

ESHB 1326 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/14/2009

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.

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

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

7 (1) This section establishes commercial fishery licenses required
 8 for food fish fisheries and the annual fees for those licenses. As
 9 used in this section, "food fish" does not include salmon. The
 10 director may issue a limited-entry commercial fishery license only to
 11 a person who meets the qualifications established in applicable
 12 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 |
| (n) Herring dip bag net (RCW 77.70.120) | \$175 | \$275 | Yes | Yes |
| (o) Herring drag seine (RCW 77.70.120) | \$175 | \$275 | Yes | Yes |
| (p) Herring gill net | \$175 | \$275 | Yes | Yes |

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

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

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28 On page 1, line 3 of the title, after "state;" strike the remainder
29 of the title and insert "amending RCW 77.65.200; and adding new
30 sections to chapter 77.70 RCW."

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