S-3173.1

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**SENATE BILL 5567**

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

**By** Senators Van De Wege and Salomon

AN ACT Relating to commercial salmon fishing; amending RCW 77.50.030, 77.65.160, 82.27.020, and 82.27.070; 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.

**Sec.**  RCW 77.65.160 and 2018 c 235 s 2 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual license fees, application fees, and surcharges under RCW 77.95.090 are:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Fishery  License | Resident  Fee | Nonresident  Fee | Surcharge | Application Fee |
| (a) | Salmon Gill Net—Grays Harbor-Columbia river | $380 | $765 | plus $100 | $105 |
| (b) | Salmon Gill Net—Puget Sound | $380 | $765 | plus $100 | $105 |
| (c) | Salmon Gill Net—Willapa Bay-Columbia river | $380 | $765 | plus $100 | $105 |
| (d) | Salmon pound net | $300 | $765 | plus $100 | $105 |
| (e) | Salmon purse seine | $545 | $930 | plus $100 | $105 |
| ((~~(e)~~)) (f) | Salmon reef net | $380 | $765 | plus $100 | $105 |
| ((~~(f)~~)) (g) | Salmon troll | $380 | $765 | plus $100 | $105 |

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred dollar enhancement surcharge, plus a one hundred five dollar application fee before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars plus the surcharge and application fee if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least thirty years; and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

**Sec.**  RCW 82.27.020 and 2017 3rd sp.s. c 8 s 53 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the enhanced food fish whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner after the enhanced food fish has been landed. Processing and handling of enhanced food fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish and liable to this tax may deduct from the price paid to the person from which the enhanced food fish (except oysters) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the value of the enhanced food fish at the point of landing.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish as follows:

(a) ((~~Puget Sound Chinook, coho, and chum salmon and anadromous game fish: Five and twenty-five one-hundredths percent;~~

~~(b) Ocean waters, Columbia river, Willapa Bay, and Grays Harbor~~)) Chinook, coho, and chum salmon and anadromous game fish: ((~~Six and twenty-five one-hundredths~~)) Seven percent;

((~~(c)~~)) (b) Pink and sockeye salmon: Three and fifteen one-hundredths percent;

((~~(d)~~)) (c) Other food fish and shellfish, except oysters, sea urchins, and sea cucumbers: Two and one-tenth percent;

((~~(e)~~)) (d) Oysters: Eight one-hundredths of one percent;

((~~(f)~~)) (e) Sea urchins: Two and one-tenth percent; and

((~~(g)~~)) (f) Sea cucumbers: Two and one-tenth percent.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

**Sec.**  RCW 82.27.070 and 2020 c 148 s 28 are each amended to read as follows:

All taxes collected by the department of revenue under this chapter shall be deposited in the state general fund except for the following:

(1) The excise tax on anadromous game fish is deposited in the fish, wildlife, and conservation account created in RCW 77.12.170(3).

(2) The excise tax on ((~~ocean waters, Columbia river, Willapa Bay, and Grays Harbor~~)) chinook, coho, and chum salmon is deposited as follows:

(a) The equivalent of ((~~five and twenty-five one-hundredths~~)) six percent shall be deposited in the state general fund to support hatchery production.

(b) The equivalent of one percent shall be deposited in the fish, wildlife, and conservation account created in RCW 77.12.170(3) to support hatchery production and commercial fisheries management.

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