

**SSB 5269** - H COMM AMD

By Committee on Agriculture & Natural Resources

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.70 RCW  
4 to read as follows:

5 The definitions in this section apply throughout this chapter and  
6 related rules adopted by the department unless the context clearly  
7 requires otherwise.

8 (1) "Deliver" or "delivery" means arrival at a place or port, and  
9 includes arrivals from offshore waters to waters within the state and  
10 arrivals ashore from offshore waters.

11 (2) "Pacific sardine" and "pilchard" means the species *Sardinops*  
12 *sagax*.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.70 RCW  
14 to read as follows:

15 (1) A Washington sardine purse seine fishery license or temporary  
16 annual fishery permit is required to use purse seine gear to fish for  
17 or possess Pacific sardines in offshore waters. This requirement does  
18 not affect persons authorized to fish for or possess sardines in  
19 offshore waters under a valid Oregon or California license or permit.

20 (2) A Washington sardine purse seine fishery license or temporary  
21 annual fishery permit is required to deliver Pacific sardines into the  
22 state.

23 (3) Washington sardine purse seine fishery licenses and temporary  
24 annual fishery permits require vessel designation under RCW 77.65.100.

25 (4) Pacific sardines may not be taken or retained in state waters  
26 except for incidental harvest authorized by rule of the department.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.70 RCW  
28 to read as follows:

1 (1) A Washington Pacific sardine purse seine fishery license:

2 (a) May only be issued to a person that held a coastal pilchard  
3 experimental fishery permit in 2008, except as otherwise provided in  
4 this section;

5 (b) Must be renewed annually to remain active; and

6 (c) Subject to the restrictions of subsections (6) and (7) of this  
7 section and RCW 77.65.040, is transferable.

8 (2) A Washington Pacific sardine purse seine fishery license may be  
9 issued to any person that held a coastal pilchard experimental fishery  
10 permit in 2005, 2006, or 2007 and is precluded from qualifying under  
11 subsection (1) of this section because the vessel designated on the  
12 permit sank prior to 2008.

13 (3) Beginning in 2010, after taking into consideration the status  
14 of the Pacific sardine population, the impact of removal of sardines  
15 and other forage fish to the marine ecosystem, including the effect on  
16 endangered marine species, and the market for Pacific sardines in the  
17 state, the director may issue:

18 (a) A Washington Pacific sardine purse seine fishery license to any  
19 person provided that the issuance would not raise the number of  
20 licenses beyond the number initially issued in 2009;

21 (b) A Washington Pacific sardine purse seine temporary annual  
22 fishery permit to any person if the combined number of active  
23 Washington Pacific sardine purse seine fishery licenses and annual  
24 temporary permits already issued during the year is less than twenty-  
25 five.

26 (4) The annual fee for a Washington Pacific sardine purse seine  
27 fishery license is one hundred eighty-five dollars for residents and  
28 two hundred ninety-five dollars for nonresidents.

29 (5) The fee for a Washington Pacific sardine purse seine temporary  
30 annual fishery permit is one hundred eighty-five dollars for residents  
31 and two hundred ninety-five dollars for nonresidents. A temporary  
32 annual fishery permit expires at the end of the calendar year in which  
33 the permit is issued.

34 (6) Only a person who owns or operates the vessel designated on the  
35 license or permit may hold a Washington Pacific sardine purse seine  
36 fishery license or temporary annual fishery permit.

37 (7) A person may not own or hold an ownership interest in more than  
38 two Washington Pacific sardine purse seine fishery licenses.

(8) The director shall adopt rules that require a person fishing under a Washington Pacific sardine purse seine fishery license or a temporary annual permit to minimize bycatch, and to the extent bycatch cannot be avoided, to minimize the mortality of such bycatch.

(9) The director shall report annually to the legislature on the amount of lost and derelict gear that remains in Washington waters as a result of purse seine fisheries and the effects that gear has caused on the marine ecosystem.

**Sec. 4.** RCW 77.65.200 and 2000 c 107 s 41 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Baitfish Lampara	\$185	\$295	Yes	No
(b) Baitfish purse seine	\$530	\$985	Yes	No
(c) Bottom fish jig	\$130	\$185	Yes	No
(d) Bottom fish pot	\$130	\$185	Yes	No
(e) Bottom fish troll	\$130	\$185	Yes	No
(f) Carp	\$130	\$185	No	No
(g) Columbia river smelt	\$380	\$685	No	No
(h) Dog fish set net	\$130	\$185	Yes	No
(i) Emerging commercial fishery (RCW 77.70.160 and 77.65.400)	\$185	\$295	Determined by rule	Determined by rule
(j) Food fish drag seine	\$130	\$185	Yes	No
(k) Food fish set line	\$130	\$185	Yes	No
(l) Food fish trawl- Non-Puget Sound	\$240	\$405	Yes	No
(m) Food fish trawl- Puget Sound	\$185	\$295	Yes	No

1	(n) Herring dip bag net	\$175	\$275	Yes	Yes
2	(RCW 77.70.120)				
3	(o) Herring drag seine	\$175	\$275	Yes	Yes
4	(RCW 77.70.120)				
5	(p) Herring gill net	\$175	\$275	Yes	Yes
6	(RCW 77.70.120)				
7	(q) Herring Lampara	\$175	\$275	Yes	Yes
8	(RCW 77.70.120)				
9	(r) Herring purse seine	\$175	\$275	Yes	Yes
10	(RCW 77.70.120)				
11	(s) Herring spawn-on-	N/A	N/A	Yes	Yes
12	kelp (RCW				
13	77.70.210)				
14	(t) <u>Sardine purse seine</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
15	( <u>section 2 of this</u>				
16	<u>act</u> )				
17	(u) <u>Sardine purse seine</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
18	<u>temporary</u>				
19	( <u>section 2 of this</u>				
20	<u>act</u> )				
21	(v) Smelt dip bag net	\$130	\$185	No	No
22	(( <del>tt</del> )) ( <u>w</u> ) Smelt gill	\$380	\$685	Yes	No
23	net				
24	(( <del>vv</del> )) ( <u>x</u> ) Whiting-Puget	\$295	\$520	Yes	Yes
25	Sound (RCW				
	77.70.130)				

26 (2) The director may by rule determine the species of food fish  
27 that may be taken with the commercial fishery licenses established in  
28 this section, the gear that may be used with the licenses, and the  
29 areas or waters in which the licenses may be used. Where a fishery  
30 license has been established for a particular species, gear,  
31 geographical area, or combination thereof, a more general fishery  
32 license may not be used to take food fish in that fishery."

33 Correct the title.

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