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SENATE BILL 6313

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State of Washington 57th Legislature

2002 Regular Session

By Senator Oke

Read first time 01/15/2002. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to derelict fishing gear; amending RCW 77.15.170;  
2 adding new sections to chapter 77.12 RCW; adding a new section to  
3 chapter 77.55 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that fishing gear that  
6 is lost or abandoned may continue to catch marine organisms long after  
7 the gear is lost. The purpose of this act is to develop safe,  
8 effective methods to remove derelict fishing gear, eliminate regulatory  
9 barriers to gear removal, and discourage future losses of fishing gear.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW  
11 to read as follows:

12 (1) The department, in partnership with the Northwest straits  
13 commission, the department of natural resources, and other interested  
14 parties, must publish guidelines for the safe removal and disposal of  
15 derelict fishing gear. The guidelines must be completed by August 31,  
16 2002, and made available to any person interested in derelict fishing  
17 gear removal.

1 (2) Derelict fishing gear removal conducted in accordance with the  
2 guidelines prepared in subsection (1) of this section is not subject to  
3 permitting under RCW 77.55.100.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW  
5 to read as follows:

6 (1) The department, in consultation with the Northwest straits  
7 commission, the department of natural resources, and other interested  
8 parties, must create and maintain a data base of known derelict fishing  
9 gear, including the type of gear and its location.

10 (2) A person who loses or abandons commercial fishing gear within  
11 the waters of the state must report the location of the loss and the  
12 type of gear lost to the department within forty-eight hours of the  
13 loss.

14 (3) The department, in consultation with fishing industry groups  
15 and tribal comanagers, must evaluate methods to reduce future losses of  
16 fishing gear and report the results of this evaluation to the  
17 appropriate legislative committees by January 1, 2003.

18 **Sec. 4.** RCW 77.15.170 and 1999 c 258 s 5 are each amended to read  
19 as follows:

20 (1) A person is guilty of waste of fish and wildlife in the second  
21 degree if:

22 (a)(i) The person kills, takes, or possesses fish, shellfish, or  
23 wildlife and the value of the fish, shellfish, or wildlife is greater  
24 than twenty dollars but less than two hundred fifty dollars; and  
25 (~~(+b)~~) (ii) the person recklessly allows such fish, shellfish, or  
26 wildlife to be wasted; or

27 (b) The person loses or abandons commercial fishing gear or nets,  
28 and does not notify the department of the loss as required under  
29 section 3(2) of this act.

30 (2) A person is guilty of waste of fish and wildlife in the first  
31 degree if:

32 (a) The person kills, takes, or possesses fish, shellfish, or  
33 wildlife having a value of two hundred fifty dollars or more or  
34 wildlife classified as big game; and

35 (b) The person recklessly allows such fish, shellfish, or wildlife  
36 to be wasted.

1 (3)(a) Waste of fish and wildlife in the second degree is a  
2 misdemeanor.

3 (b) Waste of fish and wildlife in the first degree is a gross  
4 misdemeanor. Upon conviction, the department shall revoke any license  
5 or tag used in the crime and shall order suspension of the person's  
6 privileges to engage in the activity in which the person committed  
7 waste of fish and wildlife in the first degree for a period of one  
8 year.

9 (4) It is prima facie evidence of waste if a processor purchases or  
10 engages a quantity of food fish, shellfish, or game fish that cannot be  
11 processed within sixty hours after the food fish, game fish, or  
12 shellfish are taken from the water, unless the food fish, game fish, or  
13 shellfish are preserved in good marketable condition.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.55 RCW  
15 to read as follows:

16 The removal of derelict fishing gear does not require written  
17 approval under this chapter if the gear is removed according to the  
18 guidelines described in section 2 of this act.

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