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**SENATE BILL 5297**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators Van De Wege, Salomon, Rivers, L. Wilson, Liias, and Nobles; by request of Office of the Governor

AN ACT Relating to nontribal commercial salmon fisheries in Washington waters of the Columbia river; amending RCW 77.50.030 and 77.65.160; adding a new section to chapter 77.70 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature finds that salmon fishery reform efforts have been made to promote the recovery of endangered species act listed populations of salmon and steelhead and make Washington's nontribal Columbia river salmon fisheries more selective and sustainable. The legislature further finds that these reforms are even more important as our salmon face increasing pressures due to climate change and habitat loss. The legislature further finds that Columbia river fishery management reforms call for the conservation, protection, recovery, and perpetuation of Columbia river salmon. The legislature further finds that Columbia river salmon reforms include the development of new alternative commercial selective-fishing gear that facilitates achieving conservation goals. The legislature further finds that the 2022 supplemental operating budget includes $14.4 million for a voluntary buyback of Columbia river gill net licenses to reduce the number of nontribal commercial gill net fishing licenses. The legislature further finds that the purpose of the buyback and recent fishery reforms has been to transition away from the use of gill nets in nontribal commercial salmon fisheries to optimize conservation benefits. The legislature further finds that the Washington department of fish and wildlife shall continue developing and implementing strategies for sustainable and selective harvest of surplus hatchery fish consistent with wild salmonid conservation and maintaining hatchery production that mitigates for habitat loss and supports marine and freshwater fisheries. The legislature further finds that nothing in this act affects tribal treaty fishing rights or state-tribal fishing agreements.

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

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

(b)(i) After January 1, 2025, a person shall not use, operate, or maintain within Washington state waters of the lower mainstem of the Columbia river a drift gill net or drift net for catching salmon.

(ii) The department shall reserve fishery impacts previously utilized in Washington waters of the lower mainstem of the Columbia river nontribal salmon gill net fisheries for conservation through increased wild salmonid escapement or mark selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(iii) Nothing in this subsection shall affect tribal treaty fishing rights, allowable fishing gears for tribal fisheries, or state-tribal fishing agreements.

(iv) For purposes of this section, a "drift gill net" or "drift net" means a gill net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift. The "lower mainstem of the Columbia river" means Washington waters in the mainstem of the Columbia river below Bonneville dam.

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

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

NEW SECTION. **Sec.**  A new section is added to chapter 77.70 RCW to read as follows:

The nontribal commercial gill net buyback account is created in the state treasury. Any moneys appropriated by the legislature must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used to reduce the number of nontribal commercial gill net licenses on the Columbia river through a voluntary buyback program. The license buyback program shall compensate individual license holders, with priority given to those with higher reported landings.

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

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Fishery  License | Resident  Fee | Nonresident  Fee | Surcharge | Application Fee |
| (a) | Salmon Gill Net—Grays Harbor- lower Columbia river nonmainstem | $380 | $765 | plus $100 | $105 |
| (b) | Salmon Gill Net—Puget Sound | $380 | $765 | plus $100 | $105 |
| (c) | Salmon Gill Net—Willapa Bay- lower Columbia river nonmainstem | $380 | $765 | plus $100 | $105 |
| (d) | Salmon purse seine | $545 | $930 | plus $100 | $105 |
| (e) | Salmon reef net | $380 | $765 | plus $100 | $105 |
| (f) | Salmon troll | $380 | $765 | plus $100 | $105 |

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

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

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

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

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

(b) "Grays Harbor-lower Columbia river mainstem" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those nonmainstem waters of the Columbia river ((~~and~~)) below Bonneville dam including tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-lower Columbia river mainstem" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those nonmainstem waters of the Columbia river ((~~and~~)) below the Bonneville dam including tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the ((~~one hundred dollar~~)) $100 enhancement surcharge, plus a ((~~one hundred five dollar~~)) $105 application fee before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of ((~~one hundred dollars~~)) $100 plus the surcharge and application fee if all of the following conditions are met:

(a) The license holder is at least ((~~seventy-five~~)) 75 years of age;

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

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

An alternate operator may not be designated for a license renewed at the ((~~one hundred dollar~~)) $100 annual fee under this subsection (7).

NEW SECTION. **Sec.**  Section 4 this act takes effect January 1, 2025.

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