
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-5337.1/96

ATTY/TYPIST: ML:seg

BRIEF TITLE:

2 **ESSB 6387** - H COMM AMD
3 By Committee on Natural Resources

4

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

7 "NEW SECTION. **Sec. 1.** The legislature finds that the management
8 of Puget Sound crab involves a wide variety of management tools and
9 that it is becoming increasingly more difficult to balance the needs of
10 recreational and commercial crab fishers.

11 The legislature finds that the Puget Sound commercial crab industry
12 experienced an unexpected season closure during the 1995 fishing season
13 and that the closure has had an adverse impact on the markets developed
14 by these fishers. The legislature also finds that Puget Sound provides
15 a unique opportunity to fish recreationally for crabs.

16 It is the intent of the legislature to establish a process to
17 provide adequate notice to fishers in the Puget Sound commercial crab
18 fishery of unexpected closures. It is not the intent of the
19 legislature to limit the ability of the fish and wildlife commission to
20 manage Puget Sound crab for the benefit of all of its citizens nor is
21 it the intent of the legislature to intercede in the commission's
22 allocation of the Puget Sound crab fishery.

23 **Sec. 2.** RCW 75.28.046 and 1994 c 260 s 12 are each amended to read
24 as follows:

25 This section applies to all commercial fishery licenses, delivery
26 licenses, and charter licenses, except for whiting~~«~~ Puget Sound fishery
27 licenses and emergency salmon delivery licenses.

28 (1) The license holder may engage in the activity authorized by a
29 license subject to this section. With the exception of Dungeness crab~~«~~
30 coastal fishery class B licensees licensed under RCW
31 75.30.350(~~((+3))~~)(4), the holder of a license subject to this section
32 may also designate up to two alternate operators for the license.
33 Dungeness crab~~«~~ coastal fishery class B licensees may not designate
34 alternate operators. A person designated as an alternate operator must

1 possess an alternate operator license issued under (~~section 23 of this~~
2 ~~act and~~) RCW 75.28.048.

3 (2) The fee to change the alternate operator designation is
4 twenty-two dollars.

5 **Sec. 3.** RCW 75.28.048 and 1993 c 340 s 25 are each amended to read
6 as follows:

7 (1) A person who holds a commercial fishery license, delivery
8 license, or charter license may operate the vessel designated on the
9 license. A person who is not the license holder may operate the vessel
10 designated on the license only if:

11 (a) The person holds an alternate operator license issued by the
12 director; and

13 (b) The person is designated as an alternate operator on the
14 underlying commercial fishery license, delivery license, or charter
15 license under RCW 75.28.046.

16 (2) Only an individual at least sixteen years of age may hold an
17 alternate operator license.

18 (3) No individual may hold more than one alternate operator
19 license. An individual who holds an alternate operator license may be
20 designated as an alternate operator on an unlimited number of
21 commercial fishery licenses, delivery licenses, and charter licenses
22 under RCW 75.28.046.

23 (4) An individual who holds two Dungeness crab~~Puget Sound~~ fishery
24 licenses or two persons who both hold Dungeness crab~~Puget Sound~~ fishery
25 licenses may operate one vessel, provided that the owner or
26 alternate operator is on the vessel.

27 (5) As used in this section, to "operate" means to control the
28 deployment or removal of fishing gear from state waters while aboard a
29 vessel, to operate a vessel as a charter boat, or to operate a vessel
30 delivering food fish or shellfish taken in offshore waters to a port
31 within the state.

32 **Sec. 4.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read
33 as follows:

34 (1) This section establishes commercial fishery licenses required
35 for shellfish fisheries and the annual fees for those licenses. The
36 director may issue a limited-entry commercial fishery license only to

1 a person who meets the qualifications established in applicable
 2 governing sections of this title.

	Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
		Resident	Nonresident		
3					
4					
5	(a) Burrowing shrimp	\$185	\$295	Yes	No
6	(b) Crab ring net«	\$130	\$185	Yes	No
7	Non-Puget Sound				
8	(c) Crab ring net«	\$130	\$185	Yes	No
9	Puget Sound				
10	(d) Dungeness crab«	\$295	\$520	Yes	Yes
11	coastal (RCW 75.30.350)				
12	(e) Dungeness crab«	\$295	\$520	Yes	Yes
13	coastal, class B				
14	(RCW 75.30.350)				
15	(f) Dungeness crab«	\$130	\$185	Yes	Yes
16	Puget Sound				
17	(RCW 75.30.130)				
18	(g) Emerging commercial	\$185	\$295	Determined	Determined
19	fishery (RCW 75.30.220			by rule	by rule
20	and 75.28.740)				
21	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
22	75.30.280)				
23	(i) Hardshell clam	\$530	\$985	Yes	No
24	mechanical harvester				
25	(RCW 75.28.280)				
26	(j) Oyster reserve	\$130	\$185	No	No
27	(RCW 75.28.290)				
28	(k) Razor clam	\$130	\$185	No	No
29	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
30	(RCW 75.30.250)				
31	(m) Sea urchin dive	\$130	\$185	Yes	Yes
32	(RCW 75.30.210)				
33	(n) Shellfish dive	\$130	\$185	Yes	No
34	(o) Shellfish pot	\$130	\$185	Yes	No
35	(p) Shrimp pot«	\$325	\$575	Yes	No
36	Hood Canal				
37	(q) Shrimp trawl«	\$240	\$405	Yes	No
38	Non-Puget Sound				
39	(r) Shrimp trawl«	\$185	\$295	Yes	No
40	Puget Sound				
41	(s) Squid	\$185	\$295	Yes	No

42 (2)(a) The fish and wildlife commission may open the commercial
 43 Dungeness crab« Puget Sound fishery from October 1 to April 15. If the
 44 commission closes or does not open the commercial Dungeness crab« Puget
 45 Sound fishery at all between October 1 and April 15, the commission

1 shall hold a public hearing in the north Puget Sound area before the
2 closure. The fish and wildlife commission shall consider the effect of
3 a potential fishery closure upon the marketability of crab and the
4 economic health and the physical safety of the fishers. The fish and
5 wildlife commission may close the commercial Dungeness crab~~Puget Sound~~
6 non-Indian fishery between October 1 and April 15 only with the
7 approval of a majority of fish and wildlife commission members. In the
8 event of a closure, the fish and wildlife commission shall close the
9 commercial Dungeness crab~~Puget Sound~~ fishery in a way that the fishers
10 have adequate time to remove their pots from the fishing grounds,
11 considering weather conditions and the size and capacity of the boats
12 participating in the fishery. It is unlawful to set crab gear prior to
13 9:00 a.m. on the opening day of the season.

14 (b) The holder of a Dungeness crab~~Puget Sound~~ fishery license may
15 take or fish for crabs with up to one hundred shellfish pots.

16 (c) The fish and wildlife commission shall work with the treaty
17 Indian commercial crab fishing industry to ensure coordination with the
18 non-Indian commercial crab fishing industry, to minimize waste, and to
19 ensure the long-term health and productivity of the resource.

20 (3) The ((director)) fish and wildlife commission may by rule
21 determine the species of shellfish that may be taken with the
22 commercial fishery licenses established in this section, the gear that
23 may be used with the licenses, and the areas or waters in which the
24 licenses may be used. Where a fishery license has been established for
25 a particular species, gear, geographical area, or combination thereof,
26 a more general fishery license may not be used to take shellfish in
27 that fishery.

28 **Sec. 5.** RCW 75.30.130 and 1993 c 340 s 34 are each amended to read
29 as follows:

30 (1) It is unlawful to take Dungeness crab (Cancer magister) in
31 Puget Sound without first obtaining a Dungeness crab~~Puget Sound~~
32 fishery license. As used in this section, "Puget Sound" has the
33 meaning given in RCW 75.28.110(5)(a). A Dungeness crab~~Puget Sound~~
34 fishery license is not required to take other species of crab,
35 including red rock crab (Cancer productus).

36 (2) Except as provided in subsection((s)) (3) ((and (7))) of this
37 section, after January 1, 1982, the director shall issue no new

1 Dungeness crab Puget Sound fishery licenses. ((Only)) A person ((who
2 meets the following qualifications)) may renew an existing license((:
3 (a)) if the person ((shall have)) has held the Dungeness
4 crab Puget Sound fishery license sought to be renewed during the
5 previous year or acquired the license by transfer from someone who held
6 it during the previous year, and ((shall)) has not ((have))
7 subsequently transferred the license to another person((; and
8 (b) The person shall document, by valid shellfish receiving tickets
9 issued by the department, that one thousand pounds of dungeness crab
10 were caught and sold during the previous two year period ending on
11 December 31st of an odd numbered year:
12 (i) Under the license sought to be renewed; or
13 (ii) Under any combination of the following commercial fishery
14 licenses that the person held when the crab were caught and sold: Crab
15 pot Non Puget Sound, crab ring net Non Puget Sound, dungeness crab
16 Puget Sound. Sales under a license other than the one sought to be
17 renewed may be used for the renewal of no more than one dungeness
18 crab Puget Sound fishery license)).
19 (3) Where the person failed to obtain the license during the
20 previous year because of a license suspension, the person may qualify
21 for a license by establishing that the person held such a license
22 during the last year in which the license was not suspended.
23 (4) ((The director may reduce or waive the poundage requirement
24 established under subsection (2)(b) of this section upon the
25 recommendation of a review board established under RCW 75.30.050. The
26 review board may recommend a reduction or waiver of the poundage
27 requirement in individual cases if, in the board's judgment,
28 extenuating circumstances prevent achievement of the poundage
29 requirement. The director shall adopt rules governing the operation of
30 the review boards and defining "extenuating circumstances."
31 (5)) This section does not restrict the issuance of commercial
32 crab licenses for areas other than Puget Sound or for species other
33 than Dungeness crab.
34 ((6) Subject to the restrictions in section 11 of this act,) (5)
35 Dungeness crab Puget Sound fishery licenses are transferable from one
36 license holder to another.
37 ((7) If fewer than two hundred persons are eligible for Dungeness
38 crab Puget Sound fishery licenses, the director may accept applications
39 for new licenses. The director shall determine by random selection the

1 ~~successful applicants for the additional licenses. The number of~~
2 ~~additional licenses issued shall be sufficient to maintain two hundred~~
3 ~~licenses in the Puget Sound Dungeness crab fishery. The director shall~~
4 ~~adopt rules governing the application, selection, and issuance~~
5 ~~procedures for new Dungeness crab Puget Sound fishery licenses, based~~
6 ~~upon recommendations of a board of review established under RCW~~
7 ~~75.30.050.)~~)

8 **Sec. 6.** RCW 75.28.045 and 1993 c 340 s 7 are each amended to read
9 as follows:

10 This section applies to all commercial fishery licenses, delivery
11 licenses, and charter licenses.

12 (1) An applicant for a license subject to this section may
13 designate a vessel to be used with the license. Except for emergency
14 salmon delivery licenses, the director may issue a license regardless
15 of whether the applicant designates a vessel. An applicant may
16 designate no more than one vessel on a license subject to this section.

17 (2) A license for a fishery that requires a vessel authorizes no
18 taking or delivery of food fish or shellfish unless a vessel is
19 designated on the license. A delivery license authorizes no delivery
20 of food fish or shellfish unless a vessel is designated on the license.

21 (3) It is unlawful to take food fish or shellfish in a fishery that
22 requires a vessel except from a vessel designated on a commercial
23 fishery license for that fishery.

24 (4) It is unlawful to operate a vessel as a charter boat unless the
25 vessel is designated on a charter license.

26 (5) No vessel may be designated on more than one commercial fishery
27 license unless the licenses are for different fisheries, except as
28 otherwise provided in statute. No vessel may be designated on more
29 than one delivery license, on more than one salmon charter license, or
30 on more than one nonsalmon charter license."

1 **ESSB 6387** - H COMM AMD
2 By Committee on Natural Resources

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4 On page 1, line 1 of the title, after "licenses;" strike the
5 remainder of the title and insert "amending RCW 75.28.046, 75.28.048,
6 75.28.130, 75.30.130, and 75.28.045; and creating a new section."

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