
HOUSE BILL 2287

State of Washington 59th Legislature 2005 Regular Session

By Representatives B. Sullivan, Dunshee and Upthegrove

Read first time . Referred to .

1 AN ACT Relating to Dungeness crab fisheries in Puget Sound;
2 amending RCW 77.32.430; adding a new section to chapter 77.32 RCW;
3 adding new sections to chapter 77.65 RCW; adding new sections to
4 chapter 77.70 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 create a more equitable and fair allocation of the Dungeness crab
8 resource between recreational and nontribal commercial fisheries
9 statewide. Recreational fishing is one of the most popular outdoor
10 activities in the state of Washington. The legislature finds that
11 Dungeness crab fishing is a major component of the recreational fishing
12 experience in Puget Sound and the opportunity for quality recreational
13 fisheries has steadily declined due to increased participation
14 outpacing provided allocation. Both the recreational and commercial
15 fisheries provide economic benefits to the state of Washington.
16 Commercial fisheries provide product to those citizens who do not crab
17 themselves. Coastal and ocean regions of the state of Washington are
18 more suited to substantial, quality commercial Dungeness crab fisheries
19 due to safety and access obstacles experienced by recreational anglers

1 in the natural course of fishing for Dungeness crab. Puget Sound is a
2 suitable location for a substantial, quality recreational opportunity
3 for Dungeness crab fishing.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.32 RCW
5 to read as follows:

6 (1) A license to take and possess Dungeness crab is only valid in
7 Puget Sound east of the Bonilla-Tatoosh line if the fisher has in
8 possession a valid catch record card officially endorsed for Dungeness
9 crab. The endorsement costs ten dollars, not including any fees
10 authorized under RCW 77.32.050, and must be disbursed as required under
11 section 6 of this act, beginning with the sale of endorsements for the
12 next license year after the effective date of this section.

13 (2) Starting with endorsements sold for the license year after the
14 completion of the buyback program created in section 8 of this act, the
15 fee for the Dungeness crab endorsement may be no more than three
16 dollars including any fees authorized under RCW 77.32.050. The fees
17 must be deposited in the recreational Dungeness crab endorsement
18 account, created in section 7 of this act.

19 (3) Catch record cards issued with affixed temporary short-term
20 charter stamp licenses are not subject to the Dungeness crab
21 endorsement fee provided for in this section.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.65 RCW
23 to read as follows:

24 The definitions in this section apply throughout sections 4 and 5
25 of this act unless the context clearly requires otherwise.

26 (1) "Crustacean management region 1" means all waters of marine
27 fish-shellfish management and catch reporting areas 20A, 20B, 21A, 21B,
28 22A, and 22B as defined in WAC 220-22-400 as of January 1, 2005.

29 (2) "Crustacean management region 2" means all waters of marine
30 fish-shellfish management and catch reporting areas 24A, 24B, 24C, 24D,
31 25B, 25C, 25D, and 26A as defined in WAC 220-22-400 as of January 1,
32 2005.

33 (3) "Crustacean management region 3-1" means all waters of marine
34 fish-shellfish management and catch reporting areas 23A and 23B as
35 defined in WAC 220-22-400 as of January 1, 2005.

1 (4) "Crustacean management region 3-2" means all waters of marine
2 fish-shellfish management and catch reporting areas 25A, 25E, and 23D
3 as defined in WAC 220-22-400 as of January 1, 2005.

4 (5) "Crustacean management region 3-3" means all waters of marine
5 fish-shellfish management and catch reporting areas 23C and 29 as
6 defined in WAC 220-22-400 as of January 1, 2005.

7 (6) "Crustacean management region 4" means all waters of marine
8 fish-shellfish management and catch reporting areas 26B and 26C as
9 defined in WAC 220-22-400 as of January 1, 2005.

10 (7) "Crustacean management region 5" means all waters of marine
11 fish-shellfish management and catch reporting areas 25C, 27A, 27B, and
12 27C as defined in WAC 220-22-400 as of January 1, 2005.

13 (8) "Crustacean management region 6" means all waters of marine
14 fish-shellfish management and catch reporting areas 26D, 28A, 28B, 28C,
15 and 28D as defined in WAC 220-22-400 as of January 1, 2005.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.65 RCW
17 to read as follows:

18 The department shall manage the nontribal Dungeness crab allocation
19 in Puget Sound according to the following schedule beginning not later
20 than five years from the effective date of this section.

21 (1) The recreational share of the nontribal Dungeness crab
22 allocation in crustacean management region 1 must be no less than sixty
23 percent.

24 (2) The recreational share of the nontribal Dungeness crab
25 allocation in crustacean management region 2 must be one hundred
26 percent.

27 (3) The recreational share of the nontribal Dungeness crab
28 allocation in crustacean management region 3-1 must be zero percent.

29 (4) The recreational share of the nontribal Dungeness crab
30 allocation in crustacean management region 3-2 must be one hundred
31 percent.

32 (5) The recreational share of the nontribal Dungeness crab
33 allocation in crustacean management region 3-3 must be one hundred
34 percent.

35 (6) The recreational share of the nontribal Dungeness crab
36 allocation in crustacean management region 4 must be one hundred
37 percent.

1 (7) The recreational share of the nontribal Dungeness crab
2 allocation in crustacean management region 5 must be one hundred
3 percent.

4 (8) The recreational share of the nontribal Dungeness crab
5 allocation in crustacean management region 6 must be one hundred
6 percent.

7 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.65 RCW
8 to read as follows:

9 To allow for an orderly transfer of the nontribal Dungeness crab
10 allocation schedule created in section 4 of this act, the department
11 shall distribute the nontribal allocation of Puget Sound Dungeness crab
12 in the following manner:

13 (1) For the first season after the effective date of this section,
14 the recreational share of the nontribal allocation must be as follows:

- 15 (a) Twenty percent in crustacean management region 1;
- 16 (b) Forty-five percent in crustacean management region 2;
- 17 (c) Zero percent in crustacean management region 3-1;
- 18 (d) Forty percent in crustacean management region 3-2;
- 19 (e) Seventy-five percent in crustacean management region 3-3; and
- 20 (f) One hundred percent in crustacean management regions 4, 5, and
21 6.

22 (2) For the second season after the effective date of this section,
23 the recreational share of the nontribal allocation must be as follows:

- 24 (a) Thirty percent in crustacean management region 1;
- 25 (b) Fifty-five percent in crustacean management region 2;
- 26 (c) Zero percent in crustacean management region 3-1;
- 27 (d) Fifty percent in crustacean management region 3-2;
- 28 (e) Eighty percent in crustacean management region 3-3; and
- 29 (f) One hundred percent in crustacean management regions 4, 5, and
30 6.

31 (3) For the third season after the effective date of this section,
32 the recreational share of the nontribal allocation must be as follows:

- 33 (a) Forty percent in crustacean management region 1;
- 34 (b) Sixty-five percent in crustacean management region 2;
- 35 (c) Zero percent in crustacean management region 3-1;
- 36 (d) Seventy percent in crustacean management region 3-2;
- 37 (e) Eighty-five percent in crustacean management region 3-3; and

1 (f) One hundred percent in crustacean management regions 4, 5, and
2 6.

3 (4) For the fourth season after the effective date of this section,
4 the recreational share of the nontribal allocation must be as follows:

- 5 (a) Fifty percent in crustacean management region 1;
- 6 (b) Eighty-five percent in crustacean management region 2;
- 7 (c) Zero percent in crustacean management region 3-1;
- 8 (d) Eighty percent in crustacean management region 3-2;
- 9 (e) Ninety percent in crustacean management region 3-3; and
- 10 (f) One hundred percent in crustacean management regions 4, 5, and
11 6.

12 (5) For the fifth season after the effective date of this section
13 and beyond, the recreational share of the nontribal allocation must be
14 as provided in section 4 of this act.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.70 RCW
16 to read as follows:

17 (1) The Puget Sound commercial Dungeness crab license buyback
18 account is created in the custody of the state treasurer. All receipts
19 from moneys collected by the department under the Dungeness crab
20 endorsement fee created in section 2 of this act and other gifts,
21 grants, or donations specifically made to the account must be deposited
22 into the account. Expenditures from the account may be used only for
23 the purpose of purchasing nontribal Puget Sound commercial Dungeness
24 crab licenses under the buyback program created in section 8 of this
25 act and for other purposes as authorized by this section. Only the
26 director of the department or the director's designee may authorize
27 expenditures from the account. The account is subject to allotment
28 procedures under chapter 43.88 RCW, but an appropriation is not
29 required for expenditures. Any administrative costs accrued by the
30 department must be paid for with funds made available to the department
31 by subsection (4)(a) of this section.

32 (2) The department shall provide a report on the Puget Sound
33 commercial Dungeness crab license buyback account's balance, the number
34 of licenses purchased, and any other pertinent information relating to
35 the account and the buyback program created under section 8 of this act
36 to the appropriate legislative committees on an annual basis.

1 (3) Any funds remaining in the Puget Sound commercial Dungeness
2 crab license buyback account after the completion of the buyback
3 program, created in section 8 of this act, must be transferred to the
4 recreational Dungeness crab endorsement account.

5 (4) During the existence of the Puget Sound commercial Dungeness
6 crab license buyback program, created in section 8 of this act, the
7 revenues received from the sale of the Dungeness crab endorsement under
8 section 1 of this act must be deposited in the following manner:

9 (a) One hundred fifty thousand dollars of the revenue received each
10 license year from the sale of the endorsement must be deposited in the
11 recreational Dungeness crab endorsement account created in section 7 of
12 this act.

13 (b) The remainder of the revenue must be deposited in the Puget
14 Sound commercial Dungeness crab license buyback account.

15 (5) Moneys allocated under this section must supplement and not
16 supplant other federal, state, and local funds used for Dungeness crab
17 recreational fisheries management.

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.70 RCW
19 to read as follows:

20 The recreational Dungeness crab endorsement account is created in
21 the state treasury. All receipts realized from section 2 of this act
22 must be deposited into the account, except as provided for in section
23 6 of this act. Moneys in the account may be spent only after
24 appropriation. Expenditures from the account may be used only for
25 costs associated with the buyback program created in section 8 of this
26 act and the sampling, monitoring, and management of catch associated
27 with the Dungeness crab recreational fisheries. Moneys appropriated
28 under this section must supplement and not supplant other federal,
29 state, and local funds used for Dungeness crab recreational fisheries
30 management. Under no circumstances may moneys from the account be used
31 to backfill shortfalls in other state funding sources.

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.70 RCW
33 to read as follows:

34 (1) The department shall institute a license buyback program of
35 nontribal Puget Sound commercial Dungeness crab licenses as required in

1 subsection (4) of this section. The buyback program must begin January
2 1, 2006. The buyback program ends December 31, 2010, or until one
3 hundred fifty licenses have been purchased, whichever comes first.

4 (2) The department shall begin accepting license buyback
5 applications for nontribal Puget Sound commercial Dungeness crab
6 licenses starting January 1, 2006.

7 (3) If there are more applications than available funding, a
8 lottery system must be used to determine which license buyback
9 applications will be honored.

10 (a) The lottery drawing, if required, must be held the last weekday
11 of August each year of the license buyback program.

12 (b) The department shall notify all applicants by certified letter
13 of those applications approved for purchase.

14 (c) Notices must be mailed within five working days after the last
15 working day of August.

16 (d) The license holder has thirty calendar days from the date of
17 the notification letter to surrender the commercial Dungeness crab
18 license associated with the application.

19 (e) The department shall issue checks for the appropriate amount
20 for the license surrendered within thirty days of the surrender of the
21 license.

22 (4) The department shall purchase nontribal Puget Sound commercial
23 Dungeness crab licenses using the following schedule:

24 (a) For the first and second years of the buyback program, the
25 purchase price is forty thousand dollars per license.

26 (b) For the third and fourth years of the buyback program, the
27 purchase price is thirty-five thousand dollars per license.

28 (c) For the fifth year of the buyback program, the purchase price
29 is thirty thousand dollars per license.

30 (5) The department shall not reissue licenses purchased under
31 buyback program or issue new licenses for Puget Sound Dungeness crab
32 commercial fisheries.

33 **Sec. 9.** RCW 77.32.430 and 2004 c 107 s 2 are each amended to read
34 as follows:

35 (1) Catch record card information is necessary for proper
36 management of the state's food fish and game fish species and shellfish
37 resources. Catch record card administration shall be under rules

1 adopted by the commission. There is no charge for an initial catch
2 record card. Each subsequent or duplicate catch record card costs ten
3 dollars.

4 ~~(2) ((A license to take and possess Dungeness crab is only valid in
5 Puget Sound waters east of the Bonilla Tatoosh line if the fisher has
6 in possession a valid catch record card officially endorsed for
7 Dungeness crab. The endorsement shall cost no more than three dollars
8 including any or all fees authorized under RCW 77.32.050.~~

9 ~~(3))~~ Catch record cards issued with affixed temporary short-term
10 charter stamp licenses are not subject to the ten-dollar charge (~~nor
11 to the Dungeness crab endorsement fee~~) provided for in this section.
12 Charter boat or guide operators issuing temporary short-term charter
13 stamp licenses shall affix the stamp to each catch record card issued
14 before fishing commences. Catch record cards issued with a temporary
15 short-term charter stamp are valid for two consecutive days.

16 ~~((4))~~ (3) The department shall include provisions for recording
17 marked and unmarked salmon in catch record cards issued after March 31,
18 2004.

19 ~~((5))~~ (4) The funds received from the sale of catch record cards
20 ~~((and the Dungeness crab endorsement))~~ must be deposited into the
21 wildlife fund. ~~((The funds received from the Dungeness crab
22 endorsement may be used only for the sampling, monitoring, and
23 management of catch associated with the Dungeness crab recreational
24 fisheries. Moneys allocated under this section shall supplement and
25 not supplant other federal, state, and local funds used for Dungeness
26 crab recreational fisheries management.))~~

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