

HOUSE BILL REPORT

HB 1152

As Reported by House Committee On:
Agriculture & Natural Resources
Appropriations

Title: An act relating to the management of forage fish resources.

Brief Description: Concerning the management of forage fish resources.

Sponsors: Representatives Fitzgibbon, Stanford, Dunshee and Tharinger.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/27/15, 2/3/15 [DPS];

Appropriations: 2/18/15, 2/25/15 [DP2S(w/o sub AGNR)].

Brief Summary of Second Substitute Bill

- Eliminates the recreational license requirement exemption for smelt.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dunshee, Hurst, Pettigrew, Schmick, Stanford and Van De Wege.

Minority Report: Do not pass. Signed by 3 members: Representatives Dent, Assistant Ranking Minority Member; Chandler and Orcutt.

Minority Report: Without recommendation. Signed by 1 member: Representative Kretz.

Staff: Jason Callahan (786-7117).

Background:

According to the forage fish management plan developed by the Washington Department of Fish and Wildlife (WDFW), forage fish are small, schooling fish which serve as a food

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source for other fish species, birds, and marine mammals. Examples of forage fish species are herring, smelt, anchovy, and sardine.

There are both commercial and recreational fisheries that target forage fish. Although most recreational fishing in Washington requires a license from the WDFW, including recreational fishing for most forage fish, there is an exemption for smelt. A recreational fisher may catch smelt without a license.

A person must obtain approval from the WDFW prior to commencing any construction project that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state. Hydraulic project approvals are issued by the WDFW to ensure the proper protection of fish life and may be denied or conditioned on beaches where forage fish spawning has been documented.

Summary of Substitute Bill:

The recreational license requirement exemption for smelt is eliminated. As a result, all recreational smelt fishing may only be done under a license issued by the WDFW.

Two studies are commissioned to be completed by the WDFW. The first study requires the WDFW to collaborate with the Department of Natural Resources (DNR) to survey the locations of surf smelt and sand lance spawning areas throughout the Puget Sound. This study, which may employ the Puget Sound Corps or Veterans Conservation Corps, must be used to expand knowledge of documented spawning habitat areas in the Puget Sound.

The second study requires the WDFW to conduct a midwater trawl at various depths throughout the Puget Sound to evaluate the prevalence of adult forage fish. The results of this study must be integrated into the existing Puget Sound ecosystem assessments.

Both surveys must be completed by June 30, 2017.

Substitute Bill Compared to Original Bill:

The original bill included language specificity stating that the spawning bed survey must be designed to inform regulatory decisions, did not contain expiration dates on sections commissioning one-time studies, and did not include any involvement by the DNR, the Puget Sound Corps, or the Veterans Conservation Corps.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) There has been large growth in aquaculture across the globe. That, together with growing demand for seafood consumption in foreign countries, has led to a skyrocketing demand for Washington's forage fish. The recovery of forage fish populations is a priority from Alaska to California. Decreases in forage fish lead to decreases in many other marine fish, bird, and mammal species.

The WDFW and the DNR have been doing spawning beach surveys on aquatic preserves using members of the Puget Sound Corps. However, as only a small percentage of beaches have been surveyed, there are data gaps that need to be filled in order to have a complete picture as to how the Puget Sound can be recovered. The current data was not collected systematically. There is little known about the distribution of adult species located in midwater. The additional information that will be gathered by the surveys helps the WDFW tailor regulatory and licensing programs to forage fish.

The licensing exemption for smelt means that the WDFW is unable to track participation in the fishery and how many smelt are harvested. Most fishers already have a license, so they will not need to purchase a new one for smelt.

(Opposed) None.

Persons Testifying: Kyle Murphy, Department of Natural Resources; Trina Bayard, Audubon Washington; Dave Lowry and Phillip Dionne, Washington Department of Fish and Wildlife; Bruce Wishart, Sound Action; Scott Sigmon, Coastal Consultation Association; Carl Burke, Puget Sound Anglers, Fish Northwest, and Northwest Sportsfishing Industry Association; and Jeff Parsons, Puget Sound Partnership.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by 18 members: Representatives Hunter, Chair; Ormsby, Vice Chair; Carlyle, Cody, Dunshee, Hansen, Hudgins, S. Hunt, Jinkins, Kagi, Lytton, Pettigrew, Sawyer, Senn, Springer, Sullivan, Tharinger and Walkinshaw.

Minority Report: Do not pass. Signed by 12 members: Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Condotta, Dent, Haler, G. Hunt, MacEwen, Schmick, Stokesbary, Taylor and Van Werven.

Minority Report: Without recommendation. Signed by 3 members: Representatives Parker, Assistant Ranking Minority Member; Fagan and Magendanz.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Agriculture & Natural Resources:

The second substitute bill removes the survey of surf smelt and sand lance spawning areas and the midwater trawl survey of the prevalence of adult forage fish.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 2, 2015.

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

Staff Summary of Public Testimony:

(In support) This bill is supported by a broad coalition of recreational and commercial fishers and recreationists, and is one of the most important measures for Puget Sound protection this year. Forage fish are at the base of the food chain and are a critical food source for salmon, orcas, and shore birds. Birds are indicators of environmental health, and marine birds have been in decline, especially those that eat forage fish. Not only is the ecosystem at stake, but the recreational and commercial fishing industries which bring billions of dollars into the state. The fiscal impact is small in comparison to what is at risk.

This bill would help fill critical information gaps in our knowledge of local forage fish populations. The smelt recreational license is not intended as a revenue generator, but rather to track the amount of smelt fishing and the places it occurs. The involvement of the Veterans Conservation Corps or the Puget Sound Corps in the beach surveys would result in substantial savings.

(Opposed) None.

Persons Testifying: Bruce Wishart, Sound Action; Trina Bayard, Audubon Washington; and Phillip Dionne, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.