

diately to the director. Licenses issued under this act shall not be transferable. Licenses not transferable.

SEC. 26. Any retailer whose load of hay, grain, commercial feed or straw weighs less than that shown on the invoice is guilty of a misdemeanor. Any person violating any provisions of this act for which no other penalty is herein prescribed shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars. Each day's violation of this act shall constitute a separate offense. Penalties.

Passed the Senate February 23, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

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## CHAPTER 147.

[ S. B. 234. ]

### SALMON RESOURCES—CONSERVATION—REGULATIONS.

AN ACT relating to the salmon resources of the state of Washington; declaring a public policy; describing conditions detrimental to such resources; prescribing remedies and regulations; forbidding certain practices; imposing penalties; providing for permits; and declaring an emergency.

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

SECTION 1. The state of Washington has a major and substantial interest in the fisheries and fishing industry within its boundaries and a special interest in its salmon resources. Salmon within the waters of the state, including its coastal waters and offshore waters contiguous thereto, constitute a commercial asset and a vital food resource in which the state of Washington has a special interest, in that such salmon spawn in the fresh water streams of the state of Washington, migrate to the sea and, in response to their anadromous cycle, return to the fresh water streams of Washington, from which they originate, to Public policy.

spawn and die. Serious conditions and hazards detrimental to the preservation of this salmon supply have arisen and are now present, both in the fresh water streams of the state of Washington and in the salt waters of bays, inlets, canals, coves, sounds and estuaries, and in its coastal waters and offshore waters contiguous thereto, as a result of the extensive catching and taking of silver and chinook salmon within the described waters in such quantities as substantially to deplete the spawning and the source of existing and future salmon supplies and resources.

The preservation of the salmon industry and the salmon resources of the state of Washington is vital to the state's economy, and effective measures and remedies are necessary to prevent loss of such salmon resources due to the taking of immature fish and salmon present in the state's coastal and offshore waters, from which waters such salmon migrate, feed and return to the streams of this state to spawn.

It has proven impossible in seeking to regulate catching and taking of such salmon to distinguish between salmon taken from waters of the Pacific ocean over which the state has jurisdiction and those taken outside the limits of the state's jurisdiction and brought within the boundaries of the state.

Research by the department of fisheries of the state has established that silver and chinook salmon found in the waters of district No. 2 and the Columbia river district, as herein defined, are substantially mature salmon. The silver and chinook salmon found during certain periods within the waters of district No. 1, herein defined, are for the most part immature salmon, the taking of which would prevent the return of an adequate number of such salmon to the spawning grounds in the streams of the state and risk the destruction or substantial depletion of the state's salmon resources, and would constitute an irreparable economic waste.

SEC. 2. The following fishery districts are hereby created:

Fishery districts created.

(1) District No. 1, as used in this act, shall include the Straits of Juan de Fuca and the waters of the Pacific ocean over which the state of Washington has jurisdiction, exclusive of bays, inlets, canals, coves, sounds and estuaries.

District No. 1.

(2) District No. 2, as used in this act, shall include all lands and waters over which the state of Washington has jurisdiction, excepting therefrom district No. 1, as herein defined.

District No. 2.

SEC. 3. It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, silver salmon (*Oncorhynchus kisutch*) between the first day of November and the fifteenth day of June of the year following, both dates inclusive.

District No. 1; fishing for or taking of silver salmon.

SEC. 4. It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, chinook salmon (*Oncorhynchus tshawytscha*) between the first day of November and the fourteenth day of March of the year following, both dates inclusive.

Same; fishing for or taking of chinook salmon.

SEC. 5. It shall be unlawful for commercial purposes for any person to have in his possession or transport through the waters of district No. 1, as herein defined, any fresh silver salmon (*Oncorhynchus kisutch*) taken from said waters or from the waters of the Pacific ocean during the period from the first day of November and the fifteenth day of June of the year following, both dates inclusive.

Same; possession of or transporting silver salmon.

SEC. 6. It shall be unlawful for commercial purposes for any person to have in his possession or transport through the waters of district No. 1, as herein defined, any fresh chinook salmon (*Oncorhynchus tshawytscha*) taken from said waters or from the waters of the Pacific ocean during the period

Same; possession of or transporting chinook salmon.

from the first day of November and the fourteenth day of March of the year following, both dates inclusive.

Processors',  
etc., posses-  
sion of silver  
salmon taken  
from District  
No. 1 or Pa-  
cific Ocean.

SEC. 7. It shall be unlawful for any person in the state of Washington engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in wholesale selling of food fish or shellfish for commercial purposes, to have in his possession any silver salmon (*Oncorhynchus kisutch*) caught or taken during the period from the first day of November of any year to the fifteenth day of June of the following year from the waters of the Pacific ocean or district No. 1.

Processors',  
etc., posses-  
sion of chi-  
nook salmon  
taken from  
District No. 1  
or Pacific  
Ocean.

SEC. 8. It shall be unlawful for any person in the state of Washington engaged in the business of canning, packing, processing, freezing, salting, smoking, kippering, preserving in ice, or otherwise involved in dealing in or curing any food fish or shellfish, or in wholesale selling of food fish or shellfish for commercial purposes, to have in his possession any chinook salmon (*Oncorhynchus tshawytscha*) caught or taken during the period from the first day of November of any year to the fourteenth day of March of the following year from the waters of the Pacific ocean or district No. 1: *Provided*, That with respect to the closed seasons defined in this act, the director of fisheries, upon due notice and hearing, and upon investigation, may, in accordance with his judgment, vary any of the opening or closing dates thereof. Notice of such hearing shall appear in not less than two issues of a newspaper of general circulation at the state capitol.

Director  
may vary  
opening and  
closing dates;  
hearing.

SEC. 9. Every person or persons, firm or corporation operating a fishing vessel of any description used in the commercial taking or catching of chinook or

silver salmon in offshore waters and the transporting or bringing the same in and through the waters of the state of Washington and delivering the same in any place or port in the state of Washington shall, as a condition of doing so, obtain a permit from the director of fisheries. The fee for said permit shall be ten dollars for the vessel and ten dollars for each member of the crew thereof, such permit to be effective during the fiscal year in which issued: *Provided*, That persons operating fishing vessels licensed under RCW 75.28.080 and RCW 75.28.100 shall not be required to pay any permit fees hereunder: *Provided further*, That if it appears to the director of fisheries, after investigation, that the operation of such vessel under such permit tends to result in the impairment, depletion, or destruction of the salmon resource and supply of this state and in bringing into this state salmon products prohibited by law, in that event, the director under such regulations and terms as he may prescribe may revoke said permit to use and operate such boat in the waters of this state, and in the event of the revocation of such permit, the further operation of such vessel as hereinabove set forth shall then be unlawful.

Permit  
required.

Fee.

Exception.

Revocation  
of permits.

SEC. 10. The several provisions of this act are hereby declared to be separate and severable, and if any clause, sentence, paragraph, subdivision, section or part thereof shall, for any reason, be adjudged invalid, or the applicability thereof to any person, circumstance or product adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of the act, and the applicability thereof to other persons, circumstances or products shall not thereby be affected, but such judgment, if any, shall be confined in its operation to the particular clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Severability  
clause.

Authority of  
director not  
restricted or  
impaired.

SEC. 11. Nothing herein shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions of this act from issuing and publishing such regulations as, after investigation, he may deem necessary to administer this act and to effectuate its purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of The Pacific Marine Fisheries Compact.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1953.

Passed the House March 9, 1953.

Approved by the Governor March 17, 1953.

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CHAPTER 148.

[ S. B. 278. ]

RECLAMATION AREAS—CONTRACTS WITH U. S.—  
COVENANTS RUNNING WITH LAND.

AN ACT relating to irrigation and reclamation districts contracting with the United States with respect to the Columbia Basin Project and other Federal Reclamation projects; providing that the provisions of certain contracts may be made covenants running with the land; providing that certain recordable contracts shall not be destroyed or extinguished by foreclosures for taxes and assessments; and amending section 89.12.060, RCW.

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

Amendment.

SECTION 1. Section 89.12.060, RCW, as derived from section 6, chapter 275, Laws of 1943, is amended to read as follows: