

HOUSE BILL REPORT

ESB 5661

As Passed House - Amended:
February 28, 2012

Title: An act relating to derelict fishing gear.

Brief Description: Regarding derelict fishing gear.

Sponsors: Senators Nelson, Pridemore, Swecker, White, Morton and Fain.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/17/12, 2/21/12 [DP].

Floor Activity:

Passed House - Amended: 2/28/12, 98-0.

**Brief Summary of Engrossed Bill
(As Amended by House)**

- Changes, for commercial fishing nets only, the nature of the action that is expected of lost or abandoned gear from an encouragement to report the lost gear within 48 hours to a requirement that the loss be reported within 24 hours.
- Removes some gear from being encouraged to be reported.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Finn, Hinkle, Kretz, Lytton, Orcutt, Pettigrew and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

The Washington Department of Fish and Wildlife (WDFW), in partnership with the Northwest Straits Commission and the Department of Natural Resources, must maintain a

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database of known derelict fishing gear and shellfish pots. Any person who loses or abandons commercial fishing gear or shellfish pots is encouraged to report the location of the loss and the type of gear lost to the WDFW within 48 hours of the loss. The WDFW also maintains guidelines for the safe removal and disposal of derelict fishing gear. Derelict gear can be removed from state waters without having to first obtain a hydraulic project approval from the WDFW if the removal guidelines are followed.

In statute, the definition of "derelict fishing gear" includes lost or abandoned fishing nets, fishing lines, and other commercial and recreational fishing equipment. The term does not include lost or abandoned vessels or shellfish pots.

Summary of Bill:

A distinction is created among various types of derelict fishing gear. A person who loses or abandons shellfish pots is still only encouraged to report that loss to the Washington Department of Fish and Wildlife (WDFW); however, a person who loses or abandons a commercial fishing net is required to report that loss to the WDFW within 24 hours of the loss. The reporting requirement only applies to commercial fishing nets. Other types of fishing gear, such as fishing lines, are no longer either encouraged or required to be reported to the WDFW.

The WDFW must work with all interested Indian tribes to develop a program that will assist coordination and communication among the WDFW and Indian tribes for reporting lost or abandoned fishing nets from tribal fisheries. This program must be developed by the end of 2012.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Required reporting of lost nets will help keep the database of derelict nets current. A current database will allow the state to better prioritize net removal when funding becomes available. The reporting is still a no-fault requirement so nothing negative happens to a fisher reporting a lost net, and the reporting can be done by phone or on the Internet. The 24-hour requirement is consistent with a relevant biological opinion issued by the National Marine Fisheries Service.

Much progress has been in made in removing derelict nets but there is more work to do to ensure that progress is not lost due to the accumulation of nets in the ocean. Simply reporting a lost net does not mean the net will be removed. However, the most difficult and expensive part of net removal is locating the net. Mandatory reporting will make that part of the process easier.

(Opposed) None.

Persons Testifying: Senator Nelson, prime sponsor; Scott Sigmon and Bear Holmes, Coastal Conservation Association; Carl Burke, Fish Northwest, Northwest Sportfishing Industry Association, and Puget Sound Anglers; Craig Burley, Washington Department of Fish and Wildlife; Bruce Wishart, People for Puget Sound; Joan Drinkwin, Northwest Straits Foundation; and Bill Robinson, The Nature Conservancy.

Persons Signed In To Testify But Not Testifying: None.