

HOUSE BILL REPORT

SB 5302

*As Reported By House Committee on:
Fisheries & Wildlife*

Title: An act relating to the department of fisheries.

Brief Description: Designating salmon production as the primary mission of the department of fisheries.

Sponsor(s): Senators Snyder, Metcalf, Rasmussen, Anderson, L. Smith, Amondson, Patterson and Oke.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, February 28, 1992, DPA.

**HOUSE COMMITTEE ON
FISHERIES & WILDLIFE**

Majority Report: *Do pass as amended.* Signed by 7 members: Representatives R. King, Chair; Morris, Vice Chair; Basich; G. Cole; Haugen; Orr; and Spanel.

Minority Report: *Do not pass.* Signed by 2 members: Representatives Hochstatter and Padden.

Staff: Keitlyn Watson (786-7310).

Background:

Columbia River Salmon and the Endangered Species Act (ESA)

In April and June of 1990, petitions were filed by the Shoshone-Bannock tribe in Idaho, Oregon Trout, and five other organizations under the federal Endangered Species Act (ESA) to list five wild stocks of Columbia River salmon as threatened or endangered. These stocks were: Snake River sockeye, Snake River spring, summer chinook, fall chinook, and lower Columbia River coho. The National Marine Fisheries Service (NMFS) is the federal agency with jurisdiction over endangered fish species. In April and June of 1991, NMFS proposed that three of the five stocks of salmon be listed under the Endangered Species Act. These stocks are the Snake River sockeye salmon (proposed as endangered), the Snake River fall chinook (proposed as threatened), and the Snake River spring/summer chinook (proposed as threatened). On November 14, 1991, NMFS

officially listed the Snake River sockeye as endangered. Decisions on the other two stocks are expected shortly.

Recovery Planning

The Northwest Power Planning Council, in response to the proposed listings, developed a management plan in December 1991 for salmon on the Columbia and Snake Rivers, which will be used by the National Marine Fisheries Service as a basis for their recovery plan for the endangered sockeye salmon. There is currently no mandatory or ongoing recovery effort for wild stocks of salmon, steelhead and cutthroat trout that have not been petitioned for listing under the Endangered Species Act. There are many other wild salmon, steelhead, and sea-run cutthroat trout stocks that have been identified as declining by the American Fisheries Society. Forty-one of these are in Washington, outside of the Columbia River Basin.

Management Techniques for Increasing Wild Fish Runs

The Department of Wildlife regulates the recreational harvest of resident fish including steelhead trout and sea-run cutthroat trout. The Department of Fisheries regulates the harvest of the commercial and recreational salmon fisheries for non-treaty fishers. Both agencies coordinate with the tribes in developing commercial harvest regulations. Regulations are designed to provide harvest opportunities and sustain fish runs.

The Northwest Power Planning Council, in their Phase II Amendment, proposed a reduction in harvest of fall chinook in the Columbia river. Part of the mechanism for accomplishing this will be by providing for a commercial license leaseback program. The federal government will assist in paying to temporarily lease back commercial fishing licenses. Current Washington law requires that a commercial fisher, in order to renew a salmon license, catch one fish. The director of the Department of Fisheries has the authority to waive this requirement if the fisher has not had the opportunity to catch fish, such as would occur if a fisher participated in the leaseback program.

Marking and Catch and Release

Where a distinction between wild and hatchery stocks needs to be made for the purpose of allowing wild fish, if caught, to be released, the hatchery fish may be marked by clipping the adipose fin, using a coded wire tag, or using a newer ocular marking technique. The Department of Wildlife has marked most of its hatchery raised steelhead and sea-run cutthroat trout and is therefore able to implement catch and

release regulations for recreational fishers. For almost all of the steelhead and sea-run cutthroat stocks identified by the American Fisheries Society as stocks of concern, these regulations are already in place. The Department of Fisheries has not marked all hatchery fish. Even if all were marked, the utility in returning wild fish caught commercially with current techniques is low, since these fish caught in nets are usually dead shortly after the nets are hauled in. The recreational fishery could be managed for catch and release if all hatchery raised salmon were marked.

Summary of Amended Bill:

The Department of Fisheries is directed to establish a wild salmonid review and inventory team consisting of fisheries biologists and geneticists. The team is to review and inventory the status of wild salmonid stocks outside of the Columbia River basin. The team is to conduct the following activities:

- (1) Develop a definition of stock;
- (2) Determine the status of all wild salmonid stocks in Washington outside of the Columbia River basin; and
- (3) Outline a process for developing a recovery plan and objectives for each wild salmonid stock. The review and inventory team is to provide the appropriate legislative committees, by June 30, 1993, with stock status reports and a recovery plan process.

The Department of Fisheries, by December 31, 1992, is to determine the cost of marking all hatchery fish at all department operated hatchery facilities.

The director of the Department of Fisheries is directed to use authority granted under existing law to waive requirements for commercial fishing license renewal in order to accomplish the goals of the license leaseback program of the Northwest Power Planning Council, described in the Council's Phase II Amendment to their Fish and Wildlife Program.

The act is null and void unless specific funding is provided in the 1992 Supplemental Budget Act, referencing this act by bill number.

Amended Bill Compared to Original Bill:

The provisions in the original bill, which designated salmon production as the primary mission of the Department of

Fisheries, were removed and replaced with the provisions in the amended bill.

Fiscal Note: Requested February 28, 1992.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Testimony is on HB 2626, which was substantially incorporated into SB 5302.) Federal endangered species act listings should be avoided, and this bill is a step in the right direction. Changes should include a requirement that economic costs of recovery be evaluated. Wild fish preservation is necessary; we need to be proactive and this package of bills is proactive. The four-year leaseback in the Northwest Power Planning Council's Amendment is not long enough. This will improve the fishery for commercial fishermen.

Testimony Against: (on HB 2626, which was substantially incorporated into SB 5302) None.

Witnesses: (These are witnesses to HB 2626, which was substantially incorporated into SB 5302.) Dan Wood, Citizens for Responsible Resource Use (in favor of concept, suggests changes); Bob Johnson, Trout Unlimited (in favor); Dawn Vyvyan, Yakima Indian Nation (in favor); Ed Manary, Department of Fisheries (concerns: there will be fiscal impacts to the agency; requiring the department to be in the lead may thwart potentially cooperative relationships; the recovery plan should wait until the review is completed); Pam Madsen, Department of Wildlife (concerns: there will be fiscal impacts to the agency; it is difficult to solve the problem unilaterally; there needs to be appropriate sequencing in the review and recovery; American Fisheries Society list may not be accurate); Robert Snell, Washington Trollers Association (in favor); and Shelley Clark, National Audubon Society and Wild Salmon and Trout Alliance (in favor).