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**SENATE BILL 5617**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Salomon, Braun, Van De Wege, Rolfes, Wilson, L., Rivers, Fortunato, Palumbo, Keiser, Frockt, Warnick, Hunt, Honeyford, Brown, Cleveland, Saldaña, Darneille, Conway, Pedersen, Wilson, C., Liias, Hawkins, Kuderer, and O'Ban

AN ACT Relating to banning the use of nontribal gill nets; amending RCW 77.65.160, 77.50.010, and 77.50.030; adding new sections to chapter 77.12 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 wild salmon populations have declined and that many populations are threatened and endangered. The legislature further finds that endangered southern resident orcas rely on salmon for a significant portion of their diet. The legislature further finds that the use of mark selective fishing harvest techniques provide additional harvest opportunities of abundant hatchery stocks while protecting wild and endangered wild stocks. The legislature further finds the use of nonselective harvest techniques, including gill nets, negatively impacts wild salmon recovery, seabirds, and other marine life that may become entangled in gill nets.

The legislature further finds that in 1995 the federal national marine fisheries service recommended the removal of nontribal gill nets from the mainstem Columbia river by 2003 and the Washington fish and wildlife commission adopted a policy in 2013 to remove nontribal gill nets from the Columbia river mainstem by 2017.

Therefore, the legislature finds that the use of gill nets for the nontribal harvest of salmon must be phased out in favor of mark selective harvest techniques that are capable of the unharmed release of wild and endangered salmon while selectively harvesting hatchery-reared salmon.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

(1) The director shall develop a program for the purchase and permanent retirement of salmon gill net licenses in Washington by December 31, 2022. The director shall administer the fishing license buyout program in three phases before the gill net ban takes effect.

(2) Beginning January 1, 2023, it is unlawful for an individual to use a gill net to take salmon in Washington.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

Phase one of the fishing license buyout plan established in section 2 of this act must be conducted by December 31, 2020. Subject to the availability of amounts appropriated for this specific purpose, the department may purchase a salmon gill net license from a willing seller for:

(1) One thousand dollars for a gill net license holder that has not landed any salmon in Washington from 2014 through 2018; or

(2) Three and one-half times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Washington from 2014 through 2018.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

Phase two of the fishing license buyout plan established in section 2 of this act must begin after phase one is completed and must be conducted by December 31, 2021. Subject to the availability of amounts appropriated for this specific purpose, the department may purchase a salmon gill net license from a willing seller for:

(1) Five hundred dollars for a license holder that has not landed any salmon in Washington from 2014 through 2018; or

(2) Two and one-half times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Washington from 2014 through 2018.

NEW SECTION. **Sec.**  A new section is added to chapter 77.12 RCW to read as follows:

Phase three of the fishing license buyout plan established in section 2 of this act must begin after phase two is completed and must be conducted by December 31, 2022. Subject to the availability of amounts appropriated for this specific purpose, the department may purchase a salmon gill net license from a willing seller for:

(1) One and one-half times the individual gill net license holder's average annual ex-vessel value from the salmon landed in Washington from 2014 through 2018;

(2) The director may not offer any funding for a gill net license holder that has not landed any salmon in Washington from 2014 through 2018.

**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:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | FisheryLicense | ResidentFee | NonresidentFee | Surcharge | Application Fee |
| ((~~(a)~~ | ~~Salmon Gill Net—Grays Harbor-Columbia river~~ | ~~$380~~ | ~~$765~~ | ~~plus $100~~ | ~~$105~~ |
| ~~(b)~~ | ~~Salmon Gill Net—Puget Sound~~ | ~~$380~~ | ~~$765~~ | ~~plus $100~~ | ~~$105~~ |
| ~~(c)~~ | ~~Salmon Gill Net—Willapa Bay-Columbia river~~ | ~~$380~~ | ~~$765~~ | ~~plus $100~~ | ~~$105~~ |
| ~~(d)~~)) (a) | Salmon purse seine | $545 | $930 | plus $100 | $105 |
| ((~~(e)~~)) (b) |  Salmon reef net | $380 | $765 | plus $100 | $105 |
| ((~~(f)~~)) (c) |  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-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and 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-Columbia river" 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 waters of the Columbia river and 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 enhancement surcharge, plus a one hundred five dollar 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)~~)) (6) 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 plus the surcharge and application fee if all of the following conditions are met:

(a) The license holder is at least seventy-five 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 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 annual fee under this subsection ((~~(7)~~)) (6).

**Sec.**  RCW 77.50.010 and 2002 c 311 s 2 are each amended to read as follows:

(1) The commission may authorize commercial fishing for sockeye salmon within the waters described in subsection (2) of this section only during the period June 10th to July 25th and for other salmon only from the second Monday of September through November 30th, except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued to longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line intersects line of longitude 122° 40' west; thence north to the mainland, including: The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

(3) The commission may authorize commercial fishing for salmon with ((~~gill net,~~)) purse seine((~~,~~)) and other lawful gear prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

(4) Whenever the commission determines that a stock or run of salmon cannot be harvested in the usual manner, and that the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the commission may authorize units of ((~~gill net and~~)) purse seine gear in any number or equivalents, by time and area, to fully utilize the harvestable portions of these salmon runs for the economic well being of the citizens of this state. ((~~Gill net and~~)) Purse seine gear other than emergency and test gear authorized by the director shall not be used in Lake Washington.

(5) The commission may authorize commercial fishing for pink salmon in each odd-numbered year from August 1st through September 1st in the waters lying inside of a line commencing at the most easterly point of Dungeness Spit and thence projected to Point Partridge on Whidbey Island and a line commencing at Olele Point and thence projected easterly to Bush Point on Whidbey Island.

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

(1) 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.

(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.**  Sections 6 through 8 of this act take effect January 1, 2023.

**--- END ---**