

HOUSE BILL REPORT

SSB 6317

As Passed House:
March 7, 2018

Title: An act relating to increasing commercial fishing license fees for nonresidents.

Brief Description: Increasing commercial fishing license fees for nonresidents.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, King, Rivers, Takko, Hasegawa and Saldaña; by request of Department of Fish and Wildlife).

Brief History:

Committee Activity:

Appropriations: 3/6/18 [DP].

Floor Activity:

Passed House: 3/7/18, 82-16.

Brief Summary of Substitute Bill

- Increases fees for nonresident commercial fishing; buying, selling, and dealing; delivery; and guide licenses and endorsements.
- Reduces resident fees for game fish and food fish guide licenses, and for wholesale fish buyer operations with one employee.
- Allows the Department of Fish and Wildlife to issue freshwater food fish permits to the Wanapum Band of Indians for noncommercial ceremonial and subsistence purposes.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 17 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Ranking Minority Member; Buys, Condotta, Graves, Haler, Sawyer, Schmick, Taylor, Vick and Volz.

Minority Report: Without recommendation. Signed by 3 members: Representatives Harris, Manweller and Wilcox.

Staff: Dan Jones (786-7118).

Background:

The Washington Department of Fish and Wildlife (WDFW) operates under a legislative mandate to preserve, protect, perpetuate, and manage the state's fish and wildlife populations. Such responsibilities include regulating the time, place, and manner of fishing and hunting activities and requiring licenses for recreational and commercial purposes. The WDFW's authority to regulate fishing and shellfish activities does not apply directly to certain tribal fishing activities.

Commercial Fishing Licenses.

Commercial fishers and crewmembers, buyers and sellers, and fishing guides must obtain applicable licenses from the WDFW. Delivery licenses are required to deliver salmon and shrimp commercially harvested in offshore waters to a port in Washington. In general, commercial fishing license fees are structured by species and fishing technique. There is a resident and nonresident fee set in statute for each license type and various application fees and surcharges depending on the license.

There are several categories of commercial fish buyers and sellers:

- A "fish broker" facilitates the sale or purchase of raw or frozen fish or shellfish on commission without assuming title to the fish or shellfish.
- A "fish dealer" engages in the wholesale selling, buying, or brokering of raw or frozen fish or shellfish or takes possession of fish or shellfish, in whole or parts, for canning or processing, or to manufacture or prepare commercial fertilizer, fish bait, oil, or any other byproducts from fish or shellfish.
- A "wholesale fish buyer" takes first possession or ownership of fish or shellfish directly from a commercial fisher or from interstate or foreign commerce, or engages in wholesale buying or selling of fish or shellfish harvested by Indian fishers lawfully exercising fishing rights.
- A "limited fish seller" is a licensed commercial fisher who sells their commercially harvested catch at retail directly to consumers. A limited fish seller may designate an alternate to sell under his or her endorsement.

State-Tribal Fisheries Management.

Federal law recognizes that treaties created in the 1850s between the United States and Indian tribes in the Washington Territory reserved certain rights for the tribes, including the right to manage and harvest fish and shellfish. Based on such treaty rights, federal courts have required the state and the treaty tribes to implement a co-management plan for tribal and state fisheries and coordinate the protection and harvest of fish and shellfish resources.

The co-management plan provides for sharing information regarding state and tribal fishery activities.

Federal recognition of a tribe creates a formal relationship between the federal government and the tribe which acknowledges a tribe's right to self-government and provides a limitation on state interference with tribal authority. Federal recognition is based on a treaty, executive order, or other formal action. There are 29 federally recognized tribes in Washington. There are other Native American groups in the state that do not have a formally recognized relationship with the federal government.

The Wanapum Band of Indians (Wanapum) is not a federally recognized tribe and does not have recognized tribal treaty fishing rights. The Wanapum historically inhabited a fishing village along the Columbia River known as Priest Rapids, presently located in Grant County, until that location flooded with construction of the Priest Rapids hydroelectric dam in the 1950s. The Wanapum currently live near the dam, where they continue traditional practices and maintain a cultural heritage center. In 1983 the Legislature authorized the WDFW to issue noncommercial salmon fishing permits to members of the Wanapum for ceremonial and subsistence purposes.

Summary of Bill:

Commercial Fishing Licenses.

Nonresident fees for commercial fishing; buying and dealing; and delivery licenses, and the limited fish seller endorsement, are increased. Crewmember license fees are not changed. The increases result in a fee differential of \$385 between each resident and nonresident license. Some examples are as follows:

License/Endorsement type	Nonresident fee (current)	Nonresident fee (SSB 6317)
Fish Dealer	\$475	\$785
Geoduck Diver	\$410	\$740
Ocean Pink Shrimp Delivery	\$375	\$685
Limited Fish Seller	\$145	\$455

Additionally, resident fees for fishing guide licenses are reduced. The resident food fish guide license is decreased from \$280 to \$210, and the nonresident fee is increased from \$355 to \$595. The resident game fish guide license is decreased from \$410 to \$305, and the nonresident fee is increased from \$485 to \$690. These changes also result in a \$385 fee differential between resident and nonresident fees. A fee of \$50 is created for resident wholesale fish buyer endorsements for business operations with one employee. The resident fee of \$245 in current law is maintained for operations with two or more employees.

All application fees and surcharges remain the same.

State-Tribal Fisheries Management.

The WDFW may issue permits to the Wanapum for freshwater food fish, in addition to salmon, for noncommercial ceremonial and subsistence purposes.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2019, except for section 9, relating to wholesale fish buyer endorsements, which takes effect 90 days after the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The nonresident license fee increase in the bill is based on a recent federal court decision and would help recover the costs of managing commercial fisheries. Reducing the price for the fish buyer endorsement for one-buyer operations will provide relief to those small businesses. Extending the ceremonial and subsistence fishing permits for the Wanapum Band of Indians to sturgeon would involve a very small number of fish and not create a fiscal impact. Commercial fishers are generally comfortable with the level of fee increase in the current version of the bill, as the fees support the work of the WDFW and are lower than in the original version of the bill.

(Opposed) None.

Persons Testifying: Nate Pamplin, Washington Department of Fish and Wildlife; Al Aldrich, Grant County Public Utility District; and Mary Catherine McAleer, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.