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**SUBSTITUTE SENATE BILL 5617**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by 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)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to banning the use of nontribal gill nets;  
2 amending RCW 77.65.160 and 77.50.030; adding new sections to chapter  
3 77.12 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that wild salmon  
6 populations have declined and that many populations are threatened  
7 and endangered. The legislature further finds that endangered  
8 southern resident orcas rely on salmon for a significant portion of  
9 their diet. The legislature further finds that the use of mark  
10 selective fishing harvest techniques provide additional harvest  
11 opportunities of abundant hatchery stocks while protecting wild and  
12 endangered wild stocks. The legislature further finds the use of  
13 nonselective harvest techniques, including gill nets, negatively  
14 impacts wild salmon recovery, seabirds, and other marine life that  
15 may become entangled in gill nets.

16 The legislature further finds that in 1995 the federal national  
17 marine fisheries service recommended the removal of nontribal gill  
18 nets from the mainstem Columbia river by 2003 and the Washington fish  
19 and wildlife commission adopted a policy in 2013 to remove nontribal  
20 gill nets from the Columbia river mainstem by 2017.

1           Therefore, the legislature finds that the use of gill nets for  
2 the nontribal harvest of salmon must be phased out in favor of mark  
3 selective harvest techniques that are capable of the unharmed release  
4 of wild and endangered salmon while selectively harvesting hatchery-  
5 reared salmon.

6           NEW SECTION.   **Sec. 2.**   A new section is added to chapter 77.12  
7 RCW to read as follows:

8           (1) The director shall develop a program for the purchase and  
9 permanent retirement of nontribal Columbia river salmon gill net  
10 licenses in Washington by December 31, 2020. The director shall  
11 administer the fishing license buyout program before the gill net ban  
12 takes effect.

13           (2) Beginning January 1, 2021, it is unlawful for an individual  
14 to use a gill net to take salmon in Washington waters of the Columbia  
15 river.

16           NEW SECTION.   **Sec. 3.**   A new section is added to chapter 77.12  
17 RCW to read as follows:

18           The fishing license buyout plan established in section 2 of this  
19 act must be conducted by December 31, 2020. Subject to the  
20 availability of amounts appropriated for this specific purpose, the  
21 department may purchase a salmon gill net license from a willing  
22 seller for:

23           (1) One thousand dollars for a gill net license holder that has  
24 not landed any salmon in Washington from 2014 through 2018; or

25           (2) Three and one-half times the individual gill net license  
26 holder's average annual ex-vessel value from the salmon landed in  
27 Columbia river fisheries from 2014 through 2018.

28           **Sec. 4.**   RCW 77.65.160 and 2018 c 235 s 2 are each amended to  
29 read as follows:

30           (1) The following commercial salmon fishery licenses are required  
31 for the license holder to use the specified gear to fish for salmon  
32 in state waters. Only a person who meets the qualifications of RCW  
33 77.70.090 may hold a license listed in this subsection. The licenses  
34 and their annual license fees, application fees, and surcharges under  
35 RCW 77.95.090 are:

	Fishery	Resident	Nonresident	Surcharge	Application
	License	Fee	Fee		Fee
3	(a) Salmon Gill	\$380	\$765	plus \$100	\$105
4	Net—Grays				
5	Harbor-				
6	Columbia river				
7	(b) Salmon Gill	\$380	\$765	plus \$100	\$105
8	Net—Puget				
9	Sound				
10	(c) Salmon Gill	\$380	\$765	plus \$100	\$105
11	Net—Willapa				
12	Bay-Columbia				
13	river				
14	(d) Salmon purse	\$545	\$930	plus \$100	\$105
15	seine				
16	(e) Salmon reef	\$380	\$765	plus \$100	\$105
17	net				
18	(f) Salmon troll	\$380	\$765	plus \$100	\$105

19 (2) A license issued under this section authorizes no taking or  
20 delivery of salmon or other food fish unless a vessel is designated  
21 under RCW 77.65.100.

22 (3) Holders of commercial salmon fishery licenses may retain  
23 incidentally caught food fish other than salmon, subject to rules of  
24 the department.

25 (4) A salmon troll license includes a salmon delivery license.

26 (5) A salmon gill net license authorizes the taking of salmon  
27 only in the geographical area for which the license is issued. The  
28 geographical designations in subsection (1) of this section have the  
29 following meanings:

30 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,  
31 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,  
32 sounds, and estuaries lying easterly and southerly of the  
33 international boundary line and a line at the entrance to the Strait  
34 of Juan de Fuca projected northerly from Cape Flattery to the  
35 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver  
36 Island.

37 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor  
38 and tributary estuaries lying easterly of a line projected northerly

1 from Point Chehalis Light to Point Brown and those waters of the  
2 Columbia river and tributary sloughs and estuaries easterly of a line  
3 at the entrance to the Columbia river projected southerly from the  
4 most westerly point of the North jetty to the most westerly point of  
5 the South jetty.

6 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay  
7 and tributary estuaries and easterly of a line projected northerly  
8 from Leadbetter Point to the Cape Shoalwater tower and those waters  
9 of the Columbia river and tributary sloughs described in (b) of this  
10 subsection.

11 (6) A commercial salmon troll fishery license may be renewed  
12 under this section if the license holder notifies the department by  
13 May 1st of that year that he or she will not participate in the  
14 fishery during that calendar year. A commercial salmon (~~(gill-net,~~)  
15 reef net(~~(7)~~) or seine fishery license may be renewed under this  
16 section if the license holder notifies the department before the  
17 third Monday in September of that year that he or she will not  
18 participate in the fishery during that calendar year. The license  
19 holder must pay the one hundred dollar enhancement surcharge, plus a  
20 one hundred five dollar application fee before the third Monday in  
21 September, in order to be considered a valid renewal and eligible to  
22 renew the license the following year.

23 (7) Notwithstanding the annual license fees and surcharges  
24 established in subsection (1) of this section, a person who holds a  
25 resident commercial salmon fishery license shall pay an annual  
26 license fee of one hundred dollars plus the surcharge and application  
27 fee if all of the following conditions are met:

28 (a) The license holder is at least seventy-five years of age;

29 (b) The license holder owns a fishing vessel and has fished with  
30 a resident commercial salmon fishery license for at least thirty  
31 years; and

32 (c) The commercial salmon fishery license is for a geographical  
33 area other than the Puget Sound.

34 An alternate operator may not be designated for a license renewed  
35 at the one hundred dollar annual fee under this subsection (7).

36 (8) The department shall by rule develop a fee for permits issued  
37 for the taking of salmon under the trial or experimental fishery  
38 permit authorized under RCW 77.50.030.

1       **Sec. 5.** RCW 77.50.030 and 2001 c 163 s 2 are each amended to  
2 read as follows:

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

7       (2) A person shall not construct, install, use, operate, or  
8 maintain within state waters a pound net, round haul net, lampara  
9 net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed  
10 appliance for catching salmon or steelhead except:

11       (a) If authorized by the director for scientific investigations;

12       (b) Under the authority of a trial or experimental fishery  
13 permit, when an emerging commercial fishery has been designated  
14 allowing use of one or more of these gear types for the harvest of  
15 salmon by fishing gear capable of mark-selective harvest to reduce  
16 harvest-related mortalities to wild salmonids and help maintain and  
17 enhance hatchery production levels by harvesting surplus hatchery-  
18 reared salmon.

19       (3) The director must consult with ((the)) commercial and  
20 recreational fishing interests that would be affected by the trial or  
21 experimental fishery permit. (~~The director may authorize the use of~~  
22 ~~this gear for scientific investigations.~~

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

26       NEW SECTION. Sec. 6. (1) In an effort to provide alternatives  
27 to nontribal salmon gill net fisheries while seeking to maintain and  
28 enhance hatchery production levels and the fishing industry, the  
29 department of fish and wildlife shall adopt rules to establish a  
30 selective gear incentive program. The selective gear incentive  
31 program must address to the maximum extent possible:

32       (a) The avoidance of nontarget species;

33       (b) The ability to fish mark selectively;

34       (c) Low mortality rate for released fish; and

35       (d) Operational effectiveness and economic viability.

36       (2) The selective gear incentive program shall make funds  
37 available for interested commercial fishers to invest in alternative  
38 fishing gear that reduces wild salmon bycatch and mortality rates,  
39 while allowing for mark-selective harvest of hatchery-reared salmon.

1 In administering the selective gear incentive program, the department  
2 shall give funding priority for applications based on the following  
3 criteria:

4 (a) Commercial fishers that hold a gill net license with  
5 qualifying landings over the past four years;

6 (b) Multiple commercial fishers that hold a gill net license with  
7 qualifying landings over the past four years jointly applying as a  
8 cooperative; and

9 (c) Commercial fishers who participated in past testing efforts  
10 of seines and pound nets.

11 (3) The selective gear incentive program must be limited to  
12 seines, pound nets, and weirs.

13 (4) The department shall report on the effectiveness of the  
14 selective gear incentive program by December 31, 2020.

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