
SENATE BILL 5421

State of Washington

67th Legislature

2021 Regular Session

By Senator McCune

1 AN ACT Relating to creating a salmon fisheries dispute resolution
2 process; adding a new section to chapter 77.12 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that nontribal
6 commercial and sport fishers depend on the department of fish and
7 wildlife to negotiate for salmon fisheries. The 1985 Puget Sound
8 management plan articulates a dispute resolution process for the
9 department and the Puget Sound treaty tribes to foster the voluntary,
10 informal settlement of disputes. The legislature finds that while
11 there is a process in federal court for the state to resolve its
12 disputes with the tribes, there is currently no process for
13 commercial salmon fishers to raise and resolve their disputes.
14 Commercial fishers would like the opportunity to voice their
15 perspectives in a controlled environment focused on dispute
16 resolution. The legislature finds that a salmon fisheries dispute
17 resolution board consisting of nontribal commercial and tribal
18 fishers would provide a forum to review and discuss the fishery
19 policies and allocation set under the salmon management plan
20 involving nontribal salmon fisheries and allocation.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12
2 RCW to read as follows:

3 (1) The department must establish a Puget Sound salmon commercial
4 fisheries advisory board composed of representatives from nontribal
5 commercial salmon fishers and tribal fishers as well as staff from
6 the department to review and evaluate salmon fisheries and allocation
7 within the established framework of the salmon management plan. The
8 Puget Sound salmon commercial fisheries advisory board is composed of
9 two tribal fishers; two nontribal fishers, including one commercial
10 purse seine fisher and one commercial gill net fisher; and two staff
11 members from the department. The members must be nominated within
12 their organization.

13 (2) The Puget Sound salmon commercial fisheries advisory board
14 must be chaired by a dispute resolution technical advisor. This
15 advisor must be an attorney well versed in mediation, with technical
16 expertise in fisheries, and with extensive understanding of the
17 history of disputes and deviations from the rule of law between
18 tribal and nontribal fisheries. The dispute resolution technical
19 advisor must be chosen by the director from candidates nominated by
20 the Puget Sound salmon commercial fisheries advisory board.
21 Administrative support must be provided by department staff.

22 (3) The department shall report back to the legislature by
23 December 2021 regarding the activities of the Puget Sound salmon
24 commercial fisheries advisory board.

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