

# Initiative Measure No. 77

## BALLOT TITLE

AN ACT relating to fishing; prohibiting the use of fish traps or other fixed appliances for catching salmon and certain other fish within the waters of the State of Washington; prohibiting the taking or fishing for salmon and certain other fish within a certain area therein defined and created by any means except by trolling, regulating trolling in such area, and permitting the operation of gill nets therein under certain conditions; providing for open and closed seasons, prohibiting drag seines and limiting the length of gill nets in the Columbia River; prescribing penalties; and repealing all laws in conflict therewith.

AN ACT relating to the taking and catching of fish; prescribing a district within the State of Washington in the waters of which it is made unlawful to take, catch, or fish for any salmon, by any means except by the use of hook and line, setting forth the boundaries of said district, and for licensing the operation, and for the operation of gill nets by certain persons, firms and corporations holding licenses for the use of such gill nets in 1932 or 1933; providing for commercial fishing at certain times and under certain conditions; limiting the length of gill net and prohibiting drag seines in the Columbia River; prohibiting the construction, installation, use, operation or maintenance of any pound net, fish trap, fish wheel, scow fish wheel, set net, or any fixed appliance for the purpose of catching salmon, salmon trout, trout, or steel head; and to repeal all acts or parts of acts in conflict therewith; and prescribing penalties for the violation thereof.

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

SECTION 1. It shall be unlawful to fish for, catch, or take any species of salmon or salmon trout, trout, or steel head, except as hereinafter provided, with any appliance, or by any means whatever, except with hook and line, commonly called angling or trolling, except as hereinafter provided, within the waters of the straits of Juan de Fuca, Puget Sound and waters con-

nected therewith within the State of Washington described as lying to the Southerly, Easterly and Southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam County, State of Washington, near the mouth of the Elwha River, on which is inscribed "Angeles Point Monument" in latitude 48° 9' 3" North, longitude 123° 23' 61" West of Greenwich Meridian; thence running East on a line 81° 30' true from said point across the Flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude 122° 40' West; thence North on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° East true to the line of high tide at Carter Point, the most southerly point on Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' West; thence North on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hoods Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof. (The above area is delineated on U. S. Coast and Geodetic Charts Numbers 6300, 6382,

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6380, 6450 and 6460, all being of the same scale.)

SEC. 2. No area heretofore or hereafter set apart or established as a salmon preserve, by authority of the State of Washington or of any of its departments or agencies, shall, by any of the provisions of this Act, be opened to commercial fishing.

SEC. 3. Commercial trolling for salmon shall be permitted in the area described in Section 1 hereof during such seasons and under such regulations as may be prescribed from time to time by the Department of Fisheries of the State of Washington: *Provided*, That it shall be unlawful to troll for salmon in said waters with more than six hooks to any one boat.

SEC. 4. Any person, firm or corporation, who shall have held in either the years 1932 or 1933 a license from the Director of Licenses of the State of Washington, for the operation within the waters of Puget Sound of any gill net, may be licensed for the operation of, and may operate, a gill net, for the purpose of catching salmon only, according to the fishing regulations of the Fisheries Department of the State of Washington for gill nets for the year 1933, within the waters described in the first section of this Act for each succeeding year after the taking effect of this Act, by making application therefor to said Director of Licenses, and paying to the Treasurer of the State of Washington the sum of seven and 50/100 dollars (\$7.50) for each year for which such license is issued; and no other person, firm, or corporation, shall be licensed hereafter to operate, or hereafter shall operate, a gill net in the waters so described in said first section. Said license shall be personal; and neither said right, nor any license issued pursuant thereto, shall be transferable, either voluntarily or involuntarily, or by operation of law. If said licensee shall fail during any year to apply for such license, his right to be licensed thereafter shall terminate: *Provided*, That if for any reason any of the foregoing provisions of this section shall be held to be unconstitutional, no license shall be issued to any person, firm, or corporation, for the operation of a gill net within any of the waters described in said first section, except as may be per-

mitted by the Fisheries Department of the State of Washington under existing law.

SEC. 5. Commercial fishing for salmon shall be permitted in the area described in section 1 hereof, except as provided in section 2 of this Act, from the 5th day of October in each year to and including the 20th day of November of the same year, except during the period beginning at four o'clock p. m. on Friday of each week and ending at four o'clock a. m. on the Sunday following, during which period of each week no such commercial fishing shall be permitted: *Provided*, No fisherman shall employ any appliance or device, referred to in section 8 hereof, for the catching of fish, nor any gill net except as in section 4 hereof provided.

SEC. 6. It shall be unlawful to construct, install, use, operate, or maintain any gill net in the waters of the Columbia River in this state which shall exceed 250 fathoms in length.

SEC. 7. It shall be unlawful to construct, install, use, operate, or maintain any drag seine in the waters of the Columbia River in the State of Washington.

SEC. 8. It shall be unlawful to construct, install, use, operate, or maintain, within any of the waters of the State of Washington, any pound net, fish trap, fish wheel, scow fish wheel, set net, weir, or any fixed appliance for the purpose of catching salmon, salmon trout, or steel head, or to take salmon, salmon trout, or steel head by any such means.

SEC. 9. The provisions of this Act do not apply to fishing by Indians under Federal regulation, or the use of any device or means by the State or National Government in catching fish for propagation or scientific purposes.

SEC. 10. Any person who shall violate any of the provisions of this Act, or who shall aid, abet, or assist in the violation thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which said offense is committed for not less than thirty (30) days or more than one (1) year, or by fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Any and

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all gear and appliances used in violation of the provisions of this Act, including boats, traps, nets, weirs, fish wheels, truck or trucks, automobile or automobiles, vehicle or motor vehicles, or other vehicle or vehicles of any kind whatsoever, or other appliances used or employed in connection with the violation of this Act shall be condemned and sold, and the proceeds of such sale or sales, together with all money arising from fines for the violation of this Act, shall be paid to the State Treasurer of the State of Wash-

ington for the benefit of the Fisheries Department of the State of Washington.

SEC. 11. If any section or provision of this Act shall be held unconstitutional, or for any other reason invalid, the invalidity of such provision shall not affect the validity of this Act as a whole or of any section, provision or part thereof not adjudged to be invalid or unconstitutional.

SEC. 12. All acts, and parts of acts, in conflict with this Act, are hereby repealed.