
SENATE BILL 5297

State of Washington

68th Legislature

2023 Regular Session

By Senators Van De Wege, Salomon, Rivers, L. Wilson, Lias, Lovick, and Nobles; by request of Office of the Governor

Read first time 01/11/23. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to nontribal commercial salmon fisheries in
2 Washington waters of the Columbia river; amending RCW 77.50.030 and
3 77.65.160; adding a new section to chapter 77.70 RCW; creating a new
4 section; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that salmon fishery
7 reform efforts have been made to promote the recovery of endangered
8 species act listed populations of salmon and steelhead and make
9 Washington's nontribal Columbia river salmon fisheries more selective
10 and sustainable. The legislature further finds that these reforms are
11 even more important as our salmon face increasing pressures due to
12 climate change and habitat loss. The legislature further finds that
13 Columbia river fishery management reforms call for the conservation,
14 protection, recovery, and perpetuation of Columbia river salmon. The
15 legislature further finds that Columbia river salmon reforms include
16 the development of new alternative commercial selective-fishing gear
17 that facilitates achieving conservation goals. The legislature
18 further finds that the 2022 supplemental operating budget includes
19 \$14.4 million for a voluntary buyback of Columbia river gill net
20 licenses to reduce the number of nontribal commercial gill net
21 fishing licenses. The legislature further finds that the purpose of

1 the buyback and recent fishery reforms has been to transition away
2 from the use of gill nets in nontribal commercial salmon fisheries to
3 optimize conservation benefits. The legislature further finds that
4 the Washington department of fish and wildlife shall continue
5 developing and implementing strategies for sustainable and selective
6 harvest of surplus hatchery fish consistent with wild salmonid
7 conservation and maintaining hatchery production that mitigates for
8 habitat loss and supports marine and freshwater fisheries. The
9 legislature further finds that nothing in this act affects tribal
10 treaty fishing rights or state-tribal fishing agreements.

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

13 (1)(a) A person shall not use, operate, or maintain a gill net
14 which exceeds one thousand five hundred feet in length or a drag
15 seine in the waters of the Columbia river for catching salmon.

16 (b) (i) After January 1, 2025, a person shall not use, operate, or
17 maintain within Washington state waters of the lower mainstem of the
18 Columbia river a drift gill net or drift net for catching salmon.

19 (ii) The department shall reserve fishery impacts previously
20 utilized in Washington waters of the lower mainstem of the Columbia
21 river nontribal salmon gill net fisheries for conservation through
22 increased wild salmonid escapement or mark selective fisheries
23 capable of harvesting surplus hatchery-reared salmon where needed to
24 meet federal genetic protection requirements for wild salmon
25 populations in a manner consistent with state-tribal fishery
26 management agreements.

27 (iii) Nothing in this subsection shall affect tribal treaty
28 fishing rights, allowable fishing gears for tribal fisheries, or
29 state-tribal fishing agreements.

30 (iv) For purposes of this section, a "drift gill net" or "drift
31 net" means a gill net of single web construction, not anchored, tied,
32 staked, placed, or weighted in such a manner that it cannot drift.
33 The "lower mainstem of the Columbia river" means Washington waters in
34 the mainstem of the Columbia river below Bonneville dam.

35 (2) A person shall not construct, install, use, operate, or
36 maintain within state waters a pound net, round haul net, lampara
37 net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed
38 appliance for catching salmon or steelhead except under the authority
39 of a trial or experimental fishery permit, when an emerging

1 commercial fishery has been designated allowing use of one or more of
 2 these gear types. The director must consult with the commercial
 3 fishing interests that would be affected by the trial or experimental
 4 fishery permit. The director may authorize the use of this gear for
 5 scientific investigations.

6 (3) The department, in coordination with the Oregon department of
 7 fish and wildlife, shall adopt rules to regulate the use of
 8 monofilament in gill net webbing on the Columbia river.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.70
 10 RCW to read as follows:

11 The nontribal commercial gill net buyback account is created in
 12 the state treasury. Any moneys appropriated by the legislature must
 13 be deposited into the account. Moneys in the account may be spent
 14 only after appropriation. Expenditures from the account may only be
 15 used to reduce the number of nontribal commercial gill net licenses
 16 on the Columbia river through a voluntary buyback program. The
 17 license buyback program shall compensate individual license holders,
 18 with priority given to those with higher reported landings.

19 **Sec. 4.** RCW 77.65.160 and 2018 c 235 s 2 are each amended to
 20 read as follows:

21 (1) The following commercial salmon fishery licenses are required
 22 for the license holder to use the specified gear to fish for salmon
 23 in state waters. Only a person who meets the qualifications of RCW
 24 77.70.090 may hold a license listed in this subsection. The licenses
 25 and their annual license fees, application fees, and surcharges under
 26 RCW 77.95.090 are:

	Fishery	Resident	Nonresident	Surcharge	Application
	License	Fee	Fee		Fee
29	(a) Salmon Gill Net—	\$380	\$765	plus \$100	\$105
30	Grays				
31	Harbor-				
32	<u>lower</u>				
33	Columbia				
34	river				
35	<u>nonmainstem</u>				
36	(b) Salmon Gill Net—	\$380	\$765	plus \$100	\$105
37	Puget Sound				

1	(c) Salmon Gill Net—	\$380	\$765	plus \$100	\$105
2	Willapa Bay-				
3	<u>lower</u>				
4	Columbia				
5	river				
6	<u>nonmainstem</u>				
7	(d) Salmon purse	\$545	\$930	plus \$100	\$105
8	seine				
9	(e) Salmon reef net	\$380	\$765	plus \$100	\$105
10	(f) Salmon troll	\$380	\$765	plus \$100	\$105

11 (2) A license issued under this section authorizes no taking or
12 delivery of salmon or other food fish unless a vessel is designated
13 under RCW 77.65.100.

14 (3) Holders of commercial salmon fishery licenses may retain
15 incidentally caught food fish other than salmon, subject to rules of
16 the department.

17 (4) A salmon troll license includes a salmon delivery license.

18 (5) A salmon gill net license authorizes the taking of salmon
19 only in the geographical area for which the license is issued. The
20 geographical designations in subsection (1) of this section have the
21 following meanings:

22 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
23 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
24 sounds, and estuaries lying easterly and southerly of the
25 international boundary line and a line at the entrance to the Strait
26 of Juan de Fuca projected northerly from Cape Flattery to the
27 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver
28 Island.

29 (b) "Grays Harbor-lower Columbia river mainstem" includes waters
30 of Grays Harbor and tributary estuaries lying easterly of a line
31 projected northerly from Point Chehalis Light to Point Brown and
32 those nonmainstem waters of the Columbia river (~~and~~) below
33 Bonneville dam including tributary sloughs and estuaries easterly of
34 a line at the entrance to the Columbia river projected southerly from
35 the most westerly point of the North jetty to the most westerly point
36 of the South jetty.

37 (c) "Willapa Bay-lower Columbia river mainstem" includes waters
38 of Willapa Bay and tributary estuaries and easterly of a line
39 projected northerly from Leadbetter Point to the Cape Shoalwater

1 tower and those nonmainstem waters of the Columbia river ((and))
2 below the Bonneville dam including tributary sloughs described in (b)
3 of this subsection.

4 (6) A commercial salmon troll fishery license may be renewed
5 under this section if the license holder notifies the department by
6 May 1st of that year that he or she will not participate in the
7 fishery during that calendar year. A commercial salmon gill net, reef
8 net, or seine fishery license may be renewed under this section if
9 the license holder notifies the department before the third Monday in
10 September of that year that he or she will not participate in the
11 fishery during that calendar year. The license holder must pay the
12 ((one hundred dollar)) \$100 enhancement surcharge, plus a ((one
13 hundred five dollar)) \$105 application fee before the third Monday in
14 September, in order to be considered a valid renewal and eligible to
15 renew the license the following year.

16 (7) Notwithstanding the annual license fees and surcharges
17 established in subsection (1) of this section, a person who holds a
18 resident commercial salmon fishery license shall pay an annual
19 license fee of ((one hundred dollars)) \$100 plus the surcharge and
20 application fee if all of the following conditions are met:

21 (a) The license holder is at least ((seventy-five)) 75 years of
22 age;

23 (b) The license holder owns a fishing vessel and has fished with
24 a resident commercial salmon fishery license for at least ((thirty))
25 30 years; and

26 (c) The commercial salmon fishery license is for a geographical
27 area other than the Puget Sound.

28 An alternate operator may not be designated for a license renewed
29 at the ((one hundred dollar)) \$100 annual fee under this subsection
30 (7).

31 NEW SECTION. **Sec. 5.** Section 4 this act takes effect January 1,
32 2025.

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