

# HOUSE BILL REPORT

## 2SSB 5157

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### As Passed House - Amended:

April 10, 1995

**Title:** An act relating to conspicuous external marking of hatchery produced chinook salmon and coho salmon.

**Brief Description:** Providing for conspicuous external marking of hatchery produced chinook salmon and coho salmon.

**Sponsors:** By Senate Committee on Ways & Means (originally sponsored by Senators Owen, Drew, Sutherland, Hargrove, Oke and Haugen).

### Brief History:

#### Committee Activity:

Natural Resources: 3/24/95, 3/28/95 [DP];

Appropriations: 4/3/95 [DP].

#### Floor Activity:

Amended.

Passed House: 4/10/95, 95-0.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 14 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens and Thompson.

**Minority Report:** Without recommendation. Signed by 1 member: Representative B. Thomas.

**Staff:** Linda Byers (786-7129).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 30 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; G. Fisher; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

**Staff:** Susan Nakagawa (786-7145).

## **Background:**

### Coho and Chinook Salmon

A number of different interests are concerned with the status of wild salmon stocks and curtailments in salmon fishing. One management strategy under consideration to address some of these concerns is to mark hatchery fish and then regulate for the selective harvest of these marked fish, while at the same time allowing for the release of unmarked fish.

The Department of Fish and Wildlife has already introduced this concept into its management of steelhead. In weighing the policy decision of whether to expand this management strategy to other stocks, policy makers may want to consider a number of different factors, including which stocks to mark, when to begin a marking program, the effects of various options on commercial and recreational fishing, and how to coordinate with other state, federal, tribal, and Canadian fishery managers.

### Tuna, Mackerel, and Jack

Food fish are species of fish which may not be fished for except as authorized by rule of the director of the Department of Fish and Wildlife. A number of different provisions in the Fisheries Code apply to food fish. Current law directs the department to preserve, protect, perpetuate and manage food fish in state waters and offshore waters. In order to meet this obligation, the director's authority includes specifying the times for taking food fish, the areas and waters where fishing is allowed, and the reports required from fishers, dealers, and processors of food fish. Licenses are required for recreational and commercial fishing for food fish, for delivering fish to a port in the state, and for wholesale dealers and fish buyers. Current law also provides for enforcement of and penalties for violations of the state's laws regarding food fish.

State law also establishes an excise tax on "enhanced food fish." The tax is based on the value of the enhanced food fish at the point of landing. Fish excise taxes are collected by the Department of Revenue and are deposited in the state general fund, except for taxes on anadromous game fish, which are deposited in the wildlife fund.

Currently, tuna, mackerel, and jack fall under the definition of "food fish" in the Fisheries Code and "enhanced food fish" for the purposes of the fish excise tax.

**Summary of Bill:**

Coho and Chinook Salmon

The Department of Fish and Wildlife is directed to mark appropriate coho and chinook salmon that are to be released from department-operated hatcheries and rearing ponds, beginning with the marking of the 1994 Puget Sound coho brood. The department is to coordinate with other entities that are producing hatchery coho and chinook for release into public waters.

The department is to adopt rules to control the mixed stock coho and chinook fisheries of the state to sustain healthy stocks of wild salmon, to allow the maximum survival of wild salmon, to allow for spatially separated fisheries that target hatchery stocks, to foster the best techniques for release of wild salmon, and to contribute to the economic viability of the fishing businesses of the state.

Tuna, Mackerel, and Jack

All species of tuna, mackerel, and jack are removed from the definition of "food fish" in the Fisheries Code and "enhanced food fish" in the excise tax statutes. The laws of the state which apply to food fish no longer apply to these fish species. The Department of Fish and Wildlife may require the reporting of catch data and other relevant data for the commercial landing of tuna, mackerel, and jack.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed. However, the bill is null and void if not funded in the budget.

**Testimony For:** (Natural Resources) If we want to continue fishing, we need to have a marking program. When fish return to Washington, they return as a mixed stock fishery; if there's an endangered species in there, there's no fishing. There will be more listings in the future; without marking, there will be no fisheries. Someone has to take the lead and force the option. Washington should do this even if the others don't agree yet. The department has been excited about the idea since 1993 but there were many questions to be answered. The technicians have now resolved the problems about coho, and we are ready to go. Marking is an important tool, but remember that it doesn't create a single fish. We can't wait; we must do this now. We must bear these costs now so that all user groups benefit down the road. The expenditure is a bargain, and there's a human side to the equation too.

(Appropriations) This bill is necessary if Washington is to have a mixed stock fishery. It is imperative that the state move forward now. New methods of marking have reduced fish mortality. There is broad-based support for the bill. Closure of the ocean fishing season has hurt coastal communities. Implementing the marking program is the first step to allowing mixed stock fisheries and helping the economy of the state. The marking program will protect depressed stocks.

**Testimony Against:** (Natural Resources) The department would prefer to begin with the 1995 coho brood. There is a concern about the marking of fish from supplementation hatcheries. There is a concern about starting this marking program before there is a coastwide agreement in place.

(Appropriations) None.

**Testified:** (Natural Resources) Senator Brad Owen, prime sponsor; Bob Turner, Department of Fish and Wildlife; Bob Reid, Friends of the Cowlitz; Jack Swanberg, Northwest Marine Trade Association; Herbert Shepard, Charter Boat Association of Puget Sound (all in favor); Dave Arbaugh, Washington PUD Association; and Dawn Vyvyan (both with concerns).

(Appropriations) (All in favor) Senator Brad Owen, prime sponsor; Jack Swanberg, Northwest Marine Trade Association; Ed Manary, Department of Fish and Wildlife; and Fred Urnbeck, Trout Unlimited.