

ESHB 1516 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED AS AMENDED 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. Nothing in this section prohibits the department
13 from exempting certain crab pots from the coastal commercial Dungeness
14 crab pot removal program or from restricting crab pot removal
15 activities to specific geographic areas.

16 (b) The director may adopt rules to provide for a permit system
17 that allows for the lawful and orderly removal of lost or abandoned
18 crab pots. In cooperation with individuals with a current commercial
19 Dungeness crab-coastal license, the department may consider expansion
20 of the coastal commercial Dungeness crab pot removal program to times
21 within the primary season as defined by the terms of a valid permit.

22 (c) Beginning fifteen days after the close of the primary
23 commercial Dungeness crab-coastal harvest season, any individual with
24 a current commercial Dungeness crab-coastal license and a valid crab
25 pot removal permit issued by the department may remove a crab pot or
26 crab pots used to harvest Dungeness crabs remaining in coastal marine
27 waters after the close of the primary commercial Dungeness crab-coastal
28 harvest season.

29 (2) An individual participating in permitted crab pot removal
30 activities in coastal marine waters who has a valid crab pot removal

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

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

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

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

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

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

17 This chapter shall not apply to:

18 (1) Motor vehicles under chapter 46.52 RCW;

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

21 (3) Uniform disposition of unclaimed property under chapter 63.29
22 RCW; (~~and~~)

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

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

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26 On page 1, line 2 of the title, after "fisheries;" strike the
27 remainder of the title and insert "amending RCW 63.21.080; adding a new
28 section to chapter 77.70 RCW; and prescribing penalties."

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