

Effect: Prevents the transfer of commercial salmon gill net licenses valid for fishing in the Columbia River. Restricts the renewal of commercial salmon gill net licenses valid for fishing in the Columbia River if the holder of the license did not land any salmon during the preceding calendar year. Authorizes the holder of a Grays Harbor-Columbia River salmon gill net license or a Willapa Bay-Columbia River salmon gill net license that does not land any salmon from the Columbia River to renew a salmon gill net license limited to either Grays Harbor or Willapa Bay, and the renewed license would no longer be valid for salmon gill net fishing in the Columbia River. After December 31, 2023, requires the Director of the Department of Fish and Wildlife (DFW) to retire any commercial salmon gill net license valid for fishing in the Columbia River if there has not been a landing during the previous calendar year. Authorizes the holder of an active or inactive commercial salmon gill net license to sell their license to the DFW until December 31, 2024. Removes provisions limiting commercial salmon gill net fishing in the lower mainstem of the Columbia River. Removes provisions directing the DFW to reserve fishery impacts previously used in Washington waters of the lower mainstem of the Columbia River from nontribal salmon gill net fisheries for conservation or mark selective fisheries.

1 AN ACT Relating to nontribal commercial salmon fisheries in
2 Washington waters of the Columbia river; amending RCW 77.70.090,
3 77.65.020, and 77.65.160; adding a new section to chapter 77.70 RCW;
4 and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that salmon fishery
7 reform efforts have been made to promote the recovery of endangered
8 species act listed populations of salmon and steelhead and make
9 Washington's nontribal Columbia river salmon fisheries more selective
10 and sustainable. The legislature further finds that these reforms are
11 even more important as our salmon face increasing pressures due to
12 climate change and habitat loss. The legislature further finds that
13 Columbia river fishery management reforms call for the conservation,
14 protection, recovery, and perpetuation of Columbia river salmon. The
15 legislature further finds that Columbia river salmon reforms include
16 the development of new alternative commercial selective-fishing gear
17 that facilitates achieving conservation goals. The legislature
18 further finds that the 2022 supplemental operating budget includes
19 \$14.4 million for a voluntary buyback of Columbia river gill net
20 licenses to reduce the number of nontribal commercial gill net
21 fishing licenses. The legislature further finds that the purpose of

1 the buyback and recent fishery reforms has been to transition away
2 from the use of gill nets in nontribal commercial salmon fisheries to
3 optimize conservation benefits. The legislature further finds that
4 the Washington department of fish and wildlife shall continue
5 developing and implementing strategies for sustainable and selective
6 harvest of surplus hatchery fish consistent with wild salmonid
7 conservation and maintaining hatchery production that mitigates for
8 habitat loss and supports marine and freshwater fisheries. The
9 legislature further finds that nothing in this act affects tribal
10 treaty fishing rights or state-tribal fishing agreements.

11 **Sec. 2.** RCW 77.70.090 and 2000 c 107 s 63 are each amended to
12 read as follows:

13 (1) Except as provided in subsection (2) of this section, after
14 May 6, 1974, the director shall issue no new commercial salmon
15 fishery licenses or salmon delivery licenses. ((A)) Except as
16 provided in subsection (3) of this section, a person may renew an
17 existing license only if the person held the license sought to be
18 renewed during the previous year or acquired the license by transfer
19 from someone who held it during the previous year, and if the person
20 has not subsequently transferred the license to another person.

21 (2) Where the person failed to obtain the license during the
22 previous year because of a license suspension, the person may qualify
23 for a license by establishing that the person held such a license
24 during the last year in which the license was not suspended.

25 (3) (a) A person may not renew a commercial salmon gill net
26 license valid for fishing in the Columbia river if they did not land
27 any salmon in the Columbia river during the preceding calendar year.
28 Provided, that a holder of a Grays Harbor-Columbia river salmon gill
29 net license or a Willapa Bay-Columbia river salmon gill net license
30 that did not land any salmon in the Columbia river may renew a salmon
31 gill net license limited to either Grays Harbor or Willapa Bay, and
32 the renewed license would no longer be valid for salmon gill net
33 fishing in the Columbia river.

34 (b) A commercial salmon gill net license valid for fishing in the
35 Columbia river is not transferable to another person.

36 (c) After December 31, 2023, the director shall retire any
37 commercial salmon gill net license valid for fishing in the Columbia
38 river if there has not been a landing during the previous calendar
39 year. For purposes of this section, for a landing to qualify it must

1 be completed by the person identified as the holder of the license,
2 in a vessel registered, licensed, and owned by the holder of the
3 commercial salmon gill net license. Owning a vessel does not include
4 leasing, borrowing, or renting a vessel for the purpose of landing
5 salmon under this subsection.

6 (4) Subject to the restrictions in RCW 77.65.020, commercial
7 salmon fishery licenses and salmon delivery licenses are transferable
8 from one license holder to another.

9 **Sec. 3.** RCW 77.65.020 and 2019 c 200 s 2 are each amended to
10 read as follows:

11 (1) Unless otherwise provided in this title, a license issued
12 under this chapter is not transferable from the license holder to any
13 other person. This may not be deemed to prohibit the granting or
14 enforcement of a security interest in any such license.

15 (2) The following restrictions apply to transfers of commercial
16 fishery licenses, salmon delivery licenses, and salmon charter
17 licenses that are transferable between license holders:

18 (a) The license holder shall surrender the previously issued
19 license to the department.

20 (b) The department shall complete no more than one transfer of
21 the license in any seven-day period.

22 (c) The fee to transfer a license from one license holder to
23 another is:

24 (i) The same as the license renewal fee if the license is not
25 limited under chapter 77.70 RCW;

26 (ii) Three and one-half times the renewal fee if the license is
27 not a commercial salmon license and the license is limited under
28 chapter 77.70 RCW;

29 (iii) (~~Fifty dollars~~) \$50 if the license is a commercial salmon
30 license and is limited under chapter 77.70 RCW; or

31 (iv) (~~Five hundred dollars~~) \$500 if the license is a Dungeness
32 crab-coastal fishery license.

33 (d) In addition to the fees under (c) of this subsection, an
34 application fee of one hundred five dollars applies to all commercial
35 license transfers.

36 (3) A commercial license that is transferable under this title
37 survives the death of the holder. Though such licenses are not
38 personal property, they shall be treated as analogous to personal
39 property for purposes of inheritance, intestacy, and enforcement of

1 security interests pursuant to Title 62A RCW. Such licenses are
2 subject to state laws governing wills, trusts, estates, intestate
3 succession, and community property, except that such licenses are
4 exempt from tax liens. The surviving spouse, estate, or beneficiary
5 of the estate may apply for a renewal of the license. There is no fee
6 for transfer of a license from a license holder to the license
7 holder's surviving spouse or estate, or to a beneficiary of the
8 estate.

9 (4) Transfer of a license under this section is subject to the
10 approval of the department according to any rules the department may
11 adopt. Any transfer of a license issued under this chapter without
12 the written consent of each person holding a security interest in the
13 license is void.

14 (5) After July 1, 2023, a commercial salmon gill net license
15 valid for fishing in the Columbia river may not be transferred to
16 another person. Until December 31, 2024, a person with a Columbia
17 river salmon gill net license may sell and retire their license to
18 the department consistent with section 4 of this act.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.70
20 RCW to read as follows:

21 The nontribal commercial gill net buyback account is created in
22 the state treasury. Any moneys appropriated by the legislature must
23 be deposited into the account. Moneys in the account may be spent
24 only after appropriation. Expenditures from the account may only be
25 used to reduce the number of nontribal commercial gill net licenses
26 on the Columbia river through a voluntary buyback program. Until
27 December 31, 2024, the department may offer no more than \$20,000 for
28 the purchase and retirement of an inactive salmon gill net license
29 valid for fishing in the Columbia river, and not more than \$100,000
30 for an active salmon gill net license valid for fishing in the
31 Columbia river.

32 **Sec. 5.** RCW 77.65.160 and 2018 c 235 s 2 are each amended to
33 read as follows:

34 (1) The following commercial salmon fishery licenses are required
35 for the license holder to use the specified gear to fish for salmon
36 in state waters. Only a person who meets the qualifications of RCW
37 77.70.090 may hold a license listed in this subsection. The licenses

1 and their annual license fees, application fees, and surcharges under
2 RCW 77.95.090 are:

3	Fishery	Resident	Nonresident	Surcharge	Application
4	License	Fee	Fee		Fee
5	(a) Salmon Gill Net—	\$380	\$765	plus \$100	\$105
6	Grays				
7	Harbor-				
8	Columbia				
9	river				
10	(b) Salmon Gill Net—	\$380	\$765	plus \$100	\$105
11	Puget Sound				
12	(c) Salmon Gill Net—	\$380	\$765	plus \$100	\$105
13	Willapa Bay-				
14	Columbia				
15	river				
16	(d) Salmon purse	\$545	\$930	plus \$100	\$105
17	seine				
18	(e) Salmon reef net	\$380	\$765	plus \$100	\$105
19	(f) Salmon troll	\$380	\$765	plus \$100	\$105

20 (2) A license issued under this section authorizes no taking or
21 delivery of salmon or other food fish unless a vessel is designated
22 under RCW 77.65.100.

23 (3) Holders of commercial salmon fishery licenses may retain
24 incidentally caught food fish other than salmon, subject to rules of
25 the department.

26 (4) A salmon troll license includes a salmon delivery license.

27 (5) ((A)) Except as prescribed in RCW 77.70.090(3)(a), a salmon
28 gill net license authorizes the taking of salmon only in the
29 geographical area for which the license is issued. The geographical
30 designations in subsection (1) of this section have the following
31 meanings:

32 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
33 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
34 sounds, and estuaries lying easterly and southerly of the
35 international boundary line and a line at the entrance to the Strait
36 of Juan de Fuca projected northerly from Cape Flattery to the
37 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver
38 Island.

1 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
2 and tributary estuaries lying easterly of a line projected northerly
3 from Point Chehalis Light to Point Brown and those waters of the
4 Columbia river and tributary sloughs and estuaries easterly of a line
5 at the entrance to the Columbia river projected southerly from the
6 most westerly point of the North jetty to the most westerly point of
7 the South jetty.

8 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay
9 and tributary estuaries and easterly of a line projected northerly
10 from Leadbetter Point to the Cape Shoalwater tower and those waters
11 of the Columbia river and tributary sloughs described in (b) of this
12 subsection.

13 (6) A commercial salmon troll fishery license may be renewed
14 under this section if the license holder notifies the department by
15 May 1st of that year that he or she will not participate in the
16 fishery during that calendar year. ((A)) Except as prescribed in RCW
17 77.70.090(3)(a), a commercial salmon gill net, reef net, or seine
18 fishery license may be renewed under this section if the license
19 holder notifies the department before the third Monday in September
20 of that year that he or she will not participate in the fishery
21 during that calendar year. The license holder must pay the ((~~one~~
22 ~~hundred dollar~~)) \$100 enhancement surcharge, plus a ((~~one hundred~~
23 ~~five dollar~~)) \$105 application fee before the third Monday in
24 September, in order to be considered a valid renewal and eligible to
25 renew the license the following year.

26 (7) Notwithstanding the annual license fees and surcharges
27 established in subsection (1) of this section, a person who holds a
28 resident commercial salmon fishery license shall pay an annual
29 license fee of ((~~one hundred dollars~~)) \$100 plus the surcharge and
30 application fee if all of the following conditions are met:

31 (a) The license holder is at least ((~~seventy-five~~)) 75 years of
32 age;

33 (b) The license holder owns a fishing vessel and has fished with
34 a resident commercial salmon fishery license for at least ((~~thirty~~))
35 30 years; and

36 (c) The commercial salmon fishery license is for a geographical
37 area other than the Puget Sound.

1 An alternate operator may not be designated for a license renewed
2 at the ((~~one hundred dollar~~) \$100 annual fee under this subsection
3 (7).

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