

# SENATE BILL REPORT

## SB 5421

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As of February 8, 2021

**Title:** An act relating to creating a salmon fisheries dispute resolution process.

**Brief Description:** Creating a salmon fisheries dispute resolution process.

**Sponsors:** Senator McCune.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/09/21.

**Brief Summary of Bill**

- Establishes a Puget Sound Salmon Commercial Fisheries Advisory Board to review and evaluate salmon fisheries and allocation.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** Washington State and the Puget Sound treaty tribes co-manage salmon fisheries in Puget Sound subject to the terms of the Puget Sound Salmon Management Plan (PSSMP), under the continuing jurisdiction of the U.S. District Court for the District of Washington: *US v. WA*—1974, Boldt Decision. The PSSMP, developed by the state and tribal co-managers, is the implementation framework for the allocation, conservation, and equitable sharing principles of *US v. WA* that governs management of salmon resources in Puget Sound. The PSSMP defines the basis for deriving management objectives and allocation, prescribes procedures for information exchange and dispute resolution, and includes provisions for annual review and modification.

In 1999, Puget Sound Chinook salmon were listed under the Endangered Species Act. Since 2000, the Puget Sound co-managers have managed the fisheries through annual or

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multi-year agreements authorized by the National Oceanic and Atmospheric Administration, Fisheries Division. The Comprehensive Management Plan for Puget Sound Chinook: Harvest Management Component provides the current framework for managing fisheries in Puget Sound.

Similar to the other salmon and steelhead fisheries that occur in the *US v. WA* case area, the Puget Sound fisheries are planned during the North of Falcon process, which includes a series of public meetings involving federal, state, tribal, and industry representatives, as well as citizens.

**Summary of Bill:** The Washington Department of Fish and Wildlife (WDFW) must establish a Puget Sound Salmon Commercial Fisheries Advisory Board (board). The board is composed of two representatives from nontribal salmon fishers and two tribal fishers, as well as two staff from WDFW. The nontribal fishers must include one commercial purse seiner and one commercial gill netter, each nominated from their organization. The board must review and evaluate salmon fisheries and allocation within the established framework of the salmon management plan.

The board must be chaired by a dispute resolution technical advisor, with administrative support provided by WDFW. The advisor must be chosen by the WDFW director from candidates nominated by the board. The advisor must be an attorney well versed in mediation, with technical expertise in fisheries, and with extensive understanding of the history of disputes and deviations from the rule of law between tribal and nontribal fisheries.

WDFW must report to the Legislature by December 2021, regarding the activities of the board.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2021.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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