

HOUSE BILL REPORT

SB 5531

As Passed House:
April 5, 2001

Title: An act relating to limitations on fishery licenses.

Brief Description: Restricting shrimp pot and commercial fishery licenses.

Sponsors: By Senator Spanel.

Brief History:

Committee Activity:

Natural Resources: 3/23/01, 3/26/01 [DP].

Floor Activity:

Passed House: 4/5/01, 97-0.

Brief Summary of Bill

- Both shrimp pot-Puget Sound fishery licenses and shrimp trawl-Puget Sound fishery licenses may be inherited by will or through intestacy.
- Beginning January 1, 2002, shrimp pot-Puget Sound fishery licenses and shrimp trawl-Puget Sound fishery licenses are made transferable.
- Beginning January 1, 2002, a holder of a shrimp pot-Puget Sound fishery license or a shrimp trawl-Puget Sound fishery license may designate only an immediate family member as the alternate operator for the license unless there is a medical emergency.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Staff: Bill Lynch (786-7092).

Background:

A fishery is the taking of one or more particular types of food fish or shellfish with particular gear in a particular geographic area. The director of the Department of Fish and Wildlife may designate a fishery as an emerging commercial fishery by rule. An emerging commercial fishery— is the commercial taking of a newly classified species of food fish or shellfish, the commercial taking of a classified species with gear not previously used for that species, or the commercial taking of a classified species in an area from which a species has not been previously taken commercially. The director must include in the designation whether the fishery requires a vessel.

Once the director has designated a fishery as an emerging commercial fishery, a person may not take food fish or shellfish designated within this emergency commercial fishery without an emerging commercial fishery license and a permit issued by the director. A trial fishery permit is issued if the number of participants in the emerging commercial fishery does not need to be restricted. An experimental fishery permit is issued if there is a need to restrict the number of participants in the emerging commercial fishery.

A limited entry fishery controls the amount of fishing effort by limiting the number of operators or vessels in that fishery. The shrimp pot-Puget Sound fishery was converted from an emerging fishery to a limited entry fishery on January 1, 2000. The shrimp trawl-Puget Sound fishery was also converted from an emerging fishery to a limited entry fishery on January 1, 2000.

A commercial fishing license that is transferable survives the death of the holder of the license. These licenses are treated as analogous to personal property upon the death of the licensee for purposes of inheritance and intestacy. Both the shrimp pot-Puget Sound fishery license and the shrimp trawl-Puget Sound fishery license were made non-transferable when the Legislature authorized their conversion into limited entry fisheries. Neither of these licenses are treated as analogous to personal property for inheritance and intestacy purposes.

With certain exceptions, the holder of a commercial fishery license or delivery license may designate up to two alternate operators for the license. The holder of a Dungeness crab coastal fishery class B license is prohibited from designating an alternate operator for the license. Charter boat licensees are not specifically authorized to designate an alternate operator. The director of the Department of Fish and Wildlife is authorized to increase the number of alternate operators authorized for a commercial fishery license, delivery license, or charter license.

A vessel may not be designated on more than one commercial fishery license unless the licenses are for different fisheries.

Summary of Bill:

Both a shrimp pot-Puget Sound fishery license and a shrimp trawl-Puget Sound fishery license are treated as analogous to personal property upon the death of the licensee and may be inherited by will or through intestacy.

A licensee may hold two shrimp pot-Puget Sound fishery licenses. Through December 31, 2001, this license is made transferable only to a current shrimp pot-Puget Sound fishery licensee or upon death of the licensee. Beginning on January 1, 2002, shrimp pot-Puget Sound fishery licenses are transferable, but some restrictions apply if the licensee holds two of these licenses.

A licensee who holds two shrimp pot-Puget Sound fishery licenses must transfer the second license into the licensee's name and designate on the second license the same vessel that is designated on the first license at the time of the transfer. After the second license is transferred to the licensee, the licensee must wait 12 months before one of the licenses may be transferred to another person, but this restriction does not apply if the licensee transfers both licenses to another person. The same restrictions apply to someone who receives two licenses. A licensee who holds two shrimp pot-Puget Sound fishery licenses may fish one and one-half times the number of pots allowed for Puget Sound shrimp, and may land one and one-half times the catch limits established for Puget Sound shrimp taken with this gear.

A licensee may hold only one shrimp trawl-Puget Sound fishery license. Through December 31, 2001, this license is only transferable upon death of the licensee. Beginning on January 1, 2002, shrimp trawl-Puget Sound licenses are transferable.

Beginning January 1, 2002, a holder of a shrimp pot-Puget Sound fishery license or a shrimp trawl-Puget Sound license may designate only an immediate family member as the alternate operator for the license. A holder of one of these fishery licenses with a bona fide medical emergency that can be documented by two doctors, however, may designate some other person as an alternate operator for up to a two-year period. The two-year period may be extended by the director upon the recommendation of the Puget Sound shrimp advisory board. If the licensee has no immediate family member who is capable of operating the license, the Puget Sound shrimp advisory board may designate an alternate operator who is not an immediate family member if allowed by the director. A holder of a shrimp pot-Puget Sound fishery license or a shrimp trawl-Puget Sound license may designate only one alternate operator at a time.

A person who is designated as an alternate operator must possess an alternate operator license, and be designated on the license before engaging in the activities authorized by the license. The holder of a Dungeness crab coastal fishery class B license may designate up to two alternate operators for the license. A charter boat licensee is specifically authorized to designate up to two alternate operators for the license.

The same vessel may be designated on two of the following licenses, if the licenses are

owned by the same licensee: a Puget Sound Dungeness crab fishery license, a shrimp pot-Puget Sound fishery license, a sea cucumber dive fishery license, and a sea urchin dive fishery license.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This legislation brings these fisheries in line with other fisheries. This bill has been worked hard for a couple of years and has broad consensus across the industry. A number of fishers are ready to retire, and this will help bring new blood into the fishery. The fishery is healthy and well managed.

Testimony Against: None.

Testified: Senator Spanel, prime sponsor; Morris Barker, Department of Fish and Wildlife; Steve Kuchin and Randy Richardson, Puget Sound Shrimp Association; Bruce Samuelson and Jim Zard, Fishermen; and Gary Hull, Shrimp Trawler.