

# SENATE BILL REPORT

## SB 5826

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As Reported by Senate Committee On:  
Agriculture, Water, Natural Resources & Parks, February 3, 2022

**Title:** An act relating to warm water game fish management.

**Brief Description:** Concerning warm water game fish management.

**Sponsors:** Senators Padden and Hasegawa.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/01/22, 2/03/22  
[DPS, DNP].

**Brief Summary of First Substitute Bill**

- Directs the Fish and Wildlife Commission to adopt rules limiting the bag limits for warm water game fish in nonanadromous waters according to scientific studies to maintain healthy and vibrant long-term fisheries.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5826 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford and Rolfes.

**Minority Report:** Do not pass.

Signed by Senator Stanford.

**Staff:** Jeff Olsen (786-7428)

**Background:** The Washington Department of Fish and Wildlife (WDFW) is responsible

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

for managing the state's fish and wildlife resources and establishing basic rules and regulations governing the time, place, manner, and methods used to harvest fish and wildlife. Game fish are fish that may not be fished except by rule of the Fish and Wildlife Commission. Game fish are classified in statute and include several species, including catfish, trout, bass, and walleye.

A Warm Water Game Fish Enhancement Program (enhancement program) was established in WDFW in 1996. The enhancement program is designed to increase the opportunities to fish for warm water game fish including bass, catfish, crappie, walleye, and tiger musky. The enhancement program is designed to use a practical applied approach to increase warm water fishing. A portion of each freshwater and combination fishing license fee is dedicated for the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve warm water fishing. WDFW must actively involve organized fish clubs when developing the enhancement program.

The Governor issued an executive order in 2018 convening the Southern Resident Killer Whale Task Force (task force). The task force was directed to identify, prioritize, and support implementing a plan to address threats to Southern Resident orca whales including prey availability, contaminants, and disturbance from vessel noise. During the 2019 legislative session, legislation was enacted directing the Fish and Wildlife Commission to implement task force recommendations and reduce predation by non-native game fish on salmonids.

**Summary of Bill (First Substitute):** The Fish and Wildlife Commission must adopt rules limiting bag limits for warm water game fish according to scientific studies that are in the best interest of the warm water species in nonanadromous waters to maintain healthy and vibrant long-term fisheries. Limits proposed in excess of five fish per day must be accompanied by the results of an appropriate scientific study supporting the need for the higher limits and must be monitored until the need is no longer necessary.

**EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):**

- Removes specific reference to limiting bag limits for warmwater gamefish in nonanadromous waters to no more than five fish per day.
- Provides direction that the Fish and Wildlife Commission adopt rules to limit bag limits for warmwater game fish in nonanadromous waters according to scientific studies to maintain healthy and vibrant long-term fisheries.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: There are concerns that with the recent liberalizing, or elimination of bag limits, that the warmwater fishery is suffering. There should be limits based on scientific studies to maintain the health and long-term viability of the fishery. Limits perhaps could be higher than five if the science supports it. This policy is a small step to put the brakes on and protect a valuable resource. Warmwater fisheries are an economic resource, that bring in youth teams and tournaments, providing economic value. The WDFW is directed to grow and enhance the warmwater fishery in the state.

CON: The WDFW does have a warmwater program, and spends approximately \$1 million per year. There is a recent new policy on managing warmwater gamefish. There are 18 species of fish, and the bag limits and policies vary by species and by location depending on the management objectives for that water body. Placing specific bag limits in statute limits the WDFW's ability to best manage the resource. Non-native fish are predators on native species and need to be managed. The WDFW should manage to protect native species.

OTHER: There are concerns about over-reach with the policy to liberalize bag limits into areas that are nonanadromous, like Lake Roosevelt. There should not be a specific five bag limit, and there should not be a complete removal of bag limits. Limits should be set based on scientific studies, and could be more than five if the science supports it. Funding for the warmwater program is not sufficient, has not kept up with inflation, and needs to be increased to support ongoing improvements to the program.

**Persons Testifying:** PRO: Senator Mike Padden, Prime Sponsor; Joel Nania, Save Washington Bass Fishing; Austin Sandmann; Bob Hasegawa, state senator.

CON: Tom McBride, WDFW; Alexei Calambokidis, Trout Unlimited.

OTHER: Craig Shaber.

**Persons Signed In To Testify But Not Testifying:** No one.