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**SENATE BILL 5617**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

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

Read first time 01/25/19. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to banning the use of nontribal gill nets;  
2 amending RCW 77.65.160, 77.50.010, and 77.50.030; adding new sections  
3 to chapter 77.12 RCW; creating a new section; and providing an  
4 effective date.

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

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

17 The legislature further finds that in 1995 the federal national  
18 marine fisheries service recommended the removal of nontribal gill  
19 nets from the mainstem Columbia river by 2003 and the Washington fish  
20 and wildlife commission adopted a policy in 2013 to remove nontribal  
21 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 salmon gill net licenses in Washington by  
10 December 31, 2022. The director shall administer the fishing license  
11 buyout program in three phases before the gill net ban takes effect.

12           (2) Beginning January 1, 2023, it is unlawful for an individual  
13 to use a gill net to take salmon in Washington.

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

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

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

23           (2) Three and one-half times the individual gill net license  
24 holder's average annual ex-vessel value from the salmon landed in  
25 Washington from 2014 through 2018.

26           NEW SECTION.   **Sec. 4.** A new section is added to chapter 77.12  
27 RCW to read as follows:

28           Phase two of the fishing license buyout plan established in  
29 section 2 of this act must begin after phase one is completed and  
30 must be conducted by December 31, 2021. Subject to the availability  
31 of amounts appropriated for this specific purpose, the department may  
32 purchase a salmon gill net license from a willing seller for:

33           (1) Five hundred dollars for a license holder that has not landed  
34 any salmon in Washington from 2014 through 2018; or

35           (2) Two and one-half times the individual gill net license  
36 holder's average annual ex-vessel value from the salmon landed in  
37 Washington from 2014 through 2018.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.12  
2 RCW to read as follows:

3 Phase three of the fishing license buyout plan established in  
4 section 2 of this act must begin after phase two is completed and  
5 must be conducted by December 31, 2022. Subject to the availability  
6 of amounts appropriated for this specific purpose, the department may  
7 purchase a salmon gill net license from a willing seller for:

8 (1) One and one-half times the individual gill net license  
9 holder's average annual ex-vessel value from the salmon landed in  
10 Washington from 2014 through 2018;

11 (2) The director may not offer any funding for a gill net license  
12 holder that has not landed any salmon in Washington from 2014 through  
13 2018.

14 **Sec. 6.** RCW 77.65.160 and 2018 c 235 s 2 are each amended to  
15 read as follows:

16 (1) The following commercial salmon fishery licenses are required  
17 for the license holder to use the specified gear to fish for salmon  
18 in state waters. Only a person who meets the qualifications of RCW  
19 77.70.090 may hold a license listed in this subsection. The licenses  
20 and their annual license fees, application fees, and surcharges under  
21 RCW 77.95.090 are:

	Fishery	Resident	Nonresident	Surcharge	Application
	License	Fee	Fee		Fee
24	((a) Salmon-Gill	\$380	\$765	plus \$100	\$105
25	Net—				
26	Grays				
27	Harbor-				
28	Columbi				
29	a-river				
30	(b) Salmon-Gill	\$380	\$765	plus \$100	\$105
31	Net—				
32	Puget				
33	Sound				

1	(e)	Salmon-Gill	\$380	\$765	plus \$100	\$105
2		Net—				
3		Willapa				
4		Bay-				
5		Columbi				
6		a-river				
7	(d))	Salmon purse	\$545	\$930	plus \$100	\$105
8	(a)	seine				
9	((e))	Salmon reef	\$380	\$765	plus \$100	\$105
10	(b)	net				
11	((f))	Salmon troll	\$380	\$765	plus \$100	\$105
12	(c)					

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

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

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

20 (5) ~~((A salmon gill net license authorizes the taking of salmon  
21 only in the geographical area for which the license is issued. The  
22 geographical designations in subsection (1) of this section have the  
23 following meanings:~~

24 ~~(a) "Puget Sound" includes waters of the Strait of Juan de Fuca,  
25 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,  
26 sounds, and estuaries lying easterly and southerly of the  
27 international boundary line and a line at the entrance to the Strait  
28 of Juan de Fuca projected northerly from Cape Flattery to the  
29 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver  
30 Island.~~

31 ~~(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor  
32 and tributary estuaries lying easterly of a line projected northerly  
33 from Point Chehalis Light to Point Brown and those waters of the  
34 Columbia river and tributary sloughs and estuaries easterly of a line  
35 at the entrance to the Columbia river projected southerly from the  
36 most westerly point of the North jetty to the most westerly point of  
37 the South jetty.~~

38 ~~(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay  
39 and tributary estuaries and easterly of a line projected northerly~~

1 ~~from Leadbetter Point to the Cape Shoalwater tower and those waters~~  
2 ~~of the Columbia river and tributary sloughs described in (b) of this~~  
3 ~~subsection.~~

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

16 ~~((7))~~) (6) Notwithstanding the annual license fees and  
17 surcharges established in subsection (1) of this section, a person  
18 who holds a resident commercial salmon fishery license shall pay an  
19 annual license fee of one hundred dollars plus the surcharge and  
20 application fee if all of the following conditions are met:

- 21 (a) The license holder is at least seventy-five years of age;  
22 (b) The license holder owns a fishing vessel and has fished with  
23 a resident commercial salmon fishery license for at least thirty  
24 years; and  
25 (c) The commercial salmon fishery license is for a geographical  
26 area other than the Puget Sound.

27 An alternate operator may not be designated for a license renewed  
28 at the one hundred dollar annual fee under this subsection ~~((7))~~  
29 (6).

30 **Sec. 7.** RCW 77.50.010 and 2002 c 311 s 2 are each amended to  
31 read as follows:

32 (1) The commission may authorize commercial fishing for sockeye  
33 salmon within the waters described in subsection (2) of this section  
34 only during the period June 10th to July 25th and for other salmon  
35 only from the second Monday of September through November 30th,  
36 except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of  
37 the following Sunday.

38 (2) All waters east and south of a line commencing at a concrete  
39 monument on Angeles Point in Clallam county near the mouth of the

1 Elwha River on which is inscribed "Angeles Point Monument" (latitude  
2 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian);  
3 thence running east on a line 81° 30' true across the flashlight and  
4 bell buoy off Partridge Point and thence continued to longitude 122°  
5 40' west; thence north to the southerly shore of Sinclair Island;  
6 thence along the southerly shore of the island to the most easterly  
7 point of the island; thence 46° true to Carter Point, the most  
8 southerly point of Lummi Island; thence northwesterly along the  
9 westerly shore line of Lummi Island to where the shore line  
10 intersects line of longitude 122° 40' west; thence north to the  
11 mainland, including: The southerly portion of Hale Passage,  
12 Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay,  
13 Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound,  
14 Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages,  
15 waters, waterways, and tributaries.

16 (3) The commission may authorize commercial fishing for salmon  
17 with ((~~gill-net,~~)) purse seine((~~,~~)) and other lawful gear prior to  
18 the second Monday in September within the waters of Hale Passage,  
19 Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel,  
20 Skagit Bay, and Similk Bay, to wit: Those waters northerly and  
21 easterly of a line commencing at Stanwood, thence along the south  
22 shore of Skagit Bay to Rocky Point on Camano Island; thence northerly  
23 to Polnell Point on Whidbey Island.

24 (4) Whenever the commission determines that a stock or run of  
25 salmon cannot be harvested in the usual manner, and that the stock or  
26 run of salmon may be in danger of being wasted and surplus to natural  
27 or artificial spawning requirements, the commission may authorize  
28 units of ((~~gill-net-and~~)) purse seine gear in any number or  
29 equivalents, by time and area, to fully utilize the harvestable  
30 portions of these salmon runs for the economic well being of the  
31 citizens of this state. ((~~Gill-net-and~~)) Purse seine gear other than  
32 emergency and test gear authorized by the director shall not be used  
33 in Lake Washington.

34 (5) The commission may authorize commercial fishing for pink  
35 salmon in each odd-numbered year from August 1st through September  
36 1st in the waters lying inside of a line commencing at the most  
37 easterly point of Dungeness Spit and thence projected to Point  
38 Partridge on Whidbey Island and a line commencing at Olele Point and  
39 thence projected easterly to Bush Point on Whidbey Island.

1       **Sec. 8.** 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 waters of the Columbia river)) for catching salmon.~~

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

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

19       NEW SECTION.   **Sec. 9.** Sections 6 through 8 of this act take  
20 effect January 1, 2023.

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