

SENATE BILL 5327

State of Washington

52nd Legislature

1991 Regular Session

By Senators Rasmussen, Conner and Metcalf.

Read first time January 28, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to the loss of commercial fishing nets in the
2 aquatic environment; adding new sections to chapter 75.28 RCW; creating
3 new sections; prescribing penalties; making an appropriation; and
4 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 many fishing
7 nets lost in the aquatic environment continue to catch crabs, fish, sea
8 birds, and other marine organisms for months and years. Nets have been
9 located in which thousands of fish, crabs, marine mammals, and other
10 marine organisms have become trapped and died.

11 It is the intent of the legislature to conserve the state's aquatic
12 resources by reducing the loss of food fish, game fish, and other
13 marine organisms caused by abandoned fishing nets.

1 NEW SECTION. **Sec. 2.** Unless the context clearly requires
2 otherwise, the definition in this section applies throughout sections
3 3 through 5 of this act.

4 "Fishing net" and "net" mean the following fishing nets used by the
5 commercial fishing industry: Gill nets (set nets), beach seines, purse
6 seines, trawl nets, and reef nets.

7 NEW SECTION. **Sec. 3.** (1) The department shall establish a system
8 for marking and identifying commercial fishing nets so as to provide a
9 reliable method for determining the owner of lost and abandoned fishing
10 nets and net fragments.

11 (2) All commercial fishing nets used in state waters must be
12 identified in accordance with the department's identification system.
13 Failure to identify a net used in state waters after the effective date
14 of this act shall be an infraction punishable under chapter 7.84 RCW.

15 NEW SECTION. **Sec. 4.** (1) Abandoning or discarding a net in state
16 waters is prohibited, except in cases in which the net is caught on an
17 obstruction and cannot be freed, or if the net was inadvertently lost
18 and cannot be located.

19 (2) If a net must be abandoned because it is caught on an
20 obstruction or if a net is inadvertently lost, the owner shall notify
21 the department within five days of the date the net was abandoned or
22 lost. The owner must provide information on the net's location, date
23 of abandonment, reason for abandoning the net, and proof of the effort
24 expended to recover the net.

25 NEW SECTION. **Sec. 5.** The department shall be responsible for
26 recovering, or coordinating the recovery of, abandoned nets. In cases
27 in which the owner of a recovered abandoned net is determined, the

1 department shall require that the owner reimburse the department for
2 reasonable recovery costs. If the net was abandoned after the
3 effective date of this act and the department was not notified in
4 accordance with section 4 of this act, the owner shall pay three times
5 the reasonable recovery costs and shall be punishable under chapter
6 7.84 RCW.

7 NEW SECTION. **Sec. 6.** The department shall analyze current and
8 proposed methods for increasing the degradability of commercial fishing
9 nets, and the feasibility of requiring that the material used in
10 fishing net construction be degradable when left in marine waters for
11 extended periods of time. The department also shall analyze methods
12 that will reduce the length of time abandoned nets continue to fish.
13 A report shall be submitted by December 1, 1992, to the appropriate
14 standing committees of the legislature.

15 NEW SECTION. **Sec. 7.** The sum of thirty thousand dollars, or as
16 much thereof as may be necessary, is appropriated for the biennium
17 ending June 30, 1992, from the general fund to the department of
18 fisheries to carry out the purposes of this act.

19 NEW SECTION. **Sec. 8.** Sections 2 through 5 of this act are each
20 added to chapter 75.28 RCW.

21 NEW SECTION. **Sec. 9.** Sections 3 through 5 of this act shall take
22 effect January 1, 1992. The department may immediately take such steps
23 as are necessary to ensure that sections 3 through 5 of this act are
24 implemented on January 1, 1992.