, of each calendar week of each year, as above provided, all pound nets, or traps operated in the waters of Puget Sound shall be closed by an apron placed across the entrance to the heart of the trap or pound net, which apron shall extend from above the surface of the water to the bottom of the Sound at the place where the trap is maintained and be connected securely to the piles on either side of the entrance to the heart of such trap or pound net, fastened by rings not more than four feet apart on a taut wire stretched from top to bottom of piles so as to effectually prevent any salmon from entering the heart of such trap or pound net. Any person violating any of the provisions of this section, whether or not such a violation is otherwise specifically declared to be a misdemeanor, either by neglecting to observe the requirements of this section, or by violating any of the requirements thereof, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, for each and every offense be subject to a fine of not less than two hundred and fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail not less than twenty-five days nor more than one year, or by both such fine and imprisonment.

Unlawful to take salmon on Puget Sound, when.

Traps shall be closed, when.

Penalty.

SEC. 3. It shall be unlawful to take or fish for salmon in the waters of Grays Harbor or its tributaries from the 15th day of March to the 15th day of April and from

Prohibited on Grays Harbor, when.

the 25th day of November to the 15th day of December in each year. And also it shall hereafter be unlawful to take or fish for salmon in any of the following named tributaries of Grays Harbor from the 15th day of August to the 15th day of November in each year above the points hereinafter described, to-wit: It shall be unlawful to take or fish for salmon in the Chehalis river above a point one-half mile below the mouth of the Wynooche river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Humptulips river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Elk river; it shall be unlawful to take or fish for salmon above a point one-half mile above the mouth of the Johns river. The Fish Commissioner is hereby empowered to indicate the points above which fishing may not be done as provided hereinbefore, by driving piles at the points in said streams above designated, which shall mark the points above which said fishing shall not be done. It shall be unlawful to take or fish for salmon in the waters of Willapa Harbor or its tributaries from the 15th day of March to the 15th day of April, and from the 25th day of November to the 25th day of December in each year. And, also, it shall be unlawful to take or fish for salmon in any of the following tributaries of Willapa Harbor above tidewater in said rivers: North river, Willapa river, and Nasel river. Nothing in this act shall be construed to prevent fishing with hook and line, commonly termed angling, in any of the above rivers. It shall be unlawful to take or fish for salmon in the Columbia river or its tributaries, or within three miles outside of the mouth of said Columbia river, by any means whatever in any year, between twelve m. the 15th day of March and twelve m. the 15th day of April, or between 12 m. the 25th day of August and 12 m. the 10th day of September, except Snake river; and it shall be unlawful to take or fish for salmon in said Snake river or any of its tributaries by any means whatever, in any year, between twelve m. the 1st day of March and twelve m. the 15th day of April, or between 12 m. the first day of

Willapa  
Harbor.

Columbia  
River.

Snake  
River.

August and twelve m. the first day of September. And it shall be unlawful to take or fish for salmon by any means whatever except with hook and line, commonly termed angling, in the Kalama river, Lewis river, Wind river, Little White Salmon river, Wenatchee river, Methow river, Little Spokane river, and Colville river, and in the Columbia river within one mile of the mouth of the above named rivers: *Provided*, No traps shall be located on or within three miles below the mouth of Lewis river. It shall be unlawful at any time to take any fish with a net, trap or other device than hook and line in Chambers creek in the county of Pierce, or within two hundred and fifty yards of the mouth of said creek and the mouth of said creek shall be construed to mean the junction where the fresh and salt waters meet at low tide.

SEC. 4. It shall be unlawful for any person, firm or corporation on Puget Sound or its tributaries to fish for salmon by means of set nets of greater length than three hundred feet, and no set net shall be permitted to be constructed in the form of a pound net or with pots or hearts connected therewith or in any other means than by stakes driven in substantially a straight line. Any person violating any of the provisions of sections 3, 4 and 5 of this act shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject for each and every offense, to a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment in the county jail not less than five days nor more than thirty days.

Size and  
shape of  
set nets.

Penalty for  
violation of  
certain  
sections.

SEC. 5. That section 3 of chapter 170, Session Laws of 1905, be amended to read as follows: Sec. 3. Every person, firm or corporation, either as principal, agent or employe engaged in the business of buying or selling, and preserving or otherwise dealing in salmon other than canneries thereof, shall pay as a license the sum of ninety cents per ton net weight of said fish bought and sold, preserved or otherwise dealt in: *Provided*, No person engaged in the business aforesaid shall pay less than two dollars and fifty cents per annum. It shall be the duty of each

License  
of Dealers—  
90 cents  
per ton.

\$2.50 per  
annum.

Detailed report to fish commissioner.

Grays Harbor license.

person, firm or corporation affected by the provisions of this section to render to the Fish Commissioner of the State of Washington, on or before the tenth day of each month, on blanks to be furnished by the Fish Commissioner, a detailed statement showing net amount of fresh fish bought and sold, preserved or otherwise dealt in during the preceeding month, and each person shall pay to the said Commissioner the amount due under the provisions therefor, on or before the tenth of each month, and a failure or neglect to do so shall constitute a misdemeanor and upon conviction thereof the offender may be punished as hereinafter provided: *Provided, however,* That every person, firm or corporation, either as principal, agent or employe (except retail dealers purchasing for their own trade) engaged in buying, selling, preserving, or otherwise dealing in salmon other than canners thereof taken in the waters of Grays Harbor or its tributaries in the State of Washington, shall before engaging in such business procure from the Fish Commissioner a license to buy, sell, preserve or otherwise deal in at least one hundred tons of salmon taken from such waters and pay therefor to said Fish Commissioner the sum of ninety dollars, which said license shall entitle such person, firm or corporation to buy, sell, handle, preserve or otherwise deal in one hundred tons of salmon taken from said waters during the season for which such license is granted. Should such person, firm or corporation during the year for which such license is issued exceed one hundred tons of salmon in his, their or its purchase, sale, preserving or dealing such person, firm or corporation shall immediately upon the completion of the purchase, sale, or preserving of one hundred tons of salmon, thereafter be governed by and comply with and make payments upon all salmon purchased, sold, preserved or otherwise dealt in in excess of one hundred tons during the said year with the provisions of this section contained and declared before this proviso and a failure or neglect upon the part of any person, firm or corporation to comply with the requirements of this section or the requirements of this proviso shall constitute a misdemeanor and upon

conviction thereof the offender shall be punished as in this act hereby amended provided.

SEC. 6. That section 1 of chapter 170 of the Session Laws of 1905 be amended to read as follows: Sec. 1. That section six (same being section 5278 of Pierce's Washington Code) of "An act providing for the protection and propagation of the food fishes in the waters of the State of Washington, regulating the catching and sale thereof, establishing licenses, fixing penalties, repealing conflicting laws, and declaring an emergency," approved March 13, 1899, be amended to read as follows: Section 6. (5278) All licenses provided in sections two and three of this act shall be issued as follows: Upon application therefor by any person, a license shall be issued by the Fish Commissioner for fixed and other appliances for catching salmon or other food fishes as herein provided, which shall entitle the holder to operate said appliances in the waters of this State, wherein such appliances are not prohibited by law. The following fees for such licenses shall be collected by the Fish Commissioner and turned over to the State Treasurer on or before the tenth of each month, and by him turned into the fish hatchery fund, to-wit:

License for appliances.

Fees.

For each drag seine not exceeding 250 feet in length	\$2.50
For each drag seine more than 250 feet in length and not more than 400 feet in length . . . . .	7.50
For each drag seine more than 400 feet in length and not exceeding 500 feet . . . . .	15.00
For each additional foot in length, the further sum of . . . . .	.03
For each first class pound net, trap or weir, on the Columbia river . . . . .	25.00
For each second class pound net, trap or weir, on the Columbia river . . . . .	10.00
For each first class purse seine . . . . .	50.00
For each second class purse seine . . . . .	25.00
For each gill net or drift net . . . . .	5.00
For each set net . . . . .	2.50
For each pound net, trap, or weir, on Willapa Har- bor and Grays Harbor . . . . .	10.00

For each pound net, trap or weir (except on the Columbia river, Willapa Harbor or Grays Harbor . . . . . 50.00

For each scow fish wheel . . . . . 15.00

Fish wheels.

Stationary fish wheels shall pay twenty-five dollars for first class wheels, and ten dollars for second class wheels, all classification of wheels, pound nets, and purse seines to be determined by the Fish Commissioner: *Provided*, Where any trap or pound net is so constructed as to take fish at each end of its main lead, it shall obtain and pay for a license especially permitting the taking of fish at both ends, for which it shall pay a license fee double the amount of a pound net or trap taking fish at one end only. In addition to the foregoing license charges there shall also be paid by the owner of each trap, pound net or fish wheel operated in the waters of the State, the sum of one dollar for each one thousand fish taken by such trap, pound net or fish wheel to furnish to the Fish Commissioner on or before the tenth day of each month. It shall be the duty of every person

Traps to pay double fee, when.

Owners of traps shall report number of fish caught.

owning or operating any trap, pound net or fish wheel to furnish to the Fish Commissioner on or before the tenth day of each month a sworn statement giving the number and location of such trap or pound net and a detailed statement of the actual number of fish caught at such trap or pound net, and in addition to answer such questions as the Fish Commissioner shall propound with reference thereto, which statement shall be filed with and retained by the Fish Commissioner. Any person, firm or corporation using scows and boats or other craft in the buying of fish on the Columbia river, are hereby required to obtain from the Fish Commissioner of the State of Washington, before engaging in said trade or occupation, a license for such scow, boat or other craft: *Provided*, That this shall not apply to scows, boats and other craft regularly used in buying fish for, and transporting fish to canneries and packing plants which pay an annual license fee to the State of Washington of at least one hundred dollars each. Each person, firm or corporation obtaining such license shall pay to the Fish Commissioner of the State of Washington at the time said

License for boats and scows.

license is issued, the sum of fifty dollars (\$50.00). All licenses issued under the provisions of this act shall expire on the thirty-first day of March following the issuance of such license, and shall be renewed upon application and upon payment of the license fees as provided by this act: *Provided*, That licenses now issued shall be valid until their expiration, and shall likewise be renewed to expire on March thirty-first following the issuance of such license.

SEC. 7. One-half of all fines collected under the provisions of this act or the acts of which this is amendatory shall be paid to the informer, if there be one, one-quarter to the county collecting the same and the remainder shall be put into the fish hatchery fund in the State general fund. And it shall be the duty of the prosecuting attorney, or justice of the peace to cause to be endorsed upon the back of the indictment or complaint the name of any person who shall voluntarily make complaint for violation of any of the provisions of this act.

Disposition  
of fines.

SEC. 8. Section 4 of chapter 170, Laws of the State of Washington, 1905, approved March 13, 1905, is hereby repealed.

Repeal.

SEC. 9. An emergency exists, and this act shall take effect immediately.

Emergency.

Passed by the House March 13th, 1907.

Passed by the Senate March 12th, 1907.

Approved by the Governor March 19th, 1907.