

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5442

57th Legislature
2001 Regular Session

Passed by the Senate April 16, 2001
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5442** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5442

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Natural Resources, Parks & Shorelines
(originally sponsored by Senators Snyder, Jacobsen, Morton and Oke; by
request of Department of Fish and Wildlife)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to salmon fishing gear; amending RCW 77.50.030 and
2 77.70.180; and adding a new section to chapter 77.50 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.50 RCW
5 to read as follows:

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

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

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

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

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

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

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

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

27 (1) Within five years after adopting rules to govern the number and
28 qualifications of participants in an emerging commercial fishery, the
29 director shall provide to the appropriate senate and house of
30 representatives committees a report which outlines the status of the
31 fishery and a recommendation as to whether a separate commercial
32 fishery license, license fee, or limited harvest program should be
33 established for that fishery.

34 (2) For any emerging commercial fishery designated under RCW
35 77.50.030, the report must also include:

36 (a) Information on the extent of the program, including to what
37 degree mass marking and supplementation programs have been utilized in

1 areas where emerging commercial fisheries using selective fishing gear
2 have been authorized;

3 (b) Information on the benefit provided to commercial fishers
4 including information on the effectiveness of emerging commercial
5 fisheries using selective fishing gear in providing expanded fishing
6 opportunity within mixed stocks of salmon;

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

11 (d) Information on the department's efforts at operating hatcheries
12 in an experimental fashion by managing wild and hatchery origin fish as
13 a single run as an alternative to mass marking and the utilization of
14 selective fishing gear. The department shall consult with commercial
15 fishers, recreational fishers, federally recognized treaty tribes with
16 a fishing right, regional fisheries enhancement groups, and other
17 affected parties to obtain their input in preparing the report under
18 this subsection (2).

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