
SUBSTITUTE HOUSE BILL 1610

State of Washington

66th Legislature

2019 Regular Session

By House Rural Development, Agriculture, & Natural Resources
(originally sponsored by Representatives Lekanoff, Walsh, Blake,
Chapman, Doglio, Shewmake, Peterson, Ortiz-Self, Pollet, and Leavitt)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to compensation for lost or damaged commercial
2 and treaty fishing gear; adding a new chapter to Title 77 RCW; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Account" means the commercial and treaty fisher's gear
9 compensation account created in section 2 of this act.

10 (2) "Claim" means an application to the department for
11 compensation under this chapter.

12 (3) "Commercial fisher" means any person who holds a current
13 commercial fishing license from the department.

14 (4) "Compensation" means a cash payment, materials, or service.

15 (5) "Fishing gear" means any equipment, whether or not attached
16 to a vessel, that is used in the handling or harvesting of fish and
17 shellfish.

18 (6) "Treaty fisher" means any person who is a member of a
19 federally recognized Indian tribe and who harvests fish or shellfish
20 in Washington pursuant to an Indian treaty.

1 NEW SECTION. **Sec. 2.** The commercial and treaty fisher's gear
2 compensation account is created in the custody of the state
3 treasurer. In addition to moneys appropriated or transferred into the
4 account, the department may deposit into the account any grants,
5 gifts, or donations to the state for the purposes of section 3 of
6 this act. Expenditures from the account may be used only for
7 providing compensation to commercial and treaty fishers for lost or
8 damaged fishing gear, as provided in section 3 of this act. Only the
9 director of the department of fish and wildlife or the director's
10 designee may authorize expenditures from the account. The account is
11 subject to allotment procedures under chapter 43.88 RCW, but an
12 appropriation is not required for expenditures.

13 NEW SECTION. **Sec. 3.** (1) The commission shall adopt rules to
14 establish a commercial and treaty fisher's gear compensation program
15 for commercial and treaty fishers whose fishing gear has been lost or
16 damaged as a result of contact with other vessels in the marine
17 waters of the state east of a line extending due north from the
18 northernmost point of Tatoosh Island.

19 (2) Rules adopted by the commission pursuant to this section are
20 subject to the following requirements:

21 (a) Compensation from the account is not available for loss of or
22 damage to fishing gear that, at the time of loss or damage, was
23 located within a shipping channel or other established routes for
24 vessels such as Washington state ferries, tugs, commercial vessels,
25 or log booms, a general anchorage area, or a precautionary area, as
26 established on a navigational chart published by the national oceanic
27 and atmospheric administration;

28 (b) In order to be eligible for compensation from the account,
29 the commercial or treaty fisher must be a Washington resident, must
30 have a claim of at least two hundred seventy-five dollars, and must
31 be an enrolled participant in the crab gear damage and loss pilot
32 program created in section 4 of this act;

33 (c) Compensation from the account to a commercial or treaty
34 fisher is limited to the actual purchase cost of the fishing gear for
35 lost fishing gear, or the actual repair cost of the fishing gear for
36 damaged fishing gear. The actual purchase cost or actual repair cost
37 must be established by receipts, estimates of costs of repair, or
38 sworn affidavit;

1 (d) In order to be eligible for compensation from the account,
2 the commercial or treaty fisher must provide the following
3 information:

4 (i) Complete copies of all relevant licenses;

5 (ii) Complete copies of all vessel registration information;

6 (iii) Location, via latitude and longitude coordinates obtained
7 from a global positioning system device affixed to the fishing gear
8 or via a chart marked with the location of the incident, of the
9 fishing gear at the time of loss or damage;

10 (iv) A complete description of all lost or damaged fishing gear,
11 including photographs of damaged gear if available;

12 (v) To the extent known, a complete description of the incident
13 giving rise to the loss or damage, including the name and other
14 identifying information of the vessel that caused the loss or damage;

15 (vi) Receipts, estimates of costs of repair, or sworn affidavits
16 establishing the actual purchase cost or actual repair cost of lost
17 or damaged fishing gear;

18 (e) Claims for compensation from the account must be filed with
19 the department no later than thirty days after the date that the
20 commercial or treaty fisher first became aware of the loss or damage;

21 (f) The department shall acknowledge receipt of a claim for loss
22 or damage within fifteen days of receiving the claim;

23 (g) Compensation from the account is not available for loss of or
24 damage to fishing gear that is covered by a policy of insurance.

25 (3) In administering the commercial and treaty fisher's gear
26 compensation program, the department shall pay eligible claims at the
27 conclusion of the calendar year on a proportional basis, according to
28 available funds.

29 (4) A commercial or treaty fisher who files a claim under this
30 section may appeal the decision of the department pursuant to rules
31 adopted by the commission if the claim:

32 (a) Is denied; or

33 (b) Is disputed by the commercial or treaty fisher and the
34 commercial or treaty fisher disagrees with the amount of compensation
35 determined by the department.

36 NEW SECTION. **Sec. 4.** (1) The department of fish and wildlife,
37 in consultation with the department of commerce and the department of
38 natural resources, is directed to conduct a study of crab fishing
39 gear belonging to commercial and treaty fishers that has been lost or

1 damaged as a result of contact with other vessels in the marine
2 waters of the state east of a line extending due north from the
3 northernmost point of Tatoosh Island.

4 (2) The elements to be studied include, but are not limited to,
5 the following:

6 (a) The types and value of crab fishing gear lost or damaged as a
7 result of contact with other vessels;

8 (b) The frequency of crab fishing gear loss and damage as a
9 result of contact with other vessels;

10 (c) The dates, times, and locations of crab fishing gear loss and
11 damage; and

12 (d) The vessels, and types of vessels, contributing to crab
13 fishing gear loss and damage.

14 (3) The department shall, as part of the study, establish a pilot
15 program in which the department coordinates with willing fishers to
16 track potential crab fishing gear damage and loss using global
17 positioning system technology. In establishing the geographic scope
18 of the pilot project, the department should select locations that are
19 most likely to provide a comprehensive understanding of the issue of
20 crab fishing gear loss and damage. As part of the pilot program, and
21 subject to the availability of amounts appropriated for this specific
22 purpose, the department may furnish wireless transponders to be
23 placed on crab fishing gear in order to assist in the collection of
24 data related to potential loss and damage.

25 (4) A report that includes the department's findings, as well as
26 the department's recommendations for actions to reduce crab fishing
27 gear loss and damage, must be completed by October 31, 2021, and
28 submitted in accordance with RCW 43.01.036 to the standing committees
29 of the house of representatives and the senate with jurisdiction over
30 fisheries, water quality, and aquatic lands.

31 (5) This section expires December 31, 2021.

32 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act
33 constitute a new chapter in Title 77 RCW.

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