S-1036.1

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**SUBSTITUTE SENATE BILL 5421**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senator McCune)

AN ACT Relating to creating a salmon fisheries dispute resolution process; adding a new section to chapter 77.12 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that nontribal commercial and sport fishers depend on the department of fish and wildlife to negotiate for salmon fisheries. The 1985 Puget Sound management plan articulates a dispute resolution process for the department and the Puget Sound treaty tribes to foster the voluntary, informal settlement of disputes. The legislature finds that while there is a process in federal court for the state to resolve its disputes with the tribes, there is currently no process for commercial and recreational salmon fishers to raise and resolve their disputes. Commercial and recreational fishers would like the opportunity to voice their perspectives in a controlled environment focused on dispute resolution. The legislature finds that a salmon fisheries dispute resolution board consisting of nontribal commercial and recreational fishers would provide a forum to review and discuss the fishery policies and allocation set under the salmon management plan involving nontribal salmon fisheries and allocation.

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

(1) The department must establish a Puget Sound salmon commercial and recreational fisheries advisory board composed of representatives from nontribal commercial salmon fishers and recreational fishers as well as staff from the department to review and evaluate salmon fisheries and allocation within the established framework of the salmon management plan. The Puget Sound salmon commercial and recreational fisheries advisory board is composed of two recreational fishers; two nontribal commercial fishers, including one commercial purse seine fisher and one commercial gill net fisher; and two staff members from the department. The commercial and recreational members must be nominated within their organization.

(2) The Puget Sound salmon commercial and recreational fisheries advisory board must be chaired by a dispute resolution technical advisor. This advisor must be an attorney well versed in mediation, with technical expertise in fisheries, and with extensive understanding of the history of disputes and deviations from the rule of law between tribal and nontribal fisheries. The dispute resolution technical advisor must be chosen by the director from candidates nominated by the Puget Sound salmon commercial and recreational fisheries advisory board. Administrative support must be provided by department staff.

(3) The department shall report back to the appropriate committees of the legislature by December 1, 2022, regarding the activities of the Puget Sound salmon commercial and recreational fisheries advisory board.

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