
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 1610

Brief Description: Concerning compensation for lost or damaged commercial and treaty fishing gear.

Sponsors: Representatives Lekanoff, Walsh, Blake, Chapman, Doglio, Shewmake, Peterson, Ortiz-Self, Pollet and Leavitt.

Brief Summary of Bill

- Directs the Department of Fish and Wildlife, in consultation with others, to conduct a study of lost and damaged commercial and treaty fishing gear, and establish a pilot program to track potential fishing gear damage and loss.
- Creates a compensation program for lost or damaged fishing gear belonging to commercial and tribal fishers who participate in the pilot program.
- Creates the Commercial and Treaty Fisher's Gear Compensation Account as a nonappropriated account in the state Treasury.

Hearing Date: 2/8/19

Staff: Rebecca Lewis (786-7339).

Background:

The Department of Fish and Wildlife operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's fish and wildlife populations. Such responsibilities include regulating the time, place, and manner of fishing and hunting activities, and requiring licenses for recreational and commercial purposes. The authority to regulate fishing and shellfish activities does not apply directly to certain tribal fishing activities.

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.

Treaties enacted in the 1850s between the United States and Indian tribes in the Washington territory reserved certain rights to the tribes, including the right to manage and harvest fish and shellfish.

Summary of Bill:

Fishing Gear Loss Study and Pilot Program.

The Department of Fish and Wildlife (WDFW), in consultation with the departments of Commerce and Natural Resources, must conduct a study of the extent of commercial or treaty fishing gear that has been lost or damaged as a result of contact with other vessels in Puget Sound and the Strait of Juan de Fuca. As a part of the study, the WDFW must establish a pilot program to coordinate with willing fishers to track potential fishing gear damage and loss. The WDFW must conduct the pilot in geographic locations that are most likely to provide a comprehensive understanding of the scope of fishing gear damage. The WDFW may furnish wireless transponders to place on fishing gear to assist with data collection. The WDFW must report its findings by June 30, 2021, to the standing committees of the House and Senate with jurisdiction over fisheries, water quality, and aquatic lands. The pilot program expires on June 30, 2021.

Compensation for Lost or Damaged Fishing Gear.

The Fish and Wildlife Commission (Commission) must establish a program by rule to compensate commercial and treaty fishers who are Washington residents and enrolled in the Fishing Gear Loss pilot program for gear that has been lost or damaged as a result of contact with vessels in Puget Sound and the Strait of Juan de Fuca. Rules adopted by the Commission must include the following requirements:

- Claims must be made to the WDFW no later than 30 days after the fisher became aware of the loss or damage and the WDFW must acknowledge receipt of any claim within 15 days.
- Compensation is limited to the actual purchase or repair cost of the fishing gear, as demonstrated by receipts, estimates of costs of repair, or a sworn affidavit.
- Compensation is not available for any damaged or lost fishing gear covered by insurance or located within a shipping channel, a general anchorage area, or a precautionary area, as established on a navigational chart published by the National Oceanic and Atmospheric Administration.
- In order to be eligible for compensation, a person must provide:
 - copies of all relevant licenses and vessel registration information;
 - location of the fishing gear at the time of loss or damage;
 - a complete description of all lost or damaged fishing gear;
 - a complete description, to the extent known, of the incident that caused the damage; and
 - any receipts, estimates of repair costs, or sworn affidavits establishing the actual purchase cost or cost to repair lost or damaged fishing gear.

A nonappropriated account is created in the state Treasury for compensation program funds. Expenditures from the account may be made only for compensation of lost or damaged fishing gear for fishers participating in the pilot program. The WDFW must pay claims at the end of

each calendar year on a proportional basis, depending on available funds. A commercial or treaty fisher who files a claim may appeal the WDFW decision if the claim is denied or if the fisher disagrees with the compensation amount determined by the WDFW.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.