

# House Bill 2781

Sponsored by Representative GILLIAM, Senator GIROD; Representative KENNEMER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits taking salmon, steelhead or sturgeon in Columbia River using any type of net.

### A BILL FOR AN ACT

1  
2 Relating to fishing in the Columbia River; amending ORS 183.700, 508.485, 508.490, 508.755, 508.775,  
3 508.867, 509.240 and 509.245 and section 6, chapter 512, Oregon Laws 1989; and repealing ORS  
4 508.460, 508.778, 508.781, 508.784, 508.787, 508.790, 508.792, 508.793 and 508.796.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 508.775 is amended to read:

7 508.775. (1) Notwithstanding any other provision of the commercial fishing laws, it is unlawful  
8 for an individual [*to operate a vessel in the Columbia River gillnet salmon fishery without first ob-*  
9 *taining a vessel permit issued pursuant to ORS 508.775 to 508.796. However, an individual who holds*  
10 *valid commercial fishing licenses and vessel permits required by and issued pursuant to the laws of the*  
11 *State of Washington for commercial salmon fishing in the Columbia River may land salmon in this*  
12 *state that were taken in the Columbia River gillnet salmon fishery without the permit otherwise re-*  
13 *quired by this subsection]* **to take salmon, steelhead or sturgeon in the Columbia River using**  
14 **any type of net, including but not limited to a gillnet.**

15 (2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a  
16 wholesaler, canner or buyer to buy or receive salmon, **steelhead or sturgeon taken by any type**  
17 **of net, including but not limited to a gillnet**, in the Columbia River. [*gillnet fishery from an in-*  
18 *dividual who does not have the permit required by subsection (1) of this section.]*

19 [(3) *The permit required by subsection (1) of this section is in addition to and not in lieu of the*  
20 *boat license required by ORS 508.260.*]

21 **SECTION 2.** ORS 508.755 is amended to read:

22 508.755. (1) There is established within the State Department of Fish and Wildlife the Commer-  
23 cial Fishery Permit Board. The board shall consist of members appointed by the State Fish and  
24 Wildlife Commission as follows:

25 [(a) *Three members shall be chosen to represent the Columbia River gillnet salmon fishing indus-*  
26 *try.*]

27 [(b)] (a) Three members shall be chosen to represent the ocean troll salmon fishing industry.

28 [(c)] (b) Three members shall be chosen to represent the ocean pink shrimp fishing industry.

29 [(d)] (c) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing in-  
30 dustry.

31 [(e)] (d) Three members shall be chosen to represent the sea urchin commercial fishery.

32 [(f)] (e) Three members shall be chosen to represent the ocean Dungeness crab fishing industry.

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1        [(g)] (f) Three members shall be chosen to represent the black rockfish and blue rockfish fishing  
 2 industry and the nearshore fish fishing industry.

3        [(h)] (g) Three members shall be chosen to represent developmental fisheries as described in  
 4 ORS 506.450 to 506.465.

5        [(i)] (h) Three members shall be chosen to represent each restricted participation system or re-  
 6 stricted vessel permit system established by rule of the commission under ORS 506.462.

7        [(j)] (i) Two members shall be chosen to represent the public.

8        (2) A member of the board shall receive no compensation for services as a member. However,  
 9 subject to any applicable law regulating travel and other expenses of state officers and employees,  
 10 a member shall be reimbursed for travel and other expenses incurred in the performance of official  
 11 duties.

12        (3) The board shall select such officers, for such terms and with such duties and powers, as the  
 13 board considers necessary for the performance of those offices.

14        (4) A majority of the members of the board constitutes a quorum for the transaction of business.

15        (5) The board shall meet at such times and places as may be determined by the chairperson or  
 16 by a majority of the members of the board.

17        (6) Notwithstanding any other provision of law:

18        [(a) *Members of the board representing the Columbia River gillnet salmon fishing industry shall*  
 19 *participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775 to*  
 20 *508.796.*]

21        [(b)] (a) Members of the board representing the ocean troll salmon fishing industry shall partic-  
 22 ipate in actions of the board only on matters arising under ORS 508.801 to 508.825.

23        [(c)] (b) Members of the board representing the ocean pink shrimp fishing industry shall partic-  
 24 ipate in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to  
 25 508.910.

26        [(d)] (c) Members of the board representing the Yaquina Bay roe-herring fishing industry shall  
 27 participate in actions of the board only on matters arising under ORS 508.765.

28        [(e)] (d) Members of the board representing the sea urchin commercial fishery shall participate  
 29 in actions of the board only on matters arising under ORS 508.760.

30        [(f)] (e) Members of the board representing the ocean Dungeness crab fishing industry shall  
 31 participate in actions of the board only on matters arising under ORS 508.921.

32        [(g)] (f) Members of the board representing the black rockfish and blue rockfish fishing industry  
 33 and the nearshore fish fishing industry shall participate in actions of the board only on matters  
 34 arising under ORS 508.947, 508.957 or 508.960.

35        [(h)] (g) Members of the board representing developmental fisheries shall participate in actions  
 36 of the board only on matters arising under ORS 506.450 to 506.465.

37        [(i)] (h) Members of the board representing a restricted participation system or a restricted  
 38 vessel permit system established by rule of the commission under ORS 506.462 shall participate in  
 39 actions of the board only on matters related to that system.

40        **SECTION 3.** ORS 508.867 is amended to read:

41        508.867. (1) Notwithstanding ORS 508.755 [(6)(b) and (c)] **(6)(a) and (b)**, an individual whose ap-  
 42 plication for renewal of the permit required by ORS 508.840 is denied by the State Department of  
 43 Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of  
 44 the denial. The review provided in this subsection is in lieu of any such review by the department  
 45 or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such

1 information as the board considers appropriate. The request shall be accompanied by a  
 2 nonrefundable fee of \$75. Such fee shall apply toward the permit fee of successful applicants.

3 (2) In accordance with any applicable provision of ORS chapter 183, the board shall review de-  
 4 nials of applications for renewal of permits. Orders issued by the board are not subject to review  
 5 by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive  
 6 requirements for renewal of permits if the board finds that the individual for personal or economic  
 7 reasons chooses to actively fish the permit vessel in some other ocean fishery or if the board finds  
 8 that the individual fails to meet the requirements as the result of illness, accident or other circum-  
 9 stances beyond the individual's control.

10 (3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate  
 11 such rules as it considers necessary to carry out its duties, functions and powers.

12 (4) The board may delegate to the department the authority to waive eligibility requirements for  
 13 renewal of permits.

14 **SECTION 4.** ORS 508.485 is amended to read:

15 508.485. Except for vessel licenses prescribed in ORS 508.285, 508.470, 508.755, [508.775 to  
 16 508.796,] 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife  
 17 Commission may, in its discretion, revoke for the remainder of the license year any license issued  
 18 to such person under the authority of the commission or the State Fish and Wildlife Director, and  
 19 in its discretion may refuse the issuance of any license issued under the authority of the commission  
 20 or director during any period not to exceed one year from the date of the license revocation order:

21 (1) Upon conviction within this state of any person of violation of any of the commercial fishing  
 22 laws or rules;

23 (2) Upon receiving notice from the agency that regulates commercial fishing in the State of  
 24 Washington of the conviction of any person in that state of an offense which was a violation of  
 25 Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and  
 26 which if committed in this state would be grounds for license revocation pursuant to subsection (1)  
 27 of this section;

28 (3) Upon conviction within this state of any person for violation of ORS 498.022, or any rule  
 29 promulgated pursuant thereto, involving game fish, through the use of a license issued pursuant to  
 30 the commercial fishing laws; or

31 (4) Upon conviction within this state of a person for violation of ORS 164.043 to 164.065 when  
 32 the subject of the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom.

33 **SECTION 5.** ORS 508.490 is amended to read:

34 508.490. Except for vessel licenses prescribed in ORS 508.260 and vessel permits prescribed in  
 35 ORS 508.285, 508.470, 508.755, [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883 and 508.889  
 36 to 508.910, the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of any  
 37 license issued under the authority of the commission or the State Fish and Wildlife Director during  
 38 any period not to exceed two years from the date of the license revocation order:

39 (1) Upon conviction within this state of any person of violation of any of the commercial fishing  
 40 laws or rules after such person has once been convicted and penalized under ORS 508.485; or

41 (2) Upon receiving notice from the agency that regulates commercial fishing in the State of  
 42 Washington of the conviction of any person in that state of an offense which was a violation of  
 43 Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and  
 44 which if committed in this state would be grounds for refusal to issue a license pursuant to sub-  
 45 section (1) of this section.

**SECTION 6.** ORS 509.240 is amended to read:

509.240. It is lawful to operate or use a net consisting of a single nylon or cotton web of a mesh not less than 14 inches, taut measure, hung or attached to not to exceed two lead lines combined and used as a single line and a single cork line, in any of the waters of this state, during any season or period closed to commercial fishing by law or by rule of the State Fish and Wildlife Commission, for the purpose of clearing away or removing snags or similar obstructions from [*gillnet drifts and other*] suitable or desirable fishing areas.

**SECTION 7.** ORS 509.245 is amended to read:

509.245. Any person desiring to operate a snagging net as provided in ORS 509.240 shall, before operating or attempting to so operate such net, obtain from the State Fish and Wildlife Director a snagging permit by forwarding a written request to the office of the State Fish and Wildlife Commission specifically providing:

- (1) The particular [*gillnet drift,*] fishing ground or other area to be cleared;
- (2) The waters in which located;
- (3) The mesh size of the snagging net to be used; and
- (4) The dates on which or within which the proposed snagging operations will be carried on. In specifying any such dates, no one notice is valid for a period of more than 30 days from the date thereof.

**SECTION 8.** ORS 183.700 is amended to read:

183.700. (1) As used in this section and ORS 183.702, “permit” means an individual and particularized license, permit, certificate, approval, registration or similar form of permission required by law to pursue any activity specified in this section, for which an agency must weigh information, make specific findings and make determinations on a case-by-case basis for each applicant.

(2) The requirements of this section and ORS 183.702 apply to the following permits granted by:

- (a) The Department of Environmental Quality under ORS 448.415, 454.655, 454.695, 454.790, 454.800, 459.205, 465.315, 465.325, 466.140, 466.145, 466.706 to 466.882, 468A.040, 468A.310, 468B.035, 468B.040, 468B.045, 468B.050 and 468B.095.
- (b) The Department of State Lands under ORS 196.800 to 196.900 and 390.805 to 390.925.
- (c) The Water Resources Department under ORS chapters 537 and 540, except those permits issued under ORS 537.747 to 537.765.
- (d) The State Department of Agriculture pursuant to ORS 468B.200 to 468B.230 and 622.250.
- (e) The State Department of Fish and Wildlife pursuant to ORS 497.142, 497.218, 497.228, 497.238, 497.248, 497.252, 497.298, 497.308, 498.019, 498.279, 508.106, 508.300, 508.760, [508.775,] 508.801, 508.840, 508.880, 508.926 and 509.140.
- (f) The Department of Transportation pursuant to ORS 374.312.

**SECTION 9.** Section 6, chapter 512, Oregon Laws 1989, as amended by section 2, chapter 184, Oregon Laws 1991, section 10, chapter 8, Oregon Laws 1997, and section 2, chapter 643, Oregon Laws 2003, is amended to read:

**Sec. 6.** In addition to the fees otherwise prescribed by law, the issuer of [*each of the following permits*] **an Ocean Troll Salmon Fishery permit issued under ORS 508.816** shall charge and collect each time the permit is issued, during the period beginning January 1, 1998, and ending December 31, 2009, [*the following surcharges:*] **a surcharge of \$65.**

- [(1) *Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.*]
- [(2) *Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74.*]

1        **SECTION 10.** ORS 508.460, 508.778, 508.781, 508.784, 508.787, 508.790, 508.792, 508.793 and  
2        **508.796 are repealed.**  
3        \_\_\_\_\_