

# SENATE BILL REPORT

## SB 5297

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As of February 2, 2023

**Title:** An act relating to nontribal commercial salmon fisheries in Washington waters of the Columbia river.

**Brief Description:** Concerning nontribal commercial salmon fisheries in Washington waters of the Columbia river.

**Sponsors:** Senators Van De Wege, Salomon, Rivers, Wilson, L., Lias and Nobles; by request of Office of the Governor.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/02/23.

**Brief Summary of Bill**

- Removes the authority for a person to use a gill net for catching salmon in the lower mainstem of the Columbia River after January 1, 2025.
- Establishes a nontribal commercial buyback account for reducing the number of nontribal commercial gill net licenses on the Columbia River through a voluntary buyback program.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** The Washington Department of Fish and Wildlife (DFW) acts to preserve, protect, perpetuate, and manage Washington's wildlife, food fish, game fish, and shellfish. DFW must conserve fish and wildlife resources in a manner seeking to maintain the economic well-being and stability of the state's fishery resources. DFW must promote orderly fisheries, while enhancing and improving the state's recreational and commercial

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fishing. In managing state fisheries, DFW establishes the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Commercial fishers must obtain applicable licenses from DFW. An annual resident salmon gill net license is \$380, a non resident license is \$765, with a \$100 surcharge and \$105 application fee. There are separate salmon gill net licenses for the Grays Harbor-Columbia River, and Willapa Bay-Columbia River.

There are certain restrictions on fishing gear types in the Columbia River. A person must not use, operate, or maintain a gill net which exceeds 1500 feet in length or a drag seine in the Columbia River for catching salmon. In 1985, legislation was enacted directing DFW, in coordination with the Oregon Department of Fish and Wildlife, to adopt rules to regulate the use of monofilament in gill net webbing on the Columbia River.

In the 2022 supplemental operating budget, \$14.4 million was provided to reduce the number of nontribal commercial gill net fishing licenses on the Columbia River through a voluntary buy-back program. While the buyback program is not yet complete, DFW reported that in January 2023, of the 240 commercial salmon gill net licenses for the Columbia River, 169 licenses have been retired under the program, one was not renewed, and there are 70 licenses remaining. For the licenses purchased, the budget proviso directed DFW to calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

**Summary of Bill:** After January 1, 2025, a person may not use a drift gill net or drift net for catching salmon in the lower mainstem of the Columbia River. DFW shall reserve fishery impacts previously used in Washington waters of the lower mainstem of the Columbia River nontribal salmon gill net fisheries for conservation through increased wild salmonid escapement or mark selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

Drift gill net or drift net means a gill net of single web construction, not anchored, tied, staked, placed, or weighted in such a manner that it cannot drift. The lower mainstem of the Columbia River means Washington waters in the mainstem of the Columbia River below Bonneville dam. Salmon gill net licenses for Willapa Bay-Columbia River and Grays Harbor-Columbia River specify the license is for the lower Columbia River non-mainstem.

The requirements do not affect tribal treaty fishing rights, allowable fishing gears for tribal fisheries, or state-tribal fishing agreements.

The Nontribal Commercial Gill Net Buyback Account is created and expenditures from the account may only be used to reduce the number of nontribal commercial gill net licenses on the Columbia River through a voluntary buyback program. The license buyback program shall compensate individual license holders, with priority given to those with higher reported landings.

**Appropriation:** None.

**Fiscal Note:** Available.

**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: Significant investments have been made in salmon recovery, and selective fishing gear is needed to save endangered salmon. This is a Governor request bill. The bill does not impact tribal treaty rights or their ability to fish with gillnets. Funding was added to the DFW's budget to ensure that there is no harassment of tribal treaty gillnet fishing rights. There are 13 endangered salmon and steelhead species in the Columbia River that would be protected under this bill. There are no negative impacts to tribal fisheries. This is the only way to ensure that the harvest reform component of the \$14.4 million buyback program is properly implemented. Of the 70 licenses remaining, approximately 50 are not used, and only 14 remain that had Columbia River landings before the buyback. There has been blatant disregard for the intent of the Governor's buyback program. This \$14.4 million dollar buyback program will have been a waste if it is not followed up with this legislation. This bill takes away only 20% of the opportunity for gillnet fishers since they will no longer be allowed to gillnet on the lower mainstem of the Columbia River but can still fish in other areas. Gillnet fishers are able to watch fish in off-channel areas. Conservation impacts from the gillnet license buyback should be carried forward. Gillnet fishing is impacting sturgeon and steelhead populations in the Columbia River. The few non-tribal gillnetters kill more fish in the lower 60 miles of the Columbia than do the over 400,000 sport anglers in 200 miles of the Columbia. Oregon has introduced a bill and is also working on reducing gillnets in the Columbia River. Back in 1995, NOAA recommended that gillnets be removed from the Columbia River due to by-catch.

CON: This is a divisive bill that is not about conservation, but is about allocating more fishing to recreational fisheries. The entire seafood industry in the Pacific Northwest is opposed to this bill. It is not collaborative, does not advance conservation, and is not science based. It will eliminate rural fishing communities, commercial fisherman, and fish processors around the state. The bill will have a direct negative impact on employees and communities. Fishery management should be left up to fisheries departments since they are the experts. The small gillnetting community is not the factor driving salmon to

endangerment. Gillnetting is the easiest form of fishing to monitor and limit. This will shift allocation impacts to different forms of fishing, such as pound nets, which are harder to monitor and track, and which will result in increased ESA listed fish mortalities. It is much harder to estimate the size of fish harvested with a hook and line, and even harder to know how many juvenile and natural fish die following the stress and injury of being handled and having a hook removed. There is support for emerging fishery research. Stopping non-tribal gillnetting, though it isn't supposed to impact tribal fishers, will stigmatize gillnetting as a bad form of fishing which will contribute to racist tribal stereotypes. This bill will not achieve the sustainability goals it claims or aid salmon recovery. Gill net fisheries are highly regulated and does not impact steelhead. There has been no gillnet fishing for several years on the Columbia River during the spring, and those stocks are not increasing. Pacific County is the 4th most fish dependent county in the nation. The changes in the bill will negatively impact Washington and shift fishing to Oregon. Salmon suppliers will no longer have access to salmon for the marketplace. Washington should instead focus on the real threats of these species, including habitat loss, hatchery production, climate change, and California sea lions.

**OTHER:** Regardless of gear type, the DFW manages the fisheries based on Endangered Species Act impacts. Fisheries are directed on harvestable stocks, and must be approved by NOAA. There is not a separate allocation of salmon for Washington in the Columbia River, the non-tribal fishery is co-managed jointly with Oregon. We can't harvest hatchery fish without impacting wild stocks. If fisheries are managed to remove more hatchery stocks selectively, that supports recovery of wild stocks. There is consensus that a transition to more selective fishing regimes where hatchery salmon are selectively harvested and wild salmon are released will improve Washington's chances of recovering salmon populations. Significant progress has been made to reform harvest practices in the lower Columbia River, currently the WDFW is working to undermine that by pressuring Oregon to accept more mainstem gillnetting.

**Persons Testifying:** PRO: Senator Kevin Van De Wege, Prime Sponsor; George Harris, Northwest Marine Trade Association (President); Chris Hyland; Lyle Cabe; Nello Picinich, Coastal Conservation Association; Bryan Irwin, Coastal Conservation Association; Ed Wickersham, Long Time Washington Resident; Liz Hamilton, Northwest Sportfishing Industry Association; Alexei Calambokidis, Trout Unlimited; Robert de los Angeles, CHAIRMAN of Snoqualmie Indian Tribe; Matthew Randazzo, SENIOR ADVISER TO TRIBAL COUNCIL and STATE LOBBYIST: Snoqualmie Indian Tribe; Heath Heikkila; Mark Streuli, Washington Potato and Onion Association; Ruth Musgrave, Governor's Policy Office.

CON: Shannon Moore, Puget Sound Gillnet Fishermen; Lori Steele, West Coast Seafood Processors Association; Jim Wells, President, Salmon for All; Greg Johnson, Columbia River Fisherman; Robert Sudar, Columbia River Fish Advisor; Gerald Chairman Lewis, Yakima Nation; Corrine Sams, Confederated Tribes of the Umatilla; Lisa Wilson, Lummi Nation; Kadi Bizyayeva, Stillaguamish Tribe of Indians; Jonathan Gonzalez, Pacific

Seafood Group; Brian Love; Dale Beasley, Coalition of Coastal Fisheries; Karen Gray; Steven Fick, Westcoast Seafood Processors Ass..

OTHER: Adrian Tuohy, Wild Fish Conservancy; Tom McBride, WDFW.

**Persons Signed In To Testify But Not Testifying:** PRO: Bryan Mulligan; Stan Brogdon.