

ESHB 1516 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED AND ENGROSSED 04/16/2009

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 (1)(a) As part of a coastal commercial Dungeness crab pot removal
6 program, the department shall issue a crab pot removal permit that
7 allows the participants in the Dungeness crab-coastal fishery created
8 in RCW 77.70.280 to remove crab pots belonging to state commercial
9 licensed crab fisheries from coastal marine waters after the close of
10 the primary commercial Dungeness crab-coastal harvest season,
11 regardless of whether the crab pot was originally set by the
12 participant or not.

13 (b) Beginning fifteen days after the close of the primary
14 commercial Dungeness crab-coastal harvest season, any individual with
15 a current commercial Dungeness crab-coastal license and a valid crab
16 pot removal permit issued by the department may remove a crab pot or
17 crab pots used to harvest Dungeness crabs remaining in coastal marine
18 waters after the close of the primary commercial Dungeness crab-coastal
19 harvest season.

20 (c) In cooperation with individuals with a current commercial
21 Dungeness crab-coastal license, the department may expand the coastal
22 commercial Dungeness crab pot removal program to those areas closed to
23 commercial Dungeness crab harvest prior to the end of the primary
24 season.

25 (d) Nothing in this section prohibits the department from exempting
26 certain crab pots from the coastal commercial Dungeness crab pot
27 removal program or from restricting crab pot removal activities to
28 specific geographic areas.

29 (e) The department may adopt rules to implement this subsection
30 (1).

1 (2) An individual participating in permitted crab pot removal
2 activities in coastal marine waters who has a valid crab pot removal
3 permit, and who adheres to the provisions of the permit as they relate
4 to crab pot removal, is exempt from complying with the lost and found
5 property provisions in chapter 63.21 RCW. The individual who removes
6 the crab pot under a valid crab pot removal permit takes the property
7 free and clear of all claims of the owner or previous holder and free
8 and clear of all individuals claiming ownership under the previous
9 owner.

10 (3)(a) A person is guilty of unlawful use of a crab pot removal
11 permit if the person:

12 (i) Violates any terms or conditions of the permit issued under
13 this section; or

14 (ii) Violates any rule of the department applicable to the
15 requirement for, issuance of, or use of the permit.

16 (b) Unlawful use of a crab pot removal permit is a misdemeanor.

17 **Sec. 2.** RCW 63.21.080 and 1994 c 51 s 6 are each amended to read
18 as follows:

19 This chapter shall not apply to:

20 (1) Motor vehicles under chapter 46.52 RCW;

21 (2) Unclaimed property in the hands of a bailee under chapter 63.24
22 RCW;

23 (3) Uniform disposition of unclaimed property under chapter 63.29
24 RCW; (~~and~~)

25 (4) Secured vessels under chapter (~~88-27~~) 79A.65 RCW; and

26 (5) Crab pots in coastal marine waters under section 1 of this
27 act."

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28 On page 1, line 2 of the title, after "fisheries;" strike the
29 remainder of the title and insert "amending RCW 63.21.080; adding a new

1 section to chapter 77.70 RCW; and prescribing penalties."

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