

# SENATE BILL REPORT

## ESHB 1326

---

---

As Reported by Senate Committee On:  
Natural Resources, Ocean & Recreation, March 23, 2009

**Title:** An act relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state.

**Brief Description:** Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake, Van De Wege, Kretz and Nelson; by request of Department of Fish and Wildlife).

**Brief History:** Passed House: 3/03/09, 96-0.

**Committee Activity:** Natural Resources, Ocean & Recreation: 3/18/09, 3/23/09 [DPA].

---

### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass as amended.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

**Staff:** Curt Gavigan (786-7437)

**Background:** Emerging Commercial Fisheries. The Department of Fish and Wildlife (DFW) may authorize emerging commercial fisheries. An emerging commercial fishery refers to:

- the commercial taking of a newly classified species of fish or shellfish;
- fishing with gear not previously used for a species; or
- fishing in an area in which a species has not been fished.

An emerging commercial fishery license is \$185 for residents and \$295 for nonresidents.

Along with an emerging commercial fishery license, DFW must issue either a trial fishery permit or an experimental fishery permit. Trial fishery permits are issued where there is no need to limit participation in the fishery, and are not transferrable. DFW issues an experimental permit where there is a need to limit the number of participants. The participation limitations must ensure habitat protection, conserve the resource, and prevent

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

overharvesting. DFW must consult with an advisory board regarding the number and qualifications of participants in the experimental fishery. Experimental fishery permits are not transferrable.

DFW must notify the Legislature when it designates an emerging commercial fishery. Within five years of designating such a fishery, DFW must report to the Legislature on the status of the fishery and recommend whether a separate commercial fishery should be established.

Pacific Sardine Fishery. DFW has managed the state's Pacific sardine fishery as an emerging commercial fishery since 2000. From 2000 through 2002, the fishery was a trial fishery in which participation was unlimited. Due to the rapid expansion of Pacific sardine fishing, DFW converted the fishery to an experimental fishery in 2003. In 2007 the fishery made 106 landings totaling 4,662.6 metric tons.

**Summary of Bill (Recommended Amendments):** Washington sardine purse seine fishery licenses (licenses) and temporary annual fishery permits (temporary permits) are created. A permit or temporary license is required to:

- use purse seine gear to fish for or possess Pacific sardines in offshore waters, except for those authorized to fish for or possess sardines under an Oregon or California license; or
- deliver sardines into the state.

In general, DFW may only issue a license to a person who held an experimental fishery permit in 2008. An experimental fishery permit holder who held a permit between 2005 and 2007 and whose boat sank prior to 2008 may also receive a license. A permit must be renewed annually, and may be transferred. A person may not hold more than two licenses.

Beginning in 2010 DFW may issue a license to any person so long as the number of licenses does not exceed the number initially issued in 2009. Additionally, DFW may issue a temporary permit to any person so long as the total number of licenses and temporary permits is less than 25. Before issuing such permits, DFW must consider the status of the sardine population, the fishery's impact on the marine ecosystem, and the market for sardines in Washington.

DFW must adopt rules that require a person fishing under a license or temporary permit to minimize by-catch and the mortality of such by-catch.

The annual fee for a license or temporary permit is \$185 for residents and \$295 for nonresidents.

Certain terms are defined.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments):** The committee striking amendment removes language requiring DFW to report annually on the amount of lost and derelict gear resulting from purse seine fisheries and its impacts on the marine ecosystem.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill:** PRO: DFW supports the bill, and the language added in the House regarding minimizing bycatch. The decision to move the fishery to permanent status was done after significant monitoring, and the fishery harvest levels are federally managed. The fact that it is a limited entry fishery will help reduce harvest pressure.

OTHER: Limited entry fisheries are appropriate when ecologically and economically justified, but conservation must come first. This bill sets the stage for a permanent fishery, and there is some concern that this could pose risk to endangered salmon stocks.

**Persons Testifying:** PRO: Michele Culver, DFW; Ed Owens, Purse Seine Vessel Owners Association.

OTHER: Frank Haw, Coastal Conservation Association.