
HOUSE BILL 1610

State of Washington

66th Legislature

2019 Regular Session

By Representatives Lekanoff, Walsh, Blake, Chapman, Doglio, Shewmake, Peterson, Ortiz-Self, Pollet, and Leavitt

Read first time 01/25/19. Referred to Committee on Rural Development, Agriculture, & Natural Resources.

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 vessel and any equipment, whether or
16 not attached to a vessel, that is used in the handling or harvesting
17 of living marine resources.

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, a general anchorage area, or a
24 precautionary area, as established on a navigational chart published
25 by the national oceanic and atmospheric administration;

26 (b) In order to be eligible for compensation from the account,
27 the commercial or treaty fisher must be a Washington resident and an
28 enrolled participant in the pilot program created in section 4 of
29 this act;

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

36 (d) In order to be eligible for compensation from the account,
37 the commercial or treaty fisher must provide the following
38 information:

39 (i) Complete copies of all relevant licenses;

1 (ii) Complete copies of all vessel registration information;
2 (iii) Location, via latitude and longitude coordinates or via a
3 chart marked with the location of the incident, of the fishing gear
4 at the time of loss or damage;

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

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

10 (vi) Receipts, estimates of costs of repair, or sworn affidavits
11 establishing the actual purchase cost or actual repair cost of lost
12 or damaged fishing gear;

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

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

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

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

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

27 (a) Is denied; or

28 (b) Is disputed by the commercial fisher and the commercial
29 fisher disagrees with the amount of compensation determined by the
30 department.

31 NEW SECTION. **Sec. 4.** (1) The department of fish and wildlife,
32 in consultation with the department of commerce and the department of
33 natural resources, is directed to conduct a study of fishing gear
34 belonging to commercial and treaty fishers that has been lost or
35 damaged as a result of contact with other vessels in the marine
36 waters of the state east of a line extending due north from the
37 northernmost point of Tatoosh Island.

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

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

3 (b) The frequency of fishing gear loss and damage as a result of
4 contact with other vessels;

5 (c) The dates, times, and locations of fishing gear loss and
6 damage; and

7 (d) The vessels, and types of vessels, contributing to fishing
8 gear loss and damage.

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

19 (4) A report that includes the department's findings, as well as
20 the department's recommendations for actions to reduce fishing gear
21 loss and damage, must be completed by June 30, 2021, and submitted in
22 accordance with RCW 43.01.036 to the standing committees of the house
23 of representatives and the senate with jurisdiction over fisheries,
24 water quality, and aquatic lands.

25 (5) This section expires June 30, 2021.

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

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