

Senate Bill 733

Sponsored by Senators GIROD, MONROE

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; creating new provisions; amending ORS 183.700, 496.286, 508.485, 508.490,
3 508.755, 508.775, 508.867, 509.240 and 509.245 and section 6, chapter 512, Oregon Laws 1989; and
4 repealing ORS 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 indi-*
18 *vidual 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 \$125. 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, [508.775 to 508.796,]
16 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission
17 may, in its discretion, revoke for the remainder of the license year any license issued to a person
18 under the authority of the commission or the State Fish and Wildlife Director, and in its discretion
19 may refuse the issuance of any license issued under the authority of the commission or director
20 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 that was a violation of
25 Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and that
26 if committed in this state would be grounds for license revocation pursuant to subsection (1) of this
27 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, [508.775 to 508.796,] 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910,
36 the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of any license is-
37 sued under the authority of the commission or the State Fish and Wildlife Director during any pe-
38 riod 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 the 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 that was a violation of
43 Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and that
44 if committed in this state would be grounds for refusal to issue a license pursuant to subsection (1)
45 of this section.

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

2 509.240. It is lawful to operate or use a net consisting of a single nylon or cotton web of a mesh
3 not less than 14 inches, taut measure, hung or attached to not to exceed two lead lines combined
4 and used as a single line and a single cork line, in any of the waters of this state, during any season
5 or period closed to commercial fishing by law or by rule of the State Fish and Wildlife Commission,
6 for the purpose of clearing away or removing snags or similar obstructions from [*gillnet drifts and*
7 *other*] suitable or desirable fishing areas.

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

9 509.245. Any person desiring to operate a snagging net as provided in ORS 509.240 shall, before
10 operating or attempting to so operate such net, obtain from the State Fish and Wildlife Director a
11 snagging permit by forwarding a written request to the office of the State Fish and Wildlife Com-
12 mission specifically providing:

13 (1) The particular [*gillnet drift,*] fishing ground or other area to be cleared;

14 (2) The waters in which located;

15 (3) The mesh size of the snagging net to be used; and

16 (4) The dates on which or within which the proposed snagging operations will be carried on. In
17 specifying any such dates, no one notice is valid for a period of more than 30 days from the date
18 thereof.

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

20 183.700. (1) As used in this section and ORS 183.702, “permit” means an individual and
21 particularized license, permit, certificate, approval, registration or similar form of permission re-
22 quired by law to pursue any activity specified in this section, for which an agency must weigh in-
23 formation, make specific findings and make determinations on a case-by-case basis for each
24 applicant.

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

26 (a) The Department of Environmental Quality under ORS 448.415, 454.655, 454.695, 454.790,
27 454.800, 459.205, 465.315, 465.325, 466.140, 466.145, 466.706 to 466.882, 468A.040, 468A.310, 468B.035,
28 468B.040, 468B.045, 468B.050 and 468B.095.

29 (b) The Department of State Lands under ORS 196.800 to 196.900 and 390.805 to 390.925.

30 (c) The Water Resources Department under ORS chapters 537 and 540, except those permits is-
31 sued under ORS 537.747 to 537.765.

32 (d) The State Department of Agriculture pursuant to ORS 468B.200 to 468B.230 and 622.250.

33 (e) The State Department of Fish and Wildlife pursuant to ORS 497.142, 497.218, 497.228, 497.238,
34 497.248, 497.252, 497.298, 497.308, 498.019, 498.279, 508.106, 508.300, 508.760, [508.775,] 508.801,
35 508.840, 508.880, 508.926 and 509.140.

36 (f) The Department of Transportation pursuant to ORS 374.312.

37 **SECTION 9.** Section 6, chapter 512, Oregon Laws 1989, as amended by section 2, chapter 184,
38 Oregon Laws 1991, section 10, chapter 8, Oregon Laws 1997, section 2, chapter 643, Oregon Laws
39 2003, and section 3, chapter 765, Oregon Laws 2009, is amended to read:

40 **Sec. 6.** In addition to the fees otherwise prescribed by law, the issuer of [*each of the following*
41 *permits*] **an Ocean Troll Salmon Fishery permit issued under ORS 508.816** shall charge and col-
42 lect each time the permit is issued, during the period beginning January 1, 1998, and ending De-
43 cember 31, 2019, [*the following surcharges:*] **a surcharge of \$65.**

44 [(1) *Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.*]

45 [(2) *Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74.*]

1 **SECTION 10.** ORS 496.286 is amended to read:

2 496.286. (1) There is established within the State Department of Fish and Wildlife the Restora-
 3 tion and Enhancement Board, consisting of seven members appointed by the State Fish and Wildlife
 4 Commission.

5 (2) Three members shall be appointed to represent the ocean and inland recreational fisheries.
 6 In making appointments pursuant to this subsection, the commission shall consider recommendations
 7 from the State Fish and Wildlife Director.

8 (3) Three members of the board shall be appointed to represent the commercial troll [*and gillnet*
 9 *fisheries*] **fishery** and the fish processing industry. In making appointments pursuant to this sub-
 10 section, the commission shall consider recommendations from the State Fish and Wildlife Director.

11 (4) One member of the board shall be appointed to represent the public.

12 (5) A member of the board shall receive no compensation for services as a member. However,
 13 subject to any applicable law regulating travel and other expenses of state officers and employees,
 14 a member shall be reimbursed for actual and necessary travel and other expenses incurred in the
 15 performance of official duties from such moneys made available by sections 4, 6 and 8, chapter 512,
 16 Oregon Laws 1989.

17 (6) The term of office of a member of the board is four years. A member of the board is eligible
 18 for reappointment.

19 (7) An official action of the board may be taken only upon the affirmative vote of four members.

20 (8) The board shall select such officers for such terms and with such duties and powers as the
 21 board considers necessary for the performance of those offices.

22 (9) The board shall meet at such times and at such places as may be determined by the chair
 23 or by the majority of the members of the board.

24 **SECTION 11. The term of office of any member of the Restoration and Enhancement**
 25 **Board established under ORS 496.286 who is appointed by the State Fish and Wildlife Com-**
 26 **mission to represent the gillnet fishery shall cease on the effective date of this 2011 Act, and**
 27 **the State Fish and Wildlife Commission shall appoint a replacement, based on recommen-**
 28 **dations from the State Fish and Wildlife Director, to represent the commercial troll fishery**
 29 **or the fish processing industry.**

30 **SECTION 12. ORS 508.460, 508.778, 508.781, 508.784, 508.787, 508.790, 508.792, 508.793 and**
 31 **508.796 are repealed.**

32