

# HOUSE BILL REPORT

## SHB 1821

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**As Passed House:**

March 12, 2001

**Title:** An act relating to the consideration of extenuating circumstances for gear and effort reduction for the coastal Dungeness crab resource plan provisions.

**Brief Description:** Concerning coastal Dungeness crab resource plan provisions.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Buck, Doumit, Sump, Hatfield and Kessler).

**Brief History:**

**Committee Activity:**

Natural Resources: 2/19/01, 2/26/01 [DPS].

**Floor Activity:**

Passed House: 3/12/01, 98-0.

**Brief Summary of Substitute Bill**

- The provisions of the resource plan developed for the Dungeness crab coastal fisheries that are designed to effect a gear reduction or a reduced effort based upon historical landings must be considered as extenuating circumstances for failure to meet the landing requirements for coastal crab.
- If a person lost a vessel due to sinking during one of the three qualifying seasons, the poundage of crab landed during February 1996 is used for purposes of determining the number of shellfish pots assigned to a Dungeness crab-coastal fishery license. The license holder must notify the Department of Fish and Wildlife (DFW) of eligibility under this provision by September 30, 2001.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck, G. Chandler, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

**Staff:** Bill Lynch (786-7092).

**Background:**

The DFW is required to develop a resource plan for the Dungeness crab coastal fishery that achieves an even-flow of harvesting as well as long-term stability of the fishery. The department must seek the input of the Dungeness crab coastal fishery licensees and processors in preparing the plan. The plan may include pot limits, reductions in the number of vessels, individual quotas, trip limits, area quotas, and other measures as determined by the department.

The number of shellfish pots assigned to a Washington Dungeness crab coastal fishery license is based upon the most poundage of Dungeness crab landed during one of three qualifying seasons. These qualifying seasons are: December 1, 1996 through September 15, 1997; December 1, 1997 through September 15, 1998; and December 1, 1998 through September 15, 1999. A crab pot limit of 300 is assigned to a license with landings from 0 to 35,999 pounds. A crab pot limit of 500 is assigned to a person with landings that total 36,000 pounds or more.

The director is authorized to reduce the landing requirements for coastal crab, but may not totally waive the landing requirement, upon the recommendation of an advisory review board appointed by the director. The advisory review board may recommend a reduction in the landing requirements in individual cases if the board finds that extenuating circumstances prevented the person from meeting the landing requirements. The director is required to adopt rules which define "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction so that the qualifying landings could not be made.

The provisions of the resource plan developed for the Dungeness crab coastal fisheries that are designed to effect a gear reduction or a reduced effort based upon historical landings are not required to be considered as extenuating circumstances for failure to meet the landing requirements for coastal crab.

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**Summary of Bill:**

The provisions of the resource plan developed for the Dungeness crab coastal fisheries are designed to effect a gear reduction or a reduced effort based upon historical landings must be considered as extenuating circumstances for failure to meet the landing requirements for coastal crab.

The DFW must use the poundage of crab landed during February 1996 for purposes of determining the number of shellfish pots assigned to a Dungeness crab coastal fishery license, if a person lost a vessel due to sinking during one of the three qualifying seasons.

The license holder must notify the department of his or her eligibility under this provision by September 30, 2001.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) Fishermen have been denied due process under the current rules. They aren't allowed to appeal the inability to meet the landing requirements due to the restrictions in the resource plan as an extenuating circumstance. This is not about crabs. It is about the need for a forum. Under current law, a vessel that is still being built is an extenuating circumstance for not reaching the landing requirements, but a vessel that sinks is not considered an extenuating circumstance. Oregon does not limit crab pots and people in Washington are bearing the brunt of the regulations.

(Concerns original bill) The current system allows for hardship because it allows for a license holder to use any one of three qualifying seasons. If appeals were allowed, it would cost the department up to \$60,000 in administrative appeals costs. This could affect the lawsuit with the tribes over shellfish harvest. The bill is too narrow in scope and should allow for pot stacking and a license buyback program. The section that allows the Department to go back and use the season from December 1, 1995, to September 15, 1996, if a vessel is lost because of fire or sinking should be dropped because other fishers would like to go back and use that season for qualifying purposes.

**Testimony Against:** None.

**Testified:** (In support) Representative Buck, prime sponsor; Ed Owens, Washington Dungeness Crab Fishermen Association; Dan Wyckoff, Attorney at Law; Doug Fricke, citizen; Dale Beasley, Columbia River Crab Fishermen's Association; Randy Ray, Controller Bay; and Ray Toste, Fishermen's Marketing Association.

(With concerns) Phil Anderson, Department of Fish and Wildlife; Dennis Eagle, United Seafood Business Association; Joe Merino, citizen; and Robert Pries, citizen.