

SENATE BILL REPORT

SB 5269

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, January 29, 2009

Title: An act relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state.

Brief Description: Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

Sponsors: Senators Jacobsen, Swecker and Hatfield; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/26/09, 1/29/09 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5269 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hatfield, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: Emerging Commercial Fisheries. The Department of Fish and Wildlife (DFW) may authorize emerging commercial fisheries. An emerging commercial fishery refers to:

- the commercial taking of a newly classified species of fish or shellfish;
- fishing with gear not previously used for a species; or
- fishing in an area in which a species has not been fished.

An emerging commercial fishery license is \$185 for residents and \$295 for non-residents.

Along with an emerging commercial fishery license, DFW must issue either a trial fishery permit or an experimental fishery permit. Trial fishery permits are issued where there is no need to limit participation in the fishery, and are not transferrable. DFW issues an experimental permit where there is a need to limit the number of participants. The participation limitations must ensure habitat protection, conserve the resource, and prevent

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overharvesting. DFW must consult with an advisory board regarding the number and qualifications of participants in the experimental fishery. Experimental fishery permits are not transferrable.

DFW must notify the Legislature when it designates an emerging commercial fishery. Within five years of designating such a fishery, DFW must report to the Legislature on the status of the fishery and recommend whether a separate commercial fishery should be established.

Pacific Sardine Fishery. DFW has managed the state's Pacific sardine fishery as an emerging commercial fishery since 2000. From 2000 through 2002, the fishery was a trial fishery in which participation was unlimited. Due to the rapid expansion of Pacific sardine fishing, DFW converted the fishery to an experimental fishery in 2003. In 2007 the fishery made 106 landings totalling 4,662.6 metric tons.

Summary of Bill (Recommended Substitute): Washington sardine purse seine fishery licenses (licenses) and temporary annual fishery permits (temporary permits) are created. A permit or temporary license is required to:

- use purse seine gear to fish for or possess Pacific sardines in offshore waters, except for those authorized to fish for or possess sardines under an Oregon or California license; or
- deliver sardines into the state.

In general, DFW may only issue a license to a person who held an experimental fishery permit in 2008. An experimental fishery permit holder who held a permit between 2005 and 2007 and whose boat sank prior to 2008 may also receive a license. A permit must be renewed annually, and may be transferred. A person may not hold more than two licenses.

Beginning in 2010, DFW may issue a license to any person so long as the number of licenses does not exceed the number initially issued in 2009. Additionally, DFW may issue a temporary permit to any person so long as the total number of licenses and temporary permits is less than 25.

The annual fee for a license or temporary permit is \$185 for residents and \$295 for non-residents.

Certain terms are defined.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): Specifies that license holders may transfer their licenses to other persons, and not just to other license holders. Corrects an internal reference.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: Moving the sardine fishery from an emerging commercial fishery status to a permanent fishery will allow holders to transfer licenses. This is a federally-regulated fishery, so the fish will be caught whether Washington participates or not. The fishing methods allow non-target species such as salmon to be removed from the purse seine nets. There are a few technical issues that can be fixed as the bill moves forward.

Persons Testifying: PRO: Michele Culver, DFW; Ed Owens, Purse Seine Vessel Owners Association.