



INITIATIVE MEASURE 640

TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 640 begins on page 15.

Statement for

REFORMING WASTEFUL FISHING METHODS

Vast quantities of under-sized fish, wild salmon that need protection, and seabirds are unnecessarily slaughtered in nets. Even harbor porpoises and other marine mammals are victims. Every valuable species of saltwater fish in Puget Sound is in low abundance, and many stocks of Washington salmon are far less numerous than the available habitat can support. Voting "yes" on I-640 will limit these senseless kills by preventing the use of the most wasteful fishing methods - such as drift gill netting and bottom dragging. A "yes" will also require the development and use of fishing methods that will "target" the intended catch and hasten the recovery of Washington's priceless sealife.

THE APPALLING LOSSES RESULTING FROM CANADIAN INTERCEPTIONS OF WASHINGTON SALMON

Canada harvests well over 70 percent of many Washington salmon stocks, including those listed, or about to be listed, under the Endangered Species Act. In "payment," commercial fishermen in northern Puget Sound and Alaska net many salmon originating in Canada. I-640 will require the Governor, and other State officials, to take action to reduce this trade-off. This is the quickest and least costly way of greatly increasing the numbers of salmon returning to Washington and the Columbia River.

ECONOMIC REFORM AND JOBS

Since the State's fisheries resources are public property, it follows that they should be used in a manner that sustains

Official Ballot Title:

Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?

The law as it now exists:

Commercial and recreational fishing are regulated by the department of fish and wildlife. State statutes designate certain waters in which commercial fishing is prohibited or restricted, and authorize the director of fish and wildlife to adopt regulations concerning the time, place, and manner

the highest public benefit. Such considerations have been all but ignored by Washington's fisheries managers. I-640 will vastly increase the number of jobs in Washington.

I-640 HAS NO EFFECT ON FEDERALLY MANDATED TREATY INDIAN FISHING RIGHTS

For more information, call 1-800-357-FISH.

Rebuttal of Statement against

About 95% of "Washington's" commercial catch, by its 10,000 mostly part-time fishermen, occurs in Alaska where I-640 has no effect. Most commercial fishermen operate at a net loss in Washington waters.

I-640 will save hundreds of thousands of Washington salmon now senselessly killed, unreported, discarded, or caught in Canada. Thousands of *profitable* jobs will be created.

Much of our best habitat is unused because too many fish are being killed by wasteful fishing.

Voters Pamphlet Statement Prepared by:

FRANK HAW, Fisheries Biologist; DONALD W. MOOS, former Washington Director, Departments of Agriculture, Fisheries, & Ecology; PETER K. BERGMAN, Ph.D, Federal Snake River Salmon Recovery Team Member.

Advisory Committee: MIKE HAYDEN, President, American Sportfishing Association; LARRY SNYDER, Secretary, Vancouver Wildlife League; DAVID BECKER, President, Friends of the Cowlitz River; DR. TED VENTO, Acting President, The Recreational Fishing Coalition; STEVEN WRIGHT, President, Puget Sound Anglers.

in which fish may be taken in the waters of the state. The department has authority to work with other states and with federal and Canadian agencies to preserve and protect commercial and recreational fish stocks. The department is also authorized to operate salmon hatcheries.

The effect of Initiative Measure 640, if approved into law:

This measure would add new provisions to the state fisheries code. First, the measure would establish certain requirements for fishing gear. The director of fish and wildlife would be required to evaluate the extent to which different types of fishing gear unintentionally catch and kill other species of marine life. The measure would require the director of fish and wildlife to evaluate and regulate fishing gear based upon the mortality rate for these "nontargeted" species.

Second, after January 1, 1997, any gear type would be prohibited if its use would result in a mortality rate for "nontargeted" species in excess of fifteen percent. As to

certain salmon and sturgeon gear, this rate would be based on numbers of "nontargeted" fish killed. As to other types of gear, the fifteen percent would be measured by dividing the weight of the killed "nontargeted" fish by the total weight of the "targeted" catch.

Third, the measure would direct the department to prioritize fisheries based upon the economic value of the fishery and its associated industries. In the absence of economic studies to the contrary, chinook and coho salmon, and Lake Washington and Lake Wenatchee sockeye salmon, would be deemed more valuable in recreational fisheries, while pink, sockeye, and chum salmon would be deemed more valuable in commercial fisheries.

The department would be instructed to work to reduce Canadian harvest of fish originating in Washington. If necessary to achieve this goal, the director would be authorized to reduce Washington's harvest of fish originating in Canada. The department would be directed to operate salmon hatcheries in such a way as to contribute to fisheries while protecting natural fish stocks.

Statement against

20,000 JOBS WILL BE LOST

I-640 will cost Washington 20,000 jobs in our fishing-related industries. It will devastate our already beleaguered coastal communities, costing more than \$250 million annually. It will take away fishing families' share of Washington salmon and set aside much of our salmon resource exclusively for recreational fishing.

And worse yet, I-640 will not save a single salmon.

I-640 ELIMINATES FAMILY FISHING

I-640 will effectively outlaw family-owned fishing operations in Washington. The time-honored tradition of family fishing, a mainstay of Northwest culture for generations, will be lost. Sport and family fishermen should be working together to protect and enhance salmon for everyone. Instead, I-640 would destroy the livelihoods of thousands of Washington residents by needlessly prohibiting most fishing gear and reserving much of the salmon for sport only.

I-640 IS COMPLETELY UNFAIR

While Washington fishing families are standing in unemployment lines, commercial fishermen from Oregon and British Columbia will be catching our ocean-going salmon because the initiative doesn't apply to them. Washington sport fisheries will not be affected. It's just not fair for the few sport fishermen sponsoring I-640 to eliminate a way of life for Washington's fishing families while they and out-of-state fishermen continue harvesting our state's fish.

I-640 DOES NOT PROTECT OR RESTORE FISH HABITAT

Big aluminum companies on the Columbia River are key backers of this initiative. They want fishermen to pay for their destruction of fish habitat. But true conservationists know that habitat restoration is the only way to save our salmon. That's why eight of the largest conservation groups in Washington, including the Sierra Club and American Rivers, oppose I-640.

For more information, call (206) 282-3662.

Rebuttal of Statement for

I-640 will be economic disaster. 20,000 jobs and \$250 million will be lost to Washington communities. A traditional way of life for thousands of people will end.

I-640 will be terribly unfair. Washington citizens will sit and watch while Canadians and Oregonians catch our fish.

I-640 will not save sealife. The conservation community opposes it. It is an attempt to monopolize salmon by a few recreational fishers unwilling to cooperate to save fish for everyone.

Voters Pamphlet Statement Prepared by:

DON STUART, Salmon for Washington - No on I-640; ED OWENS, Washington Coalition of Ocean Fishermen; BOB BOROUGHS, Northwest Fisheries Association.

Advisory Committee: ROD MOORE, West Coast Seafood Processors Association; WILLIAM G. SALETIC, President, Peter Pan Seafoods, Inc.; LORI BODI, American Rivers, Northwest Office; SCOTT TAYLOR, Sierra Club.



COMPLETE TEXT OF Initiative Measure 640

AN ACT Relating to the protection of living marine resources including salmon, steelhead, other anadromous trout and char, and sturgeon from wasteful and harmful fishing practices; amending RCW 75.12.010; adding a new chapter to Title 75 RCW; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. PURPOSE. The purposes of this chapter are to:

- (1) Declare a state policy that will promote restoration of the state's marine and anadromous fish stocks while promoting economically viable fisheries that do not unnecessarily harm fish, birds, and other animals not intended for harvest;
- (2) Promote efforts which will minimize Canadian and other foreign interception of Washington salmon and steelhead stocks;
- (3) Require coordination by the department with federal agencies to minimize potential impacts of fishing on seabirds and other protected animals; and
- (4) Accord priority to those fisheries that have been shown to have the greatest value to the people of the state of Washington.

NEW SECTION. Sec. 2. FINDINGS. Important fisheries for salmon and other species in Washington state have been closed or severely restricted because of the depleted condition of important natural stocks, resulting in lost economic, recreational, and cultural opportunities for Washington citizens. Wasteful fishing practices have significantly contributed to the problems. In many areas of Washington where fisheries are permitted, harvestable surpluses of fish are mixed with nontargeted aquatic creatures, such as birds, shellfish, forage species, juvenile and unmarketable fish, and weak natural or other nontargeted salmon and other anadromous fish stocks. The fishing gear employed often catches both targeted and nontargeted animals indiscriminately. This by-catch can be greatly reduced by fishing in areas where there is little mixing of desired catch and potential by-catch. Where by-catch cannot be avoided in order to conduct an otherwise valuable fishery, by-catch can be minimized by allowing only fishing gear which results in low by-catch mortalities.

Salmon hatcheries often produce more harvestable surpluses than natural stocks, with the result that nonselective fisheries targeting on hatchery fish overharvest commingled natural salmon stocks. Important natural salmon stocks are also impacted by hatchery management policies that do not address issues of competition between hatchery and natural stocks, spread of disease, and other ecological interactions. Used properly and in conjunction with regulations permitting fishing gear and methods that can harvest selectively, hatcheries can provide great benefits and support natural stock recovery by rearing critical stocks. Washington salmon hatcheries should be managed for the specific goal of contributing to important fisheries in a manner that is consistent with protection and rehabilitation of natural stocks.

Excess harvest of threatened natural salmon stocks originating in Washington waters has also resulted from Canadian interception of large numbers of Washington salmon stocks, including endangered Columbia river chinook and other stocks under consideration for listing under the endangered species act. Canada has become the largest exploiter of many salmon stocks originating in Washington

waters and the catch disparity between United States and Canadian fishers has been exacerbated by closures in Washington while fishing in Canada has continued unabated, often targeting the Washington stocks sought to be protected by the fishing closures in Washington. Canadian harvest of Washington salmon is subject to the terms of the Pacific salmon treaty intended to control the extent of each country's harvest of the other's salmon. Washington fishers catch large numbers of Canadian salmon, primarily sockeye and pink salmon homing to the Fraser river, while Canadian fishers intercept Washington salmon, primarily chinook and coho salmon, resulting in further depletion of Washington salmon stocks.

Despite the vast expenditures by the citizens of the state of Washington to maintain and enhance salmon stocks in their state, fishing regulations and policies have resulted in allocations among nontreaty fishers without regard to the value to the people of the state of Washington. Chinook and coho salmon have been proven to be more valuable in recreational fisheries, while pink, chum, and sockeye salmon have generally proven to be more suitable and valuable in commercial fisheries, except where shown to be more valuable in recreational fisheries.

NEW SECTION. Sec. 3. DEFINITION. As used in this chapter, "by-catch" means nontargeted fish, shellfish, and protected animals that are captured or destroyed while fishing.

NEW SECTION. Sec. 4. GUIDELINES. The people authorize and direct the department and the governor of the state of Washington to take the following actions:

- (1) Provide and apply clear standards consistent with the provisions of this chapter for controlling destruction during fishing operations of fish and other sea life that are not intended for harvest;
- (2) Permit only fishing gear and methods of harvesting fish and shellfish that are consistent with the policies and by-catch mortality standards specified in this chapter;
- (3) Manage salmon and steelhead hatcheries and hatchery stocks to contribute to fisheries while protecting or enhancing natural stocks;
- (4) Minimize Canadian and other foreign interceptions of salmon and steelhead originating in Washington, if necessary by adopting regulations to reduce Washington interception of Canadian fish;
- (5) Maximize economic benefit to the state and its citizens in allocating harvestable food fish and shellfish;
- (6) Consult and coordinate with federal officials to minimize potential impacts of fishing on seabirds and other federally protected species; and
- (7) Develop and evaluate fishing methods that comply with the by-catch standards in section 5 of this act that would become legal on January 1, 1997, if currently legal methods cannot comply with such standards.

NEW SECTION. Sec. 5. BY-CATCH STANDARDS. (1) The purpose of this subsection is to protect nontargeted salmon, steelhead, other anadromous trout and char, and sturgeon from fisheries on harvestable stocks of salmon and sturgeon. Salmon gear evaluations shall be based upon the average of the two observed mortalities for chinook and coho salmon. Sturgeon gear evaluations shall utilize observed mortalities for sturgeon. The director may require more specific evaluations when deemed appropriate. Evaluations shall involve life stages of fish most commonly exposed to the gear and be conducted under conditions representative of when the gear would be utilized. Fishing gear types shall not be used unless capable of live releasing such fish with no greater than fifteen percent mortality, in numbers of fish, during 1997 and thereafter.

(2) The times and locations legal gear may be operated shall be determined by the director. When and where a gear type is deemed



COMPLETE TEXT OF Initiative Measure 640 (cont.)

to pose a significant threat to the abundance of by-caught salmon, steelhead, other anadromous trout or char, sturgeon, sea birds, or other protected animals, the area shall be closed to fishing with such gear. When and where it is determined that such by-catch will have a lesser impact, fisheries may be conducted only if the gear is operated in accordance with procedures qualifying it for use under the by-catch standard. When and where it is determined that a fishery does not have significant effect on the abundance of such by-catch, such operating procedures may be waived. Waiving of gear operating procedures shall be based only on results of test fishing and catch monitoring.

(3) Any gear type used for food fish and shellfish other than salmon and sturgeon that results in by-catch mortality of nontargeted or unmarketable fish or shellfish that cumulatively weigh in excess of fifteen percent of the live weight of the catch of targeted stocks during 1997 and thereafter is not permitted.

(4) If the director determines that by-catch standards prevent nontreaty fishers from harvesting their full share of sockeye, pink, or chum salmon, in accordance with rulings under *United States of America et al. v. State of Washington et al.*, Civil No. 9213, *United States District Court for Western District of Washington*, February 12, 1974, and *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F.2d 570 (9th Cir., 1976), existing gear types conforming to the by-catch standards shall be given maximum opportunity for harvesting the targeted stocks consistent with other provisions of this section. If additional harvest levels are required to achieve nontreaty shares the director shall not be constrained by previous provisions of this title after January 1, 1997, for authorizing other gear types that satisfy the by-catch standard. Commercial license applications for new gear types, authorized by the director, shall be limited to holders of 1996 commercial salmon fishing licenses. However, the issuance of such licenses shall be limited to a number consistent with the economic welfare of commercial salmon licensees and the citizens of the state.

NEW SECTION. Sec. 6. EVALUATING SELECTIVITY OF FISHING METHODS. The department is directed to study and establish by-catch mortality rates for the various types of existing authorized fishing gear. Existing studies shall be utilized when deemed appropriate by the director. If such studies are unavailable, by-catch mortality rates shall be based upon actual or simulated conditions intended to duplicate the operation of representative gear types in typical fishing situations. Mortality rates shall include and are limited to the sum of immediate mortality; mortality following twelve hours in confinement; and losses to predators while fish and shellfish are contained in or held by the gear. Applicability of findings of these studies to various times, places, and other circumstances shall be determined by the director.

The director shall establish and enforce rules consistent with maintaining the by-catch standards in the state's fisheries.

NEW SECTION. Sec. 7. ELIMINATION OF NONCONFORMING FISHING GEAR AND METHODS. This chapter shall not be construed to prohibit the use of gear that does not comply with the by-catch standards until January 1, 1997, when noncomplying gear is illegal. Nonconforming salmon and sturgeon fishing gear shall not be licensed by the state for use after this date.

NEW SECTION. Sec. 8. HATCHERY POLICY. Salmon hatch-

eries operated by the state of Washington shall be managed and operated to contribute to fisheries in a manner that is consistent with the protection and rehabilitation of natural stocks.

NEW SECTION. Sec. 9. REDUCTION OF FOREIGN INTERCEPTION OF WASHINGTON FISH STOCKS. The policy of the state of Washington is to reduce Canadian and other foreign interceptions of salmon and steelhead originating in Washington. The governor and other Washington state officials responsible for negotiation of future fisheries agreements with Canada and other nations shall strive to reduce interceptions of such fish originating in Washington. If it is necessary to reduce Washington interception of fish originating in Canada in order to achieve this goal, the director is authorized and directed to adopt appropriate rules to achieve such reduction.

NEW SECTION. Sec. 10. VALUE OF FISHERIES TO BE CONSIDERED. In enacting or adopting rules affecting fisheries for food fish and shellfish in the state of Washington, the director is authorized and directed to consider economic values, including those of the recreational, i.e. personal use, fishery and its associated industries, and accord priority to those fisheries that have the greatest value to the citizens of the state of Washington. Chinook and coho salmon have generally been proven more valuable in recreational fisheries and should be utilized in this manner except where economic studies show that commercial catch is more valuable. Pink chum, and sockeye salmon have been shown to be more suitable and valuable in commercial fisheries except for Lake Washington and Lake Wenatchee sockeye salmon, which are more valuable when utilized in a recreational fishery. The department may modify these comparative values only when based on economic studies employing generally accepted statistical and economic procedures and methodology.

NEW SECTION. Sec. 11. PERFORMANCE AUDIT. The state auditor is directed to annually complete for the governor and publish for the citizens a performance audit relating to compliance with the mandates of this chapter on the part of the department.

NEW SECTION. Sec. 12. CONSULTATION WITH OREGON. After the effective date of this act, the governor and the director shall consult with the state of Oregon and urge adoption and implementation of the principles and policies set forth in this chapter by the state of Oregon in order to maintain and enhance Columbia river fish stock.

NEW SECTION. Sec. 13. LEGISLATIVE FUNDING. The legislature shall appropriate the necessary funds to carry out the provisions of this chapter.

Sec. 14. RCW 75.12.010 and 1983 1st ex.s. c 46 s 46 are each amended to read as follows:

(1) Except as provided in this section, it is unlawful to fish commercially for salmon within the waters described in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line



COMPLETE TEXT OF Initiative Measure 640 (cont.)

intersects line of longitude 122° 40' west; thence north to the mainland, including: 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, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

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

(4) The director may authorize commercial fishing for salmon ((with gill net gear)) prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

(5) Whenever the director determines that a stock or run of salmon cannot be harvested in the usual manner, and that the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may authorize units of ((gill net and purse seine)) gear conforming to by-catch standards in any number or equivalents, by time and area, to fully utilize the harvestable portions of these salmon runs for the economic well being of the citizens of this state. Gill net and purse seine gear other than emergency and test gear authorized by the director shall not be used in Lake Washington.

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

NEW SECTION. Sec. 15. EFFECTIVE DATE. This act shall take effect January 1, 1996.

NEW SECTION. Sec. 16. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. CAPTIONS. Captions used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 18. CODIFICATION. Sections 1 through 13 and 15 through 17 of this act shall constitute a new chapter in Title 75 RCW.

PROJECT VOTE SMART

Information about federal office holders is available free to Washington voters from Project Vote Smart, a national, nonpartisan program started in 1992. This includes information about voting records, campaign finances, past and current position statements and performance evaluations. Voters can telephone Project Vote Smart at 1-800-622-7627. World wide web address is: <http://www.vote-smart.org>



COMPLETE TEXT OF Initiative Measure 651

AN ACT Relating to gaming by tribes; and adding new sections to chapter 9.46 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 9.46 RCW to read as follows:

The State shall adopt a compact authorizing full class III gaming under the Indian Gaming Regulatory Act of 1988 (102 Stat. 2467; 25 U.S.C. sec. 2710) with all Indian tribes with Indian lands within the external boundaries of the state.

(1) The public policy and law of the state is that all Indian tribes with Indian lands within the state are entitled to offer unrestricted Class III gaming under a compact as defined under the Indian Gaming Regulatory Act of 1988. For all Indian tribes with Indian lands within the external boundaries of the state that do not have a compact with the state as of November 7, 1995, Washington State shall be deemed to have executed a compact stating this public policy within fifteen days of the certification of the passage of this section by the secretary of state. When the agreed upon terms of existing compacts with other Indian tribes expire, those Indian tribes may ratify the compact executed by the state as the result of this section. The compact must not have market restrictions as to the operation of class III gaming on Indian lands in the state with regard to size of wager, size of facility, hours of operation, number of games, number of facilities, or type of gaming employed, and there must not be market restrictions on the use of player-activated electromechanical gambling devices. The compact stating this public policy and governing class III gaming is the compact required under section 2 of this act.

(2) The compact must provide that all of the Indian tribes who ratify this compact shall make a monthly payment of ten percent of the net gaming revenues from the utilization of all player-activated electromechanical gambling devices into a fund created and managed by FTS Enterprises, an intertribal entity established as an extension of tribal governing bodies under the laws of the participating tribes. "Net gaming revenues" is defined as gross revenue minus all revenues paid or allocated as prizes. The compact shall provide that the state auditor and two other persons who are not members of any Indian tribe with Indian lands in Washington State and, who are registered voters in the state, be appointed as directors of FTS Enterprises upon the creation of the fund. The state auditor may decline the appointment if he is otherwise precluded by the laws of the state from accepting the appointment; in which event the existing directors must appoint a replacement.

(3) The compact must provide that FTS Enterprises distribute the fund's revenue annually on a per capita basis minus operating expenses to all of the registered voters in the state who have voted in the most immediate previous statewide general election. FTS Enterprises shall have its records audited by a certified public accounting firm, annually. The audit shall be included in an annual report published and presented to the state auditor.

(4) If at any time after the effective date of this act, the state authorizes, by statute, rule or regulation, the operation of any player-activated electromechanical gambling device, other than