

SENATE BILL REPORT

SB 5614

AS REPORTED BY COMMITTEE ON WAYS & MEANS, MARCH 8, 1993

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

SPONSORS: Senators Snyder, Hargrove and Owen

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5614 be substituted therefor, and the substitute bill do pass.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

Staff: Erika Lim (786-7488)

Hearing Dates: February 19, 1993; March 2, 1993

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5614 as recommended by Committee on Natural Resources be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chairman; Spanel, Vice Chairman; Bauer, Bluechel, Cantu, Gaspard, Hargrove, Hochstatter, Jesernig, McDonald, Moyer, Niemi, Owen, Pelz, Roach, L. Smith, Snyder, Talmadge, West, Williams, and Wojahn.

Staff: Michael Groesch (786-7715)

Hearing Dates: March 5, 1993; March 8, 1993

BACKGROUND:

The commercial coastal crab fishery is unregulated. There are more boats and more gear out fishing than what is needed to harvest the available crab which makes it difficult to earn a living. Crabs are not being overharvested.

Alaska has limited its crab fishery, and California and Oregon will be limiting their crab fisheries. This could lead to even more boats and more gear in the Washington fishery.

SUMMARY:

As of December 1, 1993, in order to take or land Dungeness crab in Washington coastal waters, a vessel must have a commercial other than Puget Sound crab pot license and a commercial crab pot endorsement.

To qualify for a commercial crab pot license endorsement, a vessel must have: (1) held a Washington commercial other than Puget Sound crab pot license or delivery permit during two qualifying seasons from 1988 to 1991 and maintained a Washington commercial other than Puget Sound crab pot license between December 1, 1991, and December 1, 1993; (2) made at least eight landings in each of two qualifying seasons from 1988 to 1991; and (3) landed at least 5000 pounds of coastal Dungeness crab in each of two qualifying seasons from 1988 to 1991. Exceptions to these qualifications may be made for vessels whose licenses were suspended during qualifying seasons or which were under construction before September 15, 1991.

Vessels fulfilling all three requirements for a crab pot license endorsement are not required to make additional annual deliveries to retain the endorsement after December 1, 1993. Endorsed other than Puget Sound crab pot licenses must be renewed annually after December 1, 1993.

Other than Puget Sound commercial crab pot license endorsements are transferable. Nonemergency transfers are limited to one transfer in any two consecutive seasons between vessels with the same hull length. Transfers to newly acquired vessels are limited to once every five consecutive seasons as long as the new vessel is not more than ten feet longer than the vessel being replaced and the owner is unchanged. If a vessel is completely lost, the only transfer restriction is that vessel hulls must be of comparable length. Endorsements and landing histories remain with vessels after vessels are sold. Emergency transfers are permitted subject to limitations.

There will be a three-member advisory review board for the coastal Dungeness crab fishing industry.

Other than Puget Sound commercial crab pot license endorsements may be issued to Oregon vessels under the following circumstances: (1) the applicants held valid Washington other than Puget Sound commercial crab pot licenses for two qualifying seasons from 1988 to 1991; and (2) applicants can prove crab fishing history in Washington waters for two qualifying seasons from 1988 to 1991. Additionally, Oregon vessels must have fished the Oregon Columbia River between December 1, 1988, and December 1, 1993. Endorsements will be issued to Oregon vessels when a reciprocal agreement is reached to allow Washington coastal crab fishers equal access to Oregon waters.

EFFECT OF PROPOSED SUBSTITUTE:

The intent of the legislation is clarified and it is expressly stated that the Puget Sound and coastal crab fisheries are separate. A delivery license is not required for coastal crab.

To qualify for a commercial crab pot license, a fisher must have had a commercial crab or salmon license for two of the

three qualifying seasons as well as meeting the landing requirement. Fishers must demonstrate continuous participation in the fishery by having held a commercial crab or salmon license from 1990 to 1993. Oregon fishers who wish to qualify for a Washington commercial crab license must show a landing history in addition to having held a Washington nonresident crab license.

A limited-entry fishery is created as of January 31, 1994. After that date, licenses may be issued only to vessels which held a license the previous year. If at any time less than 125 vessels are eligible for a commercial crab license, the director shall accept license applications.

The December 31, 1994, deadline to appeal is eliminated.

License transferability is limited.

The federal Exclusive Economic Zone (EEZ) is the area between three and 200 miles offshore.

After January 1, 1994, vessels holding Washington commercial crab licenses are prohibited from taking dungeness crab in the federal EEZ, or from landing crab in Washington that were taken from the federal EEZ, without the licenses required by the state whose waters adjoin that area of the EEZ from which the crab were taken.

This act is null and void if by January 1, 1994, California and Oregon have not enacted similar legislation prohibiting vessels they license from fishing in the federal EEZ without licenses from the state whose waters adjoin that portion of the EEZ.

The Department of Fisheries will prepare a gear reduction plan to be submitted to the Legislature by December 31, 1994.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: January 1, 1994

TESTIMONY FOR (Natural Resources):

The size of the Washington coastal crab fleet needs to be frozen so that eventually a limited entry fishery can be created. California and Oregon are moving toward limited entry coastal crab fisheries, but all three west coast states must have a limited crab fishery for regulations to be effective.

TESTIMONY AGAINST (Natural Resources): None

TESTIFIED (Natural Resources): Ed Owens, Washington Coalition of Ocean Fishers (pro); Ernie Summers, WDCFA (pro); Dick Sheldon,

Columbia River Crab Fishermen's Assn. (pro); Mary Lou Mills,
Department of Fisheries

TESTIMONY FOR (Ways & Means):

A limited entry coastal crab fishery will help stabilize
employment for fishers and processors.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): Ed Owens, Washington Coalition of Ocean
Fishers (Pro)