

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5661

62nd Legislature
2012 Regular Session

Passed by the Senate March 3, 2012
YEAS 49 NAYS 0

President of the Senate

Passed by the House February 28, 2012
YEAS 98 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5661** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5661

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 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 creating new sections; and providing an expiration date.

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.

10 NEW SECTION. Sec. 3. (1) The department of fish and wildlife
11 shall, by no later than December 31, 2012, work with all interested
12 Indian tribes to develop a program that will assist coordination and
13 communication among the department of fish and wildlife and the various
14 cooperating Indian tribes to record, consistent with RCW 77.12.870, the
15 location of lost or abandoned fishing nets that originated in a tribal
16 fishery.

17 (2) This section expires on July 31, 2013.

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