

2 **SHB 1471 - H AMD 000135 ADOPTED 03-13-93**

3 By Representatives King, Fuhrman and Basich

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5 On page 4, beginning on line 25, strike the remainder of the bill
6 and insert the following:

7 "NEW SECTION. **Sec. 8.** (1) Effective January 1, 1994, it is
8 unlawful to fish for coastal crab in Washington state waters or deliver
9 coastal crab to a port in the state without a coastal crab pot license.
10 A coastal crab pot license is not required to take other species of
11 crab, including red rock crab (*Cancer productus*), from waters
12 containing coastal crab.

13 (2) A coastal crab pot license shall only be issued to a vessel
14 that, during two of the following three qualifying periods:

15 December 1, 1988, through September 15, 1989;

16 December 1, 1989, through September 15, 1990; and

17 December 1, 1990, through September 15, 1991;

18 (a) Showed historical participation in the coastal crab fishery by
19 having held one of the following:

20 (i) Crab pots license or crab pots (other than Puget Sound)
21 license, issued under RCW 78.25.130;

22 (ii) Delivery permit or delivery license, issued under RCW
23 75.28.125;

24 (iii) Salmon troll license, issued under RCW 75.28.110; or

25 (iv) Salmon delivery permit or salmon delivery license, issued
26 under RCW 75.28.113;

27 (v) Trawl license or trawl (other than Puget Sound) license, issued
28 under RCW 75.28.140; and

29 (b) Can prove active historical participation in the coastal crab
30 fishery as evidenced by having made a minimum of eight crab landings
31 per season in at least two of the three qualifying seasons, which
32 landings total a minimum of five thousand pounds of crab in each
33 qualifying season, taken in coastal or offshore waters as documented by
34 valid Washington state shellfish receiving tickets. For purposes of
35 this section, "crab taken in coastal or offshore waters" means crab
36 taken in Washington state department of fisheries marine fish/shellfish

1 management and catch reporting areas 58B, 59A, 59B, 60A, 60B, 60C, 60D,
2 61, or 62, as defined in WAC 220-20-410.

3 (3) A coastal crab pot license shall only be issued to a vessel
4 that has participated continuously in the coastal crab fishery by
5 having held one or more of the licenses listed in subsection (2)(a) of
6 this section each calendar year from 1990 through 1993.

7 NEW SECTION. **Sec. 9.** An applicant who can show historical
8 participation under section 8(2) of this act but not satisfying the
9 continuous participation requirement of section 8(3) of this act shall
10 be issued a coastal crab pot license if:

11 (1) The owner can prove that the owner was in the process on
12 September 15, 1991, of constructing a vessel for the purpose of coastal
13 crab fishing. For purposes of this section, "construction" means
14 having the keel laid, and "for the purpose of coastal crab fishing"
15 means the vessel is designed to retrieve crab pots mechanically and has
16 a live well. A coastal crab pot license issued to a vessel under
17 construction is not renewable after December 31, 1994, unless the
18 vessel lands five thousand pounds of coastal crab into a Washington
19 state port before December 31, 1994; or

20 (2) The applicant's vessel is a replacement for a vessel that is
21 otherwise eligible for a coastal crab pot license, in which case the
22 landing and licensing history shall follow the replacement vessel, and
23 only the replacement vessel is eligible for a coastal crab pot license.

24 NEW SECTION. **Sec. 10.** (1) An Oregon resident who can show
25 historical and continuous participation in the Washington state coastal
26 crab fishery by having held a nonresident crab pots (other than Puget
27 Sound) license issued under RCW 75.28.140 each year from 1990 through
28 1993, and who has delivered a minimum of five thousand pounds of crab
29 into Oregon during any two of the three qualifying periods as provided
30 in section 8(2) of this act as evidenced by valid Oregon fish receiving
31 tickets, shall be issued a nonresident coastal crab pot license valid
32 for fishing in Washington state waters north from the Oregon/Washington
33 boundary to United States latitude forty-six degrees thirty minutes
34 north. Such license shall be issued upon application and submission of
35 proof of delivery.

36 (2) This section shall become effective contingent upon reciprocal
37 statutory authority in the state of Oregon providing for equal access

1 for Washington state coastal crab fishers to Oregon territorial coastal
2 waters north of United States latitude forty-five degrees fifty-eight
3 minutes north, and Oregon waters of the Columbia river.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 75.30 RCW
5 to read as follows:

6 (1) It is unlawful for vessels registered in Washington to take
7 coastal crab in state waters or waters of the exclusive economic zone
8 and coterminous with the seaward boundary of this state, or to land
9 such crab in Washington, without the licenses, endorsements, or permits
10 required to take or land coastal crab in Washington.

11 (2) This section becomes effective only upon reciprocal legislation
12 being enacted by both the states of Oregon and California. For
13 purposes of this section, "exclusive economic zone" means that zone
14 defined in the federal fishery conservation and management act (16
15 U.S.C. Sec. 1802) as of the effective date of this section or as of a
16 subsequent date adopted by rule of the director.

17 NEW SECTION. **Sec. 12.** After December 31, 1994, a coastal crab pot
18 license may only be issued to a vessel that held the license in 1994,
19 and each year thereafter. If the license is transferred to another
20 vessel, the license history shall also be transferred to the transferee
21 vessel.

22 Where the failure to hold a license the previous year was the
23 result of license suspension, the vessel may qualify by establishing
24 that the vessel held a coastal crab pot license in the last year in
25 which the license was not suspended.

26 NEW SECTION. **Sec. 13.** If fewer than one hundred twenty-five
27 vessels are eligible for coastal crab pot licenses, the director shall
28 accept applications for new licenses. The director shall determine by
29 random selection the successful applicants for the additional licenses.
30 The number of additional licenses issued shall be sufficient to
31 maintain one hundred twenty-five vessels in the Washington coastal crab
32 fishery. The director shall adopt rules governing the notification,
33 application, selection, and issuance procedures for new coastal crab
34 licenses, based on recommendations of a board of review established
35 under RCW 75.30.050.

1 **Sec. 14.** RCW 75.30.050 and 1990 c 61 s 3 are each amended to read
2 as follows:

3 (1) The director shall appoint three-member advisory review boards
4 to hear cases as provided in RCW 75.30.060. Members shall be from:

5 (a) The salmon charter boat fishing industry in cases involving
6 salmon charter boat licenses or angler permits;

7 (b) The commercial salmon fishing industry in cases involving
8 commercial salmon licenses;

9 (c) The commercial crab fishing industry in cases involving Puget
10 Sound crab license endorsements;

11 (d) The commercial herring fishery in cases involving herring
12 validations;

13 (e) The commercial Puget Sound whiting fishery in cases involving
14 Puget Sound whiting license endorsements;

15 (f) The commercial sea urchin fishery in cases involving sea urchin
16 endorsements to shellfish diver licenses; ((and))

17 (g) The commercial sea cucumber fishery in cases involving sea
18 cucumber endorsements to shellfish diver licenses; and

19 (h) The commercial coastal crab industry in cases involving coastal
20 crab pot licenses.

21 (2) Members shall serve at the discretion of the director and shall
22 be reimbursed for travel expenses as provided in RCW 43.03.050 and
23 43.03.060.

24 NEW SECTION. **Sec. 15.** The director may reduce the landing
25 requirement established under section 8(2)(b) of this act upon the
26 recommendation of an advisory review board established under RCW
27 75.30.050, but the director may not entirely waive the landing
28 requirement. The advisory review board may recommend a reduction of
29 the landing requirement in individual cases if in the board's judgment,
30 extenuating circumstances prevented achievement of the landing
31 requirement. The director shall adopt rules governing the operation of
32 the advisory review board and defining "extenuating circumstances." In
33 defining extenuating circumstances, special consideration shall be
34 given to individuals who can provide evidence of lack of access to
35 capital based on past discrimination due to race, creed, color, sex,
36 national origin, or disability.

1 NEW SECTION. **Sec. 16.** The industry shall prepare a gear reduction
2 plan to stabilize the coastal crab industry in Washington. The
3 industry shall submit the plan to the department of fisheries by
4 November 31, 1995. The department shall evaluate the plan and submit
5 it to the legislature by December 31, 1995.

6 NEW SECTION. **Sec. 17.** (1) Sections 2, 5, and 6 of this act are
7 each added to chapter 75.28 RCW.

8 (2) Sections 7 through 10, 12, 13, and 15 of this act are each
9 added to chapter 75.30 RCW."

10 EFFECT: The amendment makes it unlawful for vessels registered in
11 Washington to take coastal crab in state waters or within the waters of
12 the federal Exclusive Economic Zone contiguous to state waters, or land
13 such crab in Washington, without the licenses required to take or land
14 coastal crab in Washington. This provision would become effective only
15 upon reciprocal legislation being enacted in Oregon and California.

16 The amendment makes a technical correction, and deletes a provision
17 that requires the advisory review board, when evaluating whether a
18 coastal crab license should be issued, to consider a person's economic
19 position having prevented his or her acquisition of capital needed to
20 meet the necessary landing requirements to obtain a license.

21 The amendment requires the crab industry rather than the department
22 of fisheries to prepare a gear reduction plan.

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