

**A-Engrossed**  
**Senate Bill 736**

Ordered by the Senate April 27  
Including Senate Amendments dated April 27

Sponsored by Senator BATES, Representatives BAILEY, HUNT, KENNEMER; Senators BONAMICI, GIROD, HASS, KRUSE, MONNES ANDERSON, MONROE, MORSE, OLSEN, Representatives BARKER, DEMBROW, DOHERTY, FREEMAN, GILLIAM, GREENLICK, HARKER, JOHNSON, KOMP, KOTEK, NOLAN

**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.

Prohibits gillnet fishing in lower Columbia River **from March 1 through May 31** except in off-channel fishery enhancement areas specified by rule of State Fish and Wildlife Commission.  
Becomes operative January 1, [2012] **2015**.  
*[Declares emergency, effective on passage.]*  
**Repeals provision allowing lottery system for vessel permits in gillnet fishery.**  
**Requires State Department of Fish and Wildlife to evaluate off-channel fishery enhancement areas and report to Seventy-sixth Legislative Assembly.**

**A BILL FOR AN ACT**

1  
2 Relating to gillnet fishing; creating new provisions; amending ORS 508.775, 508.778 and 508.781; and  
3 repealing ORS 508.792.

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

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

6 508.775. (1)(a) Notwithstanding any other provision of the commercial fishing laws, it is unlawful  
7 for an individual to operate a vessel in the Columbia River gillnet salmon fishery without first ob-  
8 taining a vessel permit issued pursuant to ORS 508.775 to 508.796. However, an individual who holds  
9 valid commercial fishing licenses and vessel permits required by and issued pursuant to the laws of  
10 the State of Washington for commercial salmon fishing in the Columbia River may land salmon in  
11 this state that were taken in the Columbia River gillnet salmon fishery without the permit otherwise  
12 required by this subsection.

13 **(b) Gillnet fishing under paragraph (a) of this subsection is prohibited in the lower**  
14 **Columbia River from March 1 through May 31 of each year, except in off-channel fishery**  
15 **enhancement areas specified by rule of the State Fish and Wildlife Commission.**

16 (2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a  
17 wholesaler, canner or buyer to buy or receive salmon taken in the Columbia River gillnet fishery  
18 from an individual 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.** **The amendments to ORS 508.775 by section 1 of this 2011 Act become oper-**  
22 **ative on January 1, 2015.**

23 **SECTION 3.** ORS 508.778 is amended to read:

24 508.778. *[Except as provided in ORS 508.792,]* No new vessel permits shall be issued **pursuant**

**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 to ORS 508.775 to 508.796 on or after the effective date of this 2011 Act.

2 **SECTION 4. ORS 508.792 is repealed.**

3 **SECTION 5.** ORS 508.781 is amended to read:

4 508.781. (1) **Except as provided in subsection (2) of this section,** an individual who obtained  
5 the permit required by ORS 508.775 for a particular calendar year is eligible to obtain renewal of  
6 the permit in a subsequent calendar year, upon application and payment of the fees therefor by  
7 December 31 of the permit year or by such date as may be specified by rule of the State Department  
8 of Fish and Wildlife.

9 (2) **An individual may not renew a permit issued pursuant to ORS 508.775 to 508.796 if, in**  
10 **the 12-month period before the individual applies for renewal of the permit, the individual**  
11 **did not engage in activities authorized under the permit.**

12 **SECTION 6. (1) The State Department of Fish and Wildlife shall evaluate off-channel**  
13 **fishery enhancement areas in the lower Columbia River specified by rule of the State Fish**  
14 **and Wildlife Commission.**

15 (2) **After conducting the evaluation described in subsection (1) of this section, the de-**  
16 **partment may propose expanding the size of, or creating additional, off-channel fishery en-**  
17 **hancement areas. Any proposals for additional off-channel fishery enhancement areas under**  
18 **this subsection must allow sufficient upriver fishery impacts. The department shall evaluate**  
19 **the possibility of creating an off-channel fishery enhancement area in the North Portland**  
20 **Harbor.**

21 (3) **No later than October 1, 2012, the department shall report the results of its evaluation**  
22 **of off-channel fishery enhancement areas, and any proposals for expanding the size of, or**  
23 **creating additional, off-channel fishery enhancement areas, to the Seventy-sixth Legislative**  
24 **Assembly in the manner provided by ORS 192.245.**

25 **SECTION 7. (1) The amendments to ORS 508.781 by section 5 of this 2011 Act apply to:**

26 (a) **Vessel permits issued pursuant to ORS 508.775 to 508.796 for the Columbia River**  
27 **gillnet salmon fishery before the effective date of this 2011 Act.**

28 (b) **Vessel permits renewed pursuant to ORS 508.775 to 508.796 for the Columbia River**  
29 **gillnet salmon fishery before, on or after the effective date of this 2011 Act.**

30 (2) **The repeal of ORS 508.792 by section 4 of this 2011 Act does not affect the validity of**  
31 **any permits issued by the lottery system before the effective date of this 2011 Act, or any**  
32 **renewal of those permits.**

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