
SUBSTITUTE SENATE BILL 5421

State of Washington

67th Legislature

2021 Regular Session

By Senate Agriculture, Water, Natural Resources & Parks (originally sponsored 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 and recreational salmon fishers to raise and resolve their
14 disputes. Commercial and recreational fishers would like the
15 opportunity to voice their perspectives in a controlled environment
16 focused on dispute resolution. The legislature finds that a salmon
17 fisheries dispute resolution board consisting of nontribal commercial
18 and recreational fishers would provide a forum to review and discuss
19 the fishery policies and allocation set under the salmon management
20 plan 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 and recreational fisheries advisory board composed of representatives
5 from nontribal commercial salmon fishers and recreational fishers as
6 well as staff from the department to review and evaluate salmon
7 fisheries and allocation within the established framework of the
8 salmon management plan. The Puget Sound salmon commercial and
9 recreational fisheries advisory board is composed of two recreational
10 fishers; two nontribal commercial fishers, including one commercial
11 purse seine fisher and one commercial gill net fisher; and two staff
12 members from the department. The commercial and recreational members
13 must be nominated within their organization.

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

24 (3) The department shall report back to the appropriate
25 committees of the legislature by December 1, 2022, regarding the
26 activities of the Puget Sound salmon commercial and recreational
27 fisheries advisory board.

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