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SENATE BILL 5833

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Hargrove

Read first time 02/16/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to sea urchin fishery endorsements; amending RCW  
2 75.30.210; creating a new section; providing an effective date; and  
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the laws  
6 eliminating the number of vessels participating in the sea urchin  
7 fishery have resulted in unintended consequences and undue hardship to  
8 certain vessel owners whose vessels have continued to participate in  
9 the sea urchin fishery after December 31, 1990. The legislature  
10 intends by this act to allow these vessel owners to qualify for a sea  
11 urchin endorsement in order to prevent manifest injustice.

12 **Sec. 2.** RCW 75.30.210 and 1990 c 62 s 2 are each amended to read  
13 as follows:

14 (1) After October 1, 1990, it is unlawful to commercially take any  
15 species of sea urchin using shellfish diver gear without first  
16 obtaining a sea urchin endorsement to accompany a shellfish diver  
17 license. A sea urchin endorsement to a shellfish diver license issued  
18 under RCW 75.28.130(5) shall be limited to those vessels which:

1 (a) Held a commercial shellfish diver license, excluding clams,  
2 during calendar years 1988 and 1989 or had transferred to the vessel  
3 such a license;

4 (b) Have not transferred the license to another vessel; and

5 (c) Can establish, by means of dated shellfish receiving documents  
6 issued by the department, that twenty thousand pounds of sea urchins  
7 were caught and landed under the license during the period of April 1,  
8 1986, through March 31, 1988.

9 Endorsements issued under this section are a new licensing  
10 condition, and the continuing license provisions of RCW 34.05.422(3)  
11 are not applicable.

12 (2) In addition to the requirements of subsection (1) of this  
13 section, after December 31, 1991, sea urchin endorsements to shellfish  
14 diver licenses issued under RCW 75.28.130(5) may be issued only to  
15 vessels:

16 (a) Which held a sea urchin endorsement to a shellfish diver  
17 license during the previous year or had transferred to the vessel such  
18 a license; and

19 (b) From which twenty thousand pounds of sea urchins were caught  
20 and landed in this state during the two-year period ending March 31 of  
21 an odd-numbered year, as documented by valid shellfish receiving  
22 documents issued by the department.

23 Where failure to obtain the license during the previous year was  
24 the result of a license suspension or revocation by the department, the  
25 vessel may qualify for a license by establishing that the vessel held  
26 such a license during the last year in which it was eligible.

27 (3) The director may reduce or waive any landing requirement  
28 established under this section upon the recommendation of a board of  
29 review established under RCW 75.30.050. The board of review may  
30 recommend a reduction or waiver of the landing requirement in  
31 individual cases if in the board's judgment, extenuating circumstances  
32 prevent achievement of the landing requirement. The director shall  
33 adopt rules governing the operation of the board of review and defining  
34 "extenuating circumstances."

35 (4) Sea urchin endorsements issued under this section are not  
36 transferable from one owner to another owner, except from parent to  
37 child, or from spouse to spouse during marriage or as a result of  
38 marriage dissolution, or upon the death of the owner. This restriction  
39 applies to all changes in the vessel owner's name on the license,

1 including (a) changes during the license year, and (b) changes during  
2 the license renewal process between years. This restriction does not  
3 prevent changes in vessel operator or transfers between vessels when  
4 the vessel owner remains unchanged. Upon request of a vessel owner,  
5 the director may issue a temporary permit to allow the vessel owner to  
6 use the license endorsement on a leased or rented vessel.

7 (5) If less than forty-five vessels are eligible for sea urchin  
8 endorsements, the director may accept applications for new  
9 endorsements. The director shall determine by random selection the  
10 successful applicants for the additional endorsements. The number of  
11 additional endorsements issued shall be sufficient to maintain up to  
12 forty-five vessels in the sea urchin fishery. The director shall adopt  
13 rules governing the application, selection, and issuance procedure for  
14 new sea urchin endorsements, based upon recommendations of a board of  
15 review established under RCW 75.30.050.

16 (6) An applicant for a sea urchin endorsement whose vessel  
17 participated in the sea urchin fishery after December 31, 1990, despite  
18 a denial by the department of fisheries of the applicant's request for  
19 a sea urchin endorsement, is deemed to show extenuating circumstances  
20 and the director of the department of fisheries shall waive the  
21 requirements established in this section, to qualify for a sea urchin  
22 endorsement in order to prevent manifest injustice or hardship.

23 NEW SECTION. Sec. 3. If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

27 NEW SECTION. Sec. 4. This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of the  
29 state government and its existing public institutions, and shall take  
30 effect March 18, 1993.

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