

# HOUSE BILL REPORT

## ESHB 1012

---

*As Passed House  
March 20, 1991*

**Title:** An act relating to the loss of nets in the aquatic environment.

**Brief Description:** Providing a mechanism to recover lost fishing nets.

**Sponsor(s):** By House Committee on Fisheries & Wildlife (originally sponsored by Representatives Haugen, Wilson, Spanel, Morris, Cole, Zellinsky, Basich, Miller, Orr and Wynne).

**Brief History:**

Reported by House Committee on:  
Fisheries & Wildlife, February 5, 1991, DPS;  
Appropriations, February 26, 1991, DPS(FW)-A;  
Passed House, March 20, 1991, 72-26.

---

**HOUSE COMMITTEE ON  
FISHERIES & WILDLIFE**

**Majority Report:** *That Substitute House Bill No. 1012 be substituted therefor, and the substitute bill do pass.* Signed by 8 members: Representatives R. King, Chair; Morris, Vice Chair; Wilson, Ranking Minority Member; Cole; Haugen; Hochstatter; Orr; and Spanel.

**Minority Report:** *Do not pass.* Signed by 2 members: Representatives Fuhrman, Assistant Ranking Minority Member and Padden.

**Staff:** Keitlyn Watson (786-7310).

---

**HOUSE COMMITTEE ON  
APPROPRIATIONS**

**Majority Report:** *The substitute bill by Committee on Fisheries and Wildlife be substituted therefor and the substitute bill as amended by the Committee on Appropriations do pass.* Signed by 23 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Holland; McLean; Mielke;

Peery; Pruitt; Rust; H. Sommers; Valle; Vance; Wang; and Wineberry.

**Minority Report:** *Do not pass.* Signed by 5 members: Representatives Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Lisk; Nealey; and Fuhrman.

**Staff:** Susan Nakagawa (786-7145).

**Background:** Washington's non-tribal commercial and tribal fishing industry uses an assortment of different fishing nets. Over the past several decades, the strength and durability of the nets have increased dramatically with the introduction of gear made of nylon and other types of plastic. In comparison to the previously used natural-fiber gear, plastic nets may be left in water for extended lengths of time and stored without deterioration.

When nets are abandoned or lost in the aquatic environment, the durability and effectiveness of plastic netting becomes a liability for marine organisms. These "ghost nets" can continue to catch fish, marine mammals, crabs, and marine birds for years, depending on the type of net lost and the net's configuration in the water column or on the sea floor. The nets also can become caught in vessel propellers, which can result in considerable time and expense for the vessel owner. In recent years, several abandoned nets were found in Puget Sound in which large numbers of marine organisms were found dead or dying. While there was agreement that the nets should be recovered, responsibility for recovering the nets was not clear.

**Summary of Bill:** Abandoning or discarding a net in state waters is prohibited, except in cases in which the net is caught and cannot be freed, or is inadvertently lost. If nets must be left in state waters, the owner must notify the Department of Fisheries of the net's location, date of abandonment, and reason for abandoning the net.

The Department of Fisheries is responsible for recovering, or coordinating the recovery of abandoned nets that pose a threat to aquatic organisms or seabirds. The department is instructed to conduct education programs, especially targeting divers, to reduce the number of nets lost. The department is encouraged to contract out net recovery whenever possible.

A 0.4 percent tax is placed on the manufacturing, wholesaling, and retailing of commercial fishing nets and net components, to be collected by the Department of Revenue

and placed into the general fund. An appropriation of \$200,000 is made to support the net recovery program.

The program terminates on June 30, 1998, and relevant statutes are repealed.

**Fiscal Note:** Requested February 20, 1991.

**Effective Date:** January 1, 1992.

**Testimony For:** (Fisheries & Wildlife): Ghost nets kill marine life. A recovery system for these nets is needed.

(Appropriations): Abandoned nets pose a threat to marine life and seabirds. The program will help reduce risk to sea life.

**Testimony Against:** (Fisheries & Wildlife): A volunteer program is already in place, coordinated by the Puget Sound Gillnetters Association. Paperwork involved for retailers would be substantial. Some additional detail on the type of net parts that would be taxed is needed, geared toward nets that are used within state waters.

(Appropriations): None.

**Witnesses:** (Fisheries & Wildlife): Tom Pulford, recreational diver (neutral, money generated would not be enough to recover nets); Steven Phillips, Pacific Salmon Sportfishing Council (supports, would favor marking of the nets); Sheila Garber, LFS Inc. (supports with more clarification); Ed Manary, Department of Fisheries (supports with a sunset clause and with revenue to the general fund); Steve Arbaugh, Puget Sound Gillnetters Association (opposes); John Jovanovich, Jovanovich Supply (opposes); and Bill Jones, Wildcat Steelhead Club (supports).

(Appropriations): Jim King, Washington State Sportsman Council; and Jeff Parsons, National Audubon Society.