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SENATE BILL 5233

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State of Washington

59th Legislature

2005 Regular Session

By Senators Doumit and Oke

Read first time 01/18/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to food fish and shellfish commercial licenses; and  
2 amending RCW 77.65.010, 77.65.170, 77.65.190, 77.65.210, and 77.65.390.

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

4 **Sec. 1.** RCW 77.65.010 and 1998 c 190 s 93 are each amended to read  
5 as follows:

6 (1) Except as otherwise provided by this title, a person may not  
7 engage in any of the following activities without a license or permit  
8 issued by the director:

9 (a) Commercially fish for or take food fish or shellfish;

10 (b) Deliver food fish or shellfish taken in offshore waters. As  
11 used in this subsection, "deliver" means arrival at a place or port,  
12 and includes arrivals from offshore waters to waters within the state  
13 and arrivals from state or offshore waters;

14 (c) Operate a charter boat or commercial fishing vessel engaged in  
15 a fishery;

16 (d) Engage in processing or wholesaling food fish or shellfish; or

17 (e) Act as a guide for salmon for personal use in freshwater rivers  
18 and streams, other than that part of the Columbia river below the  
19 bridge at Longview.

1 (2) No person may engage in the activities described in subsection  
2 (1) of this section unless the licenses or permits required by this  
3 title are in the person's possession, and the person is the named  
4 license holder or an alternate operator designated on the license and  
5 the person's license is not suspended.

6 (3) A valid Oregon license that is equivalent to a license under  
7 this title is valid in the concurrent waters of the Columbia river if  
8 the state of Oregon recognizes as valid the equivalent Washington  
9 license. The director may identify by rule what Oregon licenses are  
10 equivalent.

11 (4) No license or permit is required for the production or  
12 harvesting of private sector cultured aquatic products as defined in  
13 RCW 15.85.020 or for the delivery, processing, or wholesaling of such  
14 aquatic products. However, if a means of identifying such products is  
15 required by rules adopted under RCW 15.85.060, the exemption from  
16 licensing or permit requirements established by this subsection applies  
17 only if the aquatic products are identified in conformance with those  
18 rules.

19 **Sec. 2.** RCW 77.65.170 and 2000 c 107 s 38 are each amended to read  
20 as follows:

21 (1) A salmon delivery license is required to deliver salmon taken  
22 in offshore waters to a place or port in the state. As used in this  
23 section, "deliver" and "delivery" mean arrival at a place or port, and  
24 include arrivals from offshore waters to waters within the state and  
25 arrivals ashore from offshore waters. The annual fee for a salmon  
26 delivery license is three hundred eighty dollars for residents and six  
27 hundred eighty-five dollars for nonresidents. The annual surcharge  
28 under RCW 77.95.090 is one hundred dollars for each license. Holders  
29 of nonlimited entry delivery licenses issued under RCW 77.65.210 may  
30 apply the nonlimited entry delivery license fee against the salmon  
31 delivery license fee.

32 (2) Only a person who meets the qualifications established in RCW  
33 77.70.090 may hold a salmon delivery license issued under this section.

34 (3) A salmon delivery license authorizes no taking of salmon or  
35 other food fish or shellfish from the waters of the state.

36 (4) If the director determines that the operation of a vessel under  
37 a salmon delivery license results in the depletion or destruction of

1 the state's salmon resource or the delivery into this state of salmon  
2 products prohibited by law, the director may revoke the license under  
3 the procedures of chapter 34.05 RCW.

4 **Sec. 3.** RCW 77.65.190 and 2000 c 107 s 40 are each amended to read  
5 as follows:

6 A person who does not qualify for a license under RCW 77.70.090  
7 shall obtain a nontransferable emergency salmon delivery license to  
8 make one delivery of salmon taken in offshore waters. As used in this  
9 section, "delivery" means arrival at a place or port, and include  
10 arrivals from offshore waters to waters within the state and arrivals  
11 ashore from offshore waters. The director shall not issue an emergency  
12 salmon delivery license unless, as determined by the director, a bona  
13 fide emergency exists. The license fee is two hundred twenty-five  
14 dollars for residents and four hundred seventy-five dollars for  
15 nonresidents. An applicant for an emergency salmon delivery license  
16 shall designate no more than one vessel that will be used with the  
17 license. Alternate operator licenses are not required of persons  
18 delivering salmon under an emergency salmon delivery license.  
19 Emergency salmon delivery licenses are not renewable.

20 **Sec. 4.** RCW 77.65.210 and 2000 c 107 s 42 are each amended to read  
21 as follows:

22 (1) Except as provided in subsection (2) of this section, a person  
23 may not use a commercial fishing vessel to deliver food fish or  
24 shellfish taken in offshore waters to a port in the state without a  
25 nonlimited entry delivery license. As used in this section, "deliver"  
26 and "delivery" mean arrival at a place or port, and include arrivals  
27 from offshore waters to waters within the state and arrivals ashore  
28 from offshore waters. As used in this section, "food fish" does not  
29 include salmon. As used in this section, "shellfish" does not include  
30 ocean pink shrimp ((~~o~~)), coastal crab, or fish or shellfish taken  
31 under an emerging commercial fisheries license if taken from off-shore  
32 waters. The annual license fee for a nonlimited entry delivery license  
33 is one hundred ten dollars for residents and two hundred dollars for  
34 nonresidents.

35 (2) Holders of salmon troll fishery licenses issued under RCW  
36 77.65.160, salmon delivery licenses issued under RCW 77.65.170, crab

1 pot fishery licenses issued under RCW 77.65.220, food fish trawl--Non-  
2 Puget Sound fishery licenses, and emerging commercial fishery licenses  
3 issued under RCW 77.65.200, Dungeness crab--coastal fishery licenses,  
4 ocean pink shrimp delivery licenses, ((and)) shrimp trawl--Non-Puget  
5 Sound fishery licenses, and emerging commercial fishery licenses issued  
6 under RCW 77.65.220 may deliver food fish or shellfish taken in  
7 offshore waters without a nonlimited entry delivery license.

8 (3) A nonlimited entry delivery license authorizes no taking of  
9 food fish or shellfish from state waters.

10 **Sec. 5.** RCW 77.65.390 and 2000 c 107 s 51 are each amended to read  
11 as follows:

12 An ocean pink shrimp delivery license is required to deliver ocean  
13 pink shrimp taken in offshore waters and delivered to a port in the  
14 state. As used in this section, "deliver" and "delivery" mean arrival  
15 at a place or port, and include arrivals from offshore waters to waters  
16 within the state and arrivals from state or offshore waters. The  
17 annual license fee is one hundred fifty dollars for residents and three  
18 hundred dollars for nonresidents. Ocean pink shrimp delivery licenses  
19 are transferable.

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