

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5661**

Chapter 190, Laws of 2012

62nd Legislature  
2012 Regular Session

DERELICT FISHING GEAR

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 3, 2012  
YEAS 49 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House February 28, 2012  
YEAS 98 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 29, 2012, 7:26 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5661** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

FILED

March 29, 2012

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 5661**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** Senators Nelson, Pridemore, Swecker, White, Morton, and Fain

Read first time 02/03/11. Referred to Committee on Natural Resources & Marine Waters.

1            AN ACT Relating to derelict fishing gear; amending RCW 77.12.870;  
2            creating new sections; and providing an expiration date.

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

4            NEW SECTION.    **Sec. 1.** (1) The legislature finds that derelict  
5            fishing gear poses a serious threat to human life, the health of the  
6            state's marine and freshwater ecosystems, and numerous species of  
7            birds, fish, marine mammals, and shellfish. Derelict fishing gear  
8            entraps and kills for decades and threatens endangered species,  
9            including federal endangered species act-listed salmon, steelhead,  
10            Puget Sound rockfish, green sturgeon, and marbled murrelet. In Puget  
11            Sound, estimates from the Northwest straits initiative indicate that  
12            derelict commercial fishing nets were killing approximately one  
13            thousand two hundred marine mammals, twenty-one thousand birds, and  
14            sixty-seven thousand fish per year.

15            (2) The legislature further finds that while significant progress  
16            has been made to remove historic accumulations of lost and abandoned  
17            commercial fishing nets in Puget Sound, reforms are needed to stem the  
18            ongoing accumulation of commercial fishing nets and commercial and  
19            recreational shellfish pots in both marine and freshwater environments.

1 While the Northwest straits initiative received a one-time federal  
2 grant of over four million five hundred thousand dollars to remove high  
3 priority derelict fishing nets from Puget Sound, no long-term source of  
4 funding is currently available for the continued removal of derelict  
5 fishing nets or the removal of an estimated twelve thousand derelict  
6 shellfish pots. Insufficient funding and information is available to  
7 confirm and quantify the likely presence of derelict fishing gear in  
8 other state waters. These and other factors increase the need for a  
9 mandatory reporting system to quantify ongoing accumulations of lost or  
10 abandoned commercial fishing nets and recreational or commercial  
11 shellfish pots.

12 (3) The legislature further finds that the department of fish and  
13 wildlife is working cooperatively with the department of natural  
14 resources and the Northwest straits initiative to maintain a statewide  
15 database of derelict fishing gear. However, despite recent known  
16 instances of commercial fishing net losses, only two reports of lost  
17 commercial fishing nets have been made by fishers to the department of  
18 fish and wildlife database under the current voluntary reporting system  
19 since its inception in 2003.

20 (4) The legislature further finds that instituting a mandatory  
21 reporting requirement for persons who lose or abandon commercial  
22 fishing nets will help prevent continued accumulations, lead to prompt  
23 removal, and better allow state and federal authorities to estimate the  
24 impacts. The department of fish and wildlife is also encouraged to  
25 provide recreational and commercial shellfish pot users with the  
26 opportunity to report lost shellfish pots through existing catch  
27 reporting mechanisms. The department of fish and wildlife should rely  
28 upon existing authorities to formulate any rules necessary to ensure  
29 compliance with mandatory reporting requirements for derelict  
30 commercial fishing nets and encourage maximum participation in  
31 reporting lost shellfish pots.

32 **Sec. 2.** RCW 77.12.870 and 2010 c 193 s 8 are each amended to read  
33 as follows:

34 (1) The department, in partnership with the Northwest straits  
35 commission, the department of natural resources, and other interested  
36 parties, must create and ensure the maintenance of a database of known

1 derelict fishing gear and shellfish pots, including the type of gear  
2 and its location.

3 (2) A person who loses or abandons commercial net fishing gear (~~or~~  
4 ~~shellfish-pots~~) within the waters of the state is (~~encouraged~~)  
5 required to report the location of the loss and the type of gear lost  
6 to the department within (~~forty-eight~~) twenty-four hours of the loss.

7 (3) A person who loses or abandons shellfish pots within the waters  
8 of the state is encouraged to report the location of the loss and the  
9 type of gear lost to the department.

10 NEW SECTION. Sec. 3. (1) The department of fish and wildlife  
11 shall, by no later than December 31, 2012, work with all interested  
12 Indian tribes to develop a program that will assist coordination and  
13 communication among the department of fish and wildlife and the various  
14 cooperating Indian tribes to record, consistent with RCW 77.12.870, the  
15 location of lost or abandoned fishing nets that originated in a tribal  
16 fishery.

17 (2) This section expires on July 31, 2013.

Passed by the Senate March 3, 2012.

Passed by the House February 28, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.