

SENATE BILL REPORT

SB 5617

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, February 21, 2019

Title: An act relating to banning the use of nontribal gill nets.

Brief Description: Banning the use of nontribal gill nets.

Sponsors: Senators Salomon, Braun, Van De Wege, Rolfes, Wilson, L., Rivers, Fortunato, Palumbo, Keiser, Frockt, Warnick, Hunt, Honeyford, Brown, Cleveland, Saldaña, Darneille, Conway, Pedersen, Wilson, C., Lias, Hawkins, Kuderer and O'Ban.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 2/12/19, 2/21/19 [DPS-WM, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Bans the use of nontribal Columbia River salmon gill net licenses beginning January 1, 2021, and establishes a buyout program for retiring licenses by December 31, 2020.
- Creates a selective gear incentive program to make funds available for commercial fishers to invest in alternative fishing gear.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5617 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Rolfes.

Minority Report: Do not pass.

Signed by Senators McCoy and Short.

Minority Report: That it be referred without recommendation.

Signed by Senator Honeyford.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jeff Olsen (786-7428)

Background: The Washington Department of Fish and Wildlife (DFW) acts to preserve, protect, perpetuate, and manage Washington's wildlife, food fish, game fish, and shellfish. DFW must conserve fish and wildlife resources in a manner seeking to maintain the economic well-being and stability of the state's fishery resources. DFW must promote orderly fisheries, while enhancing and improving the state's recreational and commercial fishing.

In managing state fisheries, DFW establishes the time, place, manner, and methods used to harvest or enjoy fish and wildlife. Commercial fishers must obtain applicable licenses from WDFW. An annual resident salmon gill net license is \$380, a non resident license is \$765, with a \$100 surcharge and \$105 application fee. In 2017, there were approximately 247 commercial salmon gill net fisheries licenses in the Columbia River, Grays Harbor, and Willapa Bay fisheries, and 189 in Puget Sound.

Summary of Bill (First Substitute): DFW must develop a program for purchasing and retirement of Columbia River nontribal salmon gill net licenses by December 31, 2020. DFW must administer the fishing license buyout program before the gill net ban takes effect. By December 31, 2020, subject to the availability of funds, DFW may purchase a salmon gill net license from a willing seller for \$1,000 for a gill net license holder who has not landed any salmon in Washington from 2014 through 2018; or for three and one-half times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Columbia River fisheries from 2014 through 2018.

Beginning January 1, 2021, it is unlawful for an individual to use a gill net to take salmon in Washington.

DFW shall adopt rules to establish a selective gear incentive program. The program shall make funds available for interested commercial fishers to invest in alternative fishing gear that reduces wild salmon bycatch and mortality rates, while allowing for mark-selective harvest of hatchery-reared salmon. The incentive program must address ways to have a low mortality rate for released fish and also have operational effectiveness and economic viability. DFW must give funding priority for commercial fishers that hold a gill net license with qualifying landings over the past four years and fishers who participated in past testing efforts of seines and pound nets. The selective gear incentive program must be limited to seines, pound nets, and weirs. DFW must report on the effectiveness of the selective gear incentive program by December 31, 2020.

EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute): The substitute bill limits the gill net ban to the Columbia River fishery and moves the effective date of the ban from January 1, 2023, to January 1, 2021. The substitute bill modifies the buyout of gillnet licenses from three phases to one phase and directs DFW to establish a selective gear incentive program that seeks to avoid harvest of non-target species. The substitute bill directs DFW to develop a fee for permits issued for the taking of salmon under trial or experimental fishery permits.

Appropriation: None.

Fiscal Note: Available.

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

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Gill nets are non-selective gear that ensnare wild and endangered salmon, along with other species. Endangered orcas depend on salmon and gill nets are not the best management tool for recovering salmon and orcas. Sportfishing on the Columbia River has declined, impacting the recreational fishing industry and all of the small businesses in rural areas that benefit from recreational fishing. Recreational fishing and the recreational boating industry generate thousands of jobs for Washington's economy. Many other states have banned gill nets, and we should end nonselective netting. Washington has invested millions of dollars in salmon recovery and should make this change to allow more wild fish on the spawning ground.

CON: Gill nets are selective by fishing during limited times and place, and gill net fishers fish sustainably. Commercial fishers bring salmon to market for the public benefit. Gill net fishers are allies in the restoration of salmon including protecting habitat and improving water quality. Tribal fishers are not acknowledged in the bill. Habitat degradation and a decrease in hatchery production are the real problem, not gill net fishing. Gill net fishers benefit rural economies, and there are negative economic impacts from banning gill net fishing. Gill net fishing assists in managing fisheries by preventing too many hatchery fish from entering the spawning grounds. Banning gill nets will not save salmon or result in more salmon for orcas. The orca task force did not include this recommendation. A buyback program should have clear goals, be developed with permit holders, and be voluntary. Alternative gear is not better than gill nets. Recreational sportfishing is also non-selective and handling of fish also results in mortality for salmon. Processors rely on local fishermen for salmon. Gillnet fishing is not impacting orcas.

OTHER: The Department of Fish and Wildlife's mission is to preserve, protect and perpetuate species while providing sustainable recreational and commercial fishing opportunities. The Department looks forward to working with members that request our participation.

Persons Testifying: PRO: Senator Jesse Salomon, Prime Sponsor; W. John Bohrsen, Clark Skamania Flyfishers, Past President; Donald Kohler, Clark-Skamania Flyfishers; Keith Hyde, ANWS / TFO; Marc Bush, NW Guides Association; Brittany Grauel, Brads Killer Fishing Gear; Liz Hamilton, Executive Director Northwest Sportsfishing Industry Association; Andy Marks, CCA; Dale Scott, CCA; Nello Picinich, CCA; Tyler Comeau, citizen; Clayann Lankford, Zittel's Marina; George Harris, Northwest Marine Trade Association; Joanna Schoettler, citizen.

CON: John MacDonald, Ocean Run Seafood; Shannon Moore, citizen; Peter Knutson, Puget Sound Harvesters Association; Evan Brady, Puget Sound Harvesters Association; Ray Honea,

Puget Sound Harvesters Association; David Harsila, Puget Sound Harvesters Association; Matt Marinkovich, Puget Sound Harvesters Association; Tom Echols, Coalition of Coastal Fisheries; Dale Beasley, Coalition of Coastal Fisheries and Columbia River Dungeness Crab Association; Butch Smith, Ilwaco Chartboat Association; Shannon Moore, Puget Sound Gillnet Fishermen; Archie Jorgensen, Puget Sound Gillnet Fisherman; Irene Martin, Salmon for All; Bryce Divine, Salmon for All; Otis Hunsinger, Salmon for All; William Hunsinger, Commercial Stake Holder, Port of Astoria; Jim Wells, Salmon for All; Lisa Wilson, Lummi Nation; John Grocott, citizen; Ken Wirkkala, Columbia River Commercial Adviser; Steve Gray, Bell Bouy Cannery; Greg King, Friends of the Cowlitz; Lori Steele, West Coast Seafood Processors Association; James Long, citizen; Lisa Olsen, Pacific County Commissioner; Lance Gray, citizen; Greg Mcmillan, citizen; Robert Sudar, Salmon for All; Mike Backman, citizen; Michael Rossotto, Quileute Indian Tribe.

OTHER: Ron Warren, DFW.

Persons Signed In To Testify But Not Testifying: No one.