

2 **SSB 5442** - H COMM AMD **ADOPTED 4/5/01**
3 By Committee on Natural Resources

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.50 RCW
8 to read as follows:

9 It is the intent of the legislature to ensure that a sustainable
10 level of salmon is made available for harvest for commercial fishers in
11 the state. Maintaining consistent harvest levels has become
12 increasingly difficult with the listing of salmonid species under the
13 federal endangered species act. Without a stable level of harvest,
14 fishers cannot develop niche markets that maximize the economic value
15 of the harvest. New tools and approaches are needed by fish managers
16 to bring increased stability to the fishing industry.

17 In the short term, it is the legislature's intent to provide
18 managers with tools to assure that commercial harvest of targeted
19 stocks can continue and expand under the constraints of the federal
20 endangered species act. There are experimental types of commercial
21 fishing gear that could allow fishers to stabilize harvest levels by
22 selectively targeting healthy salmon stocks.

23 For the longer term, the department of fish and wildlife shall
24 proceed with changes to the operation of certain hatcheries in order to
25 stabilize harvest levels by allowing naturally spawning and hatchery
26 origin fish to be managed as a single run. Scientific information from
27 such hatcheries would guide the department's approach to reducing the
28 need to mass mark hatchery origin salmon where appropriate.

29 **Sec. 2.** RCW 77.50.030 and 1998 c 190 s 77 are each amended to read
30 as follows:

31 (1) A person shall not use, operate, or maintain a gill net which
32 exceeds ((1500)) one thousand five hundred feet in length or a drag
33 seine in the waters of the Columbia river for catching salmon.

34 (2) A person shall not construct, install, use, operate, or
35 maintain within state waters a pound net, round haul net, lampara net,

1 fish trap, fish wheel, scow fish wheel, set net, weir, or fixed
2 appliance for catching salmon or steelhead except under the authority
3 of a trial or experimental fishery permit, when an emerging commercial
4 fishery has been designated allowing use of one or more of these gear
5 types. The director must consult with the commercial fishing interests
6 that would be affected by the trial or experimental fishery permit.
7 The director may authorize the use of this gear for scientific
8 investigations.

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

12 **Sec. 3.** RCW 77.70.180 and 1993 c 340 s 43 are each amended to read
13 as follows:

14 (1) Within five years after adopting rules to govern the number and
15 qualifications of participants in an emerging commercial fishery, the
16 director shall provide to the appropriate senate and house of
17 representatives committees a report which outlines the status of the
18 fishery and a recommendation as to whether a separate commercial
19 fishery license, license fee, or limited harvest program should be
20 established for that fishery.

21 (2) For any emerging commercial fishery designated under RCW
22 77.50.030, the report must also include:

23 (a) Information on the extent of the program, including to what
24 degree mass marking and supplementation programs have been utilized in
25 areas where emerging commercial fisheries using selective fishing gear
26 have been authorized;

27 (b) Information on the benefit provided to commercial fishers
28 including information on the effectiveness of emerging commercial
29 fisheries using selective fishing gear in providing expanded fishing
30 opportunity within mixed stocks of salmon;

31 (c) Information on the effectiveness of selective fishing gear in
32 minimizing postrelease mortality for nontarget stocks, harvesting fish
33 so that they are not damaged by the gear, and aiding the creation of
34 niche markets; and

35 (d) Information on the department's efforts at operating hatcheries
36 in an experimental fashion by managing wild and hatchery origin fish as
37 a single run as an alternative to mass marking and the utilization of
38 selective fishing gear. The department shall consult with commercial

1 fishers, recreational fishers, federally recognized treaty tribes with
2 a fishing right, regional fisheries enhancement groups, and other
3 affected parties to obtain their input in preparing the report under
4 this subsection (2)."

5 Correct the title.

EFFECT: When an emerging commercial fishery is designated using otherwise prohibited gear types, the director must include in its report regarding the fishery: Information regarding the extent to which mass marking and supplementation programs have been utilized in the areas authorized for the selective fishing gear; information on the effectiveness of this gear in providing more fishing opportunity within mixed salmon stocks; information on the effectiveness of selective fishing gear in minimizing postrelease mortality for nontarget stocks and aiding the creation of niche markets; and information on the department's efforts at operating hatcheries in an experimental fashion by managing wild and hatchery origin fish as a single run as an alternative to mass marking and the utilization of selective fishing gear.

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