

SENATE BILL REPORT

SB 5567

As of January 13, 2022

Title: An act relating to commercial salmon fishing.

Brief Description: Concerning commercial salmon fishing.

Sponsors: Senators Van De Wege and Salomon.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/13/22.

Brief Summary of Bill

- Removes the restriction on the use of pound nets, round haul nets, fish traps, fish wheels and certain other gear for catching salmon and steelhead.
- Authorizes resident and non-resident commercial salmon pound net licenses.
- Increases the enhanced food fish excise tax for certain species of salmon and anadromous game fish and directs monies to support hatchery production and commercial fisheries management.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: The Department of Fish and Wildlife (DFW) serves as manager of the state's fish and wildlife resources. Among other duties, DFW must protect and manage fish and wildlife, including establishing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

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

DFW manages the commercial harvest of fish and shellfish. Commercial fishers must obtain applicable licenses from DFW, and commercial fishing license fees are generally structured by species and fishing gear, with a resident and nonresident fee for each license type. For example, the salmon gill net license fee is \$380 for a resident and \$765 for a non-resident.

The use of certain fishing gear, including pound nets, fish traps and weirs are prohibited for the capture of salmon or steelhead, except under a trial or experimental fishery permit when an emerging commercial fishery has been designated.

The state's enhanced food fish excise tax applies to the first commercial possession by an owner of specified species within the state. The tax is measured by the value of the fish when landed. The tax is levied by the state and administered by the Department of Revenue. Receipts for most species are deposited in the state general fund. The enhanced food fish excise tax for Puget Sound Chinook, coho, and chum salmon and anadromous game fish is 5.25 percent. The excise tax rate for ocean waters, Columbia River, Willapa Bay, and Grays Harbor Chinook, coho, and chum salmon and anadromous game fish is 6.25 percent.

Summary of Bill: The restriction on the use of pound nets, round haul nets, fish traps, fish wheels and certain other gear for catching salmon and steelhead is removed.

A resident and non-resident commercial salmon pound net license is established, with a resident license fee of \$300 and a nonresident fee of \$765.

The enhanced food fish excise tax on Chinook, coho and chum salmon and anadromous game fish is increased to 7 percent. Proceeds from 6 percent of the enhanced food excise tax on salmon are deposited in the state general fund to support hatchery production and 1 percent of the proceeds are deposited in the fish, wildlife, and conservation account to support hatchery production and commercial fisheries management.

Appropriation: None.

Fiscal Note: Requested on January 9, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Fish traps were historically very effective at catching salmon. Pound nets have been used recently in an experimental fishery and have proven to be very selective, allowing for the harvest of healthy stocks and releasing wild salmon unharmed. Peer reviewed science studies show survival rates for wild stocks with fish traps near 99 percent. Alternative gear can reduce mortality and benefit the recovery

of wild salmon. Purchasers of salmon want to support sustainable and safe harvest of salmon. The use of pound nets is a valuable tool that is missing from the state's toolbox. Hatchery and harvest reform are necessary. Wild salmon runs have been weakened by the lack of harvest reform. By using fish traps, more harvest could be moved to rivers from the ocean, which would help orcas. A fish trap is a fixed gear fishery that could be developed with community input and is the most sustainable fishery.

CON: This bill is unnecessary, and attempts to bypass the process to evaluate a process that is underway to evaluate alternative gear types. Mortality rates with pound nets would need to be approved by technical advisory committees before they could be valid. It is unclear if pound nets are economically viable. The current gillnet fishery is not a problem, and it is selective by timing and gear type. The gillnet fishery stays within fishery guidelines, has a great record of harvesting fish within harvest impacts, and produces a high quality fish.

OTHER: Fisheries are managed within constraints, having a diversity of tools allow management options. With an emerging fisheries designation, the WDFW is able to evaluate gear in a commercial setting and to report findings to the Legislature. There are several implementation hurdles, including the need to obtain permits and site leases. There are other alternative gear types, including seines, that are being evaluated. The excise tax was most recently raised in 2017 with the support of the commercial fishing industry. Columbia River steelhead are at high risk, and every fish is important. The fish policy issues in the bill should be separated from the fiscal issues. Pound nets should not be an additive harvest tool, but should be a transition from gill nets. Recreational fisheries should not be negatively impacted by this new fishery.

Persons Testifying: PRO: Senator Kevin Van De Wege, Prime Sponsor; Adrian Tuohy, Wild Fish Conservancy; Renee Erickson, Owner/Chef, Sea Creatures Restaurants; John Skalski, University of Washington, Professor Emeritus; Aaron Jorgenson, Wild Fish Conservancy; Miranda Wecker; Brittany O'Brien, Wild Fish Conservancy; Dr. Jack Stanford, Former Member, Independent Scientific Advisory Board (ISAB); David Bain, Orca Conservancy; Lee Blankenship; Frank Haw; Billie Delaney, N/A; Doug Hennick, Wild Fish Conservancy; Carl Burke, NW Marine Trade Assoc and NW Sportsfishing Assoc.

CON: Robert Sudar.

OTHER: Charlene Hurst, WDFW; Nello Picinich, Coastal Conservation Association; Alexei Calambokidis, Trout Unlimited.

Persons Signed In To Testify But Not Testifying: No one.