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ENGROSSED SENATE BILL 5661

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Nelson, Pridemore, Swecker, White, Morton, and Fain

Read first time 02/03/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to derelict fishing gear; amending RCW 77.12.870;  
2 and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that derelict  
5 fishing gear poses a serious threat to human life, the health of the  
6 state's marine and freshwater ecosystems, and numerous species of  
7 birds, fish, marine mammals, and shellfish. Derelict fishing gear  
8 entraps and kills for decades and threatens endangered species,  
9 including federal endangered species act-listed salmon, steelhead,  
10 Puget Sound rockfish, green sturgeon, and marbled murrelet. In Puget  
11 Sound, estimates from the Northwest straits initiative indicate that  
12 derelict commercial fishing nets were killing approximately one  
13 thousand two hundred marine mammals, twenty-one thousand birds, and  
14 sixty-seven thousand fish per year.

15 (2) The legislature further finds that while significant progress  
16 has been made to remove historic accumulations of lost and abandoned  
17 commercial fishing nets in Puget Sound, reforms are needed to stem the  
18 ongoing accumulation of commercial fishing nets and commercial and  
19 recreational shellfish pots in both marine and freshwater environments.

1 While the Northwest straits initiative received a one-time federal  
2 grant of over four million five hundred thousand dollars to remove high  
3 priority derelict fishing nets from Puget Sound, no long-term source of  
4 funding is currently available for the continued removal of derelict  
5 fishing nets or the removal of an estimated twelve thousand derelict  
6 shellfish pots. Insufficient funding and information is available to  
7 confirm and quantify the likely presence of derelict fishing gear in  
8 other state waters. These and other factors increase the need for a  
9 mandatory reporting system to quantify ongoing accumulations of lost or  
10 abandoned commercial fishing nets and recreational or commercial  
11 shellfish pots.

12 (3) The legislature further finds that the department of fish and  
13 wildlife is working cooperatively with the department of natural  
14 resources and the Northwest straits initiative to maintain a statewide  
15 database of derelict fishing gear. However, despite recent known  
16 instances of commercial fishing net losses, only two reports of lost  
17 commercial fishing nets have been made by fishers to the department of  
18 fish and wildlife database under the current voluntary reporting system  
19 since its inception in 2003.

20 (4) The legislature further finds that instituting a mandatory  
21 reporting requirement for persons who lose or abandon commercial  
22 fishing nets will help prevent continued accumulations, lead to prompt  
23 removal, and better allow state and federal authorities to estimate the  
24 impacts. The department of fish and wildlife is also encouraged to  
25 provide recreational and commercial shellfish pot users with the  
26 opportunity to report lost shellfish pots through existing catch  
27 reporting mechanisms. The department of fish and wildlife should rely  
28 upon existing authorities to formulate any rules necessary to ensure  
29 compliance with mandatory reporting requirements for derelict  
30 commercial fishing nets and encourage maximum participation in  
31 reporting lost shellfish pots.

32 **Sec. 2.** RCW 77.12.870 and 2010 c 193 s 8 are each amended to read  
33 as follows:

34 (1) The department, in partnership with the Northwest straits  
35 commission, the department of natural resources, and other interested  
36 parties, must create and ensure the maintenance of a database of known

1 derelict fishing gear and shellfish pots, including the type of gear  
2 and its location.

3 (2) A person who loses or abandons commercial net fishing gear ((~~or~~  
4 ~~shellfish-pots~~)) within the waters of the state is ((~~encouraged~~))  
5 required to report the location of the loss and the type of gear lost  
6 to the department within ((~~forty-eight~~)) twenty-four hours of the loss.

7 (3) A person who loses or abandons shellfish pots within the waters  
8 of the state is encouraged to report the location of the loss and the  
9 type of gear lost to the department.

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