

2 **ESSB 5592 - H AMD 674 NOT CONSIDERED, 679 ADOPTED 4/7/95**

3 By Representative Fuhrman

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5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 75.30.350 and 1994 c 260 s 2 are each amended to read
8 as follows:

9 (1) Effective January 1, 1995, it is unlawful to fish for coastal
10 crab in Washington state waters without a Dungeness crab~~coastal~~ or a
11 Dungeness crab~~coastal~~ class B fishery license. Gear used must consist
12 of one buoy attached to each crab pot. Each crab pot must be fished
13 individually.

14 (2) A Dungeness crab~~coastal~~ fishery license is transferable.
15 Except as provided in subsection (3) of this section, such a license
16 shall only be issued to a person who proved active historical
17 participation in the coastal crab fishery by having designated, after
18 December 31, 1993, a vessel or a replacement vessel on the qualifying
19 license that singly or in combination meets the following criteria:

20 (a) Made a minimum of eight coastal crab landings totaling a
21 minimum of five thousand pounds per season in at least two of the four
22 qualifying seasons identified in subsection ~~((4))~~ (5) of this
23 section, as documented by valid Washington state shellfish receiving
24 tickets; and showed historical and continuous participation in the
25 coastal crab fishery by having held one of the following licenses or
26 their equivalents each calendar year beginning 1990 through 1993, and
27 was designated on the qualifying license of the person who held one of
28 the following licenses in 1994:

29 (i) Crab pot~~Non-Puget Sound~~ license, issued under RCW
30 75.28.130(1)(b);

31 (ii) Nonsalmon delivery license, issued under RCW 75.28.125;

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

33 (iv) Salmon delivery license, issued under RCW 75.28.113;

34 (v) Food fish trawl license, issued under RCW 75.28.120; or

35 (vi) Shrimp trawl license, issued under RCW 75.28.130; or

1 (b) Made a minimum of four Washington landings of coastal crab
2 totaling two thousand pounds during the period from December 1, 1991,
3 to March 20, 1992, and made a minimum of eight crab landings totaling
4 a minimum of five thousand pounds of coastal crab during each of the
5 following periods: December 1, 1991, to September 15, 1992; December
6 1, 1992, to September 15, 1993; and December 1, 1993, to September 15,
7 1994. For landings made after December 31, 1993, the vessel shall
8 have been designated on the qualifying license of the person making the
9 landings; or

10 (c) Made any number of coastal crab landings totaling a minimum of
11 twenty thousand pounds per season in at least two of the four
12 qualifying seasons identified in subsection (5) of this section, as
13 documented by valid Washington state shellfish receiving tickets,
14 showed historical and continuous participation in the coastal crab
15 fishery by having held one of the qualifying licenses each calendar
16 year beginning 1990 through 1993, and the vessel was designated on the
17 qualifying license of the person who held that license in 1994.

18 (3) A Dungeness crab-coastal fishery license shall be issued to a
19 person who had a new vessel under construction between December 1,
20 1988, and September 15, 1992, if the vessel made coastal crab landings
21 totaling a minimum of five thousand pounds by September 15, 1993, and
22 the new vessel was designated on the qualifying license of the person
23 who held that license in 1994. All landings shall be documented by
24 valid Washington state shellfish receiving tickets. License
25 applications under this subsection may be subject to review by the
26 advisory review board in accordance with RCW 75.30.050. For purposes
27 of this subsection, "under construction" means either:

28 (a)(i) A contract for any part of the work was signed before
29 September 15, 1992; and

30 (ii) The contract for the vessel under construction was not
31 transferred or otherwise alienated from the contract holder between the
32 date of the contract and the issuance of the Dungeness crab-coastal
33 fishery license; and

34 (iii) Construction had not been completed before December 1, 1988;
35 or

36 (b)(i) The keel was laid before September 15, 1992; and

37 (ii) Vessel ownership was not transferred or otherwise alienated
38 from the owner between the time the keel was laid and the issuance of
39 the Dungeness crab-coastal fishery license; and

1 (iii) Construction had not been completed before December 1, 1988.

2 (4) A Dungeness crab coastal class B fishery license is not
3 transferable. Such a license shall be issued to persons who do not
4 meet the qualification criteria for a Dungeness crab coastal fishery
5 license, if the person has designated on a qualifying license after
6 December 31, 1993, a vessel or replacement vessel that, singly or in
7 combination, made a minimum of four landings totaling a minimum of two
8 thousand pounds of coastal crab, documented by valid Washington state
9 shellfish receiving tickets, during at least one of the four qualifying
10 seasons, and if the person has participated continuously in the coastal
11 crab fishery by having held or by having owned a vessel that held one
12 or more of the licenses listed in subsection (2) of this section in
13 each calendar year subsequent to the qualifying season in which
14 qualifying landings were made through 1994. Dungeness crab coastal
15 class B fishery licenses cease to exist after December 31, 1999, and
16 the continuing license provisions of RCW 34.05.422(3) are not
17 applicable.

18 ~~((+4))~~ (5) The four qualifying seasons for purposes of this
19 section are:

20 (a) December 1, 1988, through September 15, 1989;

21 (b) December 1, 1989, through September 15, 1990;

22 (c) December 1, 1990, through September 15, 1991; and

23 (d) December 1, 1991, through September 15, 1992.

24 ~~((+5))~~ (6) For purposes of this section and RCW 75.30.420,
25 "coastal crab" means Dungeness crab (cancer magister) taken in all
26 Washington territorial and offshore waters south of the United States-
27 Canada boundary and west of the Bonilla-Tatoosh line (a line from the
28 western end of Cape Flattery to Tatoosh Island lighthouse, then to the
29 buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point
30 of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia
31 river.

32 (7) For purposes of this section, "replacement vessel" means a
33 vessel used in the coastal crab fishery in 1994, and that replaces a
34 vessel used in the coastal crab fishery during any period from 1988
35 through 1993, and which vessel's licensing and catch history, together
36 with the licensing and catch history of the vessel it replaces,
37 qualifies a single applicant for a Dungeness crab coastal or Dungeness
38 crab coastal class B fishery license. A Dungeness crab coastal or
39 Dungeness crab coastal class B fishery license may only be issued to a

1 person who designated a vessel in the 1994 coastal crab fishery and who
2 designated the same vessel in 1995."

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6 On page 1, line 1 of the title, after "licenses;" strike the
7 remainder of the title and insert "and amending RCW 75.30.350."

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