

# FINAL BILL REPORT

## 2ESHB 1471

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C 260 L 94  
Synopsis as Enacted

**Brief Description:** Regulating the non-Puget Sound coastal commercial crab fishery.

By House Committee on Appropriations (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole).

House Committee on Fisheries & Wildlife  
House Committee on Appropriations  
Senate Committee on Natural Resources

**Background:** Dungeness crab fishing in Washington occurs in Puget Sound, along the Washington coast including Grays Harbor and Willapa Harbor, and in the ocean beyond three miles from the shore. The Department of Fisheries (WDF) regulates the crab fishery inside Washington waters and requires a crab pot license. The state does not regulate the fishery outside of state waters, i.e., beyond three miles from the shore. A nonsalmon delivery license is required of persons landing crab in Washington, whether the crab are harvested within or outside of Washington waters.

In 1980, in response to an increasing commercial crab fishery in Puget Sound, the Legislature limited entry into the Dungeness crab fishery in the sound by imposing landing requirements on vessels which could remain in the fishery. The maximum number of participating vessels in the fishery was set at 200.

In 1992, in response to concerns about overcapitalization in the coastal crab fishery, the Legislature directed WDF to participate in a coast-wide study of the Dungeness crab fishery, conducted by the Pacific States Marine Fisheries Commission, to report on the current and optimum numbers of fishers, vessels, licenses and gear in the coastal crab fishery of each state, and on the pros and cons of establishing future limits on the issuance of coastal crab licenses. This study, including recommendations, was presented to the Legislature in October 1993.

**Summary:**

Qualification for Dungeness-Crab Coastal Fishing Licenses

A Dungeness crab coastal fishery license and a Dungeness crab coastal class B fishery license are created, replacing the existing crab pot license. Beginning January 1, 1995, a person must hold one of these two types of licenses in order to fish for Dungeness crab in the state's coastal waters. Holders of such licenses may also land crab in Washington.

In order to qualify for a transferable Dungeness crab coastal fishery license, a person must have designated on the qualifying license, after December 31, 1993, a vessel that meets the following criteria:

- (1) Made a minimum of eight crab landings totalling 5,000 pounds per season in two of four qualifying seasons and held (or the person held, if after December 31, 1993) one of the qualifying licenses each year beginning 1990 through 1994; or
- (2) Made a minimum of four landings totalling 2,000 pounds of coastal crab between December 1, 1991 and March 20, 1992, and made eight crab landings totalling 5,000 pounds each season between December 1, 1991 and September 15, 1994.

A Dungeness crab coastal class B fishery license is non-transferable and ceases to exist after December 31, 1999. In order to qualify for this license, a person must have designated, after December 31, 1993, a vessel on the qualifying license that meets the following criteria:

- (1) Made a minimum of four landings totalling 2,000 pounds of coastal crab during at least one qualifying season; and
- (2) Held one of the qualifying licenses each calendar year since the initial qualifying season through 1994.

All Dungeness crab coastal class B fishery licenses expire after December 31, 1999. The holder of a dungeness crab coastal class B license may not fish for crab after that date, even if the holder seeks administrative review of the license expiration.

The four qualifying seasons are each season between December 1, 1988 and September 15, 1992. The qualifying licenses are: crab pot-non Puget Sound, nonsalmon delivery, salmon troll, salmon delivery, food fish trawl and shrimp trawl, or their equivalents.

#### Future Issuance of Licenses

After December 31, 1995, no new Dungeness crab coastal fishery licenses may be issued. However, an existing license may be renewed if the person seeking renewal held the license during the previous year or acquired the license by transfer from someone who held it during the previous year. If the person did not hold the license during the previous year because of a license suspension, the person may renew the license if the license was held during the year prior to the year of the suspension.

#### Qualification for Landing Dungeness Crab in Washington

A holder of a Dungeness crab coastal or Dungeness crab coastal class B fishery license may land Dungeness crab in Washington.

A person who does not hold a Dungeness crab coastal fishery license may land crab in Washington between December 1 and February 15 if:

- (1) The director of the Washington Department of Fish and Wildlife (DFW) determines that such landings are in the best interest of the coastal crab processing industry;
- (2) Three Dungeness crab processors have requested that such landings be allowed;
- (3) The person obtains a Dungeness crab offshore delivery license;
- (4) The person is commercially licensed to fish for crab by the states of Oregon and/or California;
- (5) The crab is caught in offshore waters; and
- (6) Allowing such landing improves the economic stability of the commercial crab fishery, as determined on a case-by-case basis.

A person who does not hold a Dungeness crab coastal fishery license may land crab in Washington between February 15 and September 15 if:

- (1) The person is commercially licensed to fish for crab by the states of Oregon and/or California;
- (2) The person obtains a Dungeness crab offshore delivery license; and
- (3) The crab is caught in offshore waters.

The annual fee for a Dungeness crab offshore delivery license is \$250.00. Fees are deposited in the Coastal Crab Account.

#### Gear

Gear used to fish for Dungeness crab in Washington waters or to land crab in Washington must consist of one buoy attached

to each crab pot. Each crab pot must be fished individually.

#### Reciprocity with Oregon

If a reciprocal law is enacted in Oregon, an Oregon resident is eligible for a Dungeness crab coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude 46 degrees 30 minutes north, if that person meets the following criteria:

- (1) Held a nonresident non-Puget Sound crab pot license each year from 1990 through 1994; and
- (2) Delivered a minimum of eight landings totalling 5,000 pounds of crab into Oregon during any two of the four qualifying seasons.

#### Vessel Designations and Substitutions

Limitations on vessel designations and substitutions for Dungeness crab coastal and Dungeness crab coastal class B fishery licenses are as follows:

- (1) No license holder may designate a vessel exceeding 99 feet in hull length;
- (2) A license holder may only designate a different vessel on the license once every two consecutive crab seasons if vessels are of comparable hull length;
- (3) A license holder may only designate a different vessel on the license once every five consecutive crab seasons if the vessel proposed to be designated exceeds the length of the currently designated vessel by up to 10 feet;
- (4) A license holder may designate a different vessel outside of the time frequency limits in an emergency situation if an emergency situation exists.

#### Alternate Operators

Alternate operators are not permitted on Dungeness crab coastal class B fishery licenses.

#### Appeals Surcharge

A surcharge of \$50.00 is to be collected with each Dungeness crab coastal fishery license until June 30, 2000 and with each Dungeness crab coastal class B fishery license until

December 31, 1997. The funds are placed into a dedicated, non-appropriated account to fund processing of appeals related to coastal crab licenses.

#### Transfer Fee

Twenty percent of the proceeds of the sale of transferable Dungeness crab coastal fishery licenses are to be deposited in the Coastal Crab Account.

#### License Buyback Program

A surcharge of \$250.00 shall be collected with each Dungeness crab coastal and Dungeness crab coastal class B fishery license issued in 1995 and 1996. The revenues shall be placed in the Coastal Crab Account, and shall be used to purchase Dungeness crab coastal class B fishery licenses from willing sellers. The price for a license purchased in 1995 shall not exceed \$5,000, and the price of a license purchased in 1996 shall not exceed \$3,500.

#### Coastal Crab Account

The non-appropriated coastal crab account is created in the custody of the state treasurer. Expenditures from the account through 1996 are for class B license purchases by the Department of Fish and Wildlife (DFW). Expenditures after 1996 are for coastal crab resource management by the DFW.

#### Reciprocity in the Exclusive Economic Zone

If reciprocal legislation is enacted in Oregon and California, it is unlawful to take Dungeness crab in the waters of the exclusive economic zone west of the states of Oregon or California and to land crab taken in those waters unless the licensee also holds the licenses required by Oregon or California to land crab in those states.

#### Adding New Licensees to the Fishery

If less than 175 persons are eligible for Dungeness crab coastal fishery licenses, the director of DFW may accept applications for new licenses and maintain the number of licenses at a maximum of 175.

#### Advisory Review Board

The director of the DFW is required to appoint a three member advisory review board to hear cases involving the Dungeness crab coastal fishery licenses. The director is authorized to reduce the landing requirements for these

licenses if recommended by the board, based on extenuating circumstances. Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made.

Gear Reduction Plan

The DFW is directed to prepare a resource plan to achieve long term stability of the coastal Dungeness crab resource. The plan is to be submitted to the appropriate committees of the Legislature by December 1, 1995.

**Votes on Final Passage:**

House	93	2	
Senate	41	6	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	42	0
House	93	2

**Effective:** January 1, 1995  
January 1, 1997 (Section 8)  
June 9, 1994 (Sections 6, 7 and 20)