S-3787.1

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**SUBSTITUTE SENATE BILL 5567**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege and Salomon)

AN ACT Relating to commercial salmon fishing; amending RCW 77.50.030; adding new sections to chapter 77.65 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that wild salmon populations have declined and that many populations are threatened and endangered. The legislature further finds that allowing the use of alternative fishing techniques that can reduce or eliminate impacts to threatened wild fish, while allowing for selective harvest of hatchery stocks, improves the recovery of wild fish and increases the opportunities to catch harvestable stocks. Therefore, the legislature finds that repealing provisions of Initiative 77 from 1934 that restricts the use of certain fishing gear will provide fisheries managers with additional options for managing the selective harvest of salmon stocks.

**Sec.**  RCW 77.50.030 and 2001 c 163 s 2 are each amended to read as follows:

(1) A person shall not use, operate, or maintain a gill net which exceeds one thousand five hundred feet in length or a drag seine in the waters of the Columbia river for catching salmon.

(2) ((~~A person shall not construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon or steelhead except under the authority of a trial or experimental fishery permit, when an emerging commercial fishery has been designated allowing use of one or more of these gear types. The director must consult with the commercial fishing interests that would be affected by the trial or experimental fishery permit. The director may authorize the use of this gear for scientific investigations.~~

~~(3)~~)) The department, in coordination with the Oregon department of fish and wildlife, shall adopt rules to regulate the use of monofilament in gill net webbing on the Columbia river.

NEW SECTION. **Sec.**  A new section is added to chapter 77.65 RCW to read as follows:

(1) The department may by rule authorize the use of fixed fishing gear types including, but not limited to, pound nets, fish traps, and weirs for the selective commercial harvest of salmon and the release of threatened and endangered salmonids.

(2) Where alternative commercial salmon fishing gear types are proposed for use, the department must develop a plan to authorize, implement, and regulate alternative commercial salmon fishing gear types prior to the implementation of alternative gear commercial fisheries. Any fisheries conducted with alternative commercial salmon fishing gears authorized under this section must:

(a) Release threatened and endangered salmonids with minimal mortality;

(b) Be conducive to the mark-selective harvest of excess hatchery-reared salmon consistent with federal conditions for hatchery production and genetic protections for wild and endangered salmon populations;

(c) Ensure compliance with tribal treaty fishing rights and state-tribal fishery management agreements; and

(d) Remain within established allocations for the commercial sector and ensure adequate escapement for the needs of recreational fisheries and hatchery broodstock.

NEW SECTION. **Sec.**  A new section is added to chapter 77.65 RCW to read as follows:

(1) Consistent with the requirements in section 3 of this act, the department must by rule authorize and implement a selective commercial pound net fishery in the lower Columbia river by June 1, 2023. By December 1, 2022, the department shall complete the plan required in section 3(2) of this act and report findings and recommendations to the appropriate committees of the legislature on license structures and fees, any necessary statutory or rule changes, and any other actions necessary to authorize, implement, and regulate a commercial pound net fishery for the mark-selective harvest of hatchery-reared salmon.

(2) Nothing in this section precludes the director from authorizing one or more alternative fishing gears, including pound nets, beach seines, or purse seines, through an emerging commercial fishery designation in the lower Columbia river under RCW 77.70.160 prior to the adoption of the rules required in subsection (1) of this section.

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