

SENATE BILL REPORT

ESHB 1516

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, March 23, 2009

Title: An act relating to recovering gear used in the coastal Dungeness crab fisheries.

Brief Description: Regarding the recovery of gear used in the coastal Dungeness crab fishery.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz).

Brief History: Passed House: 3/04/09, 95-0.

Committee Activity: Natural Resources, Ocean & Recreation: 3/18/09, 3/23/09 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: The Department of Fish and Wildlife (DFW) has the authority to manage the state's commercial fisheries including the authority to adopt rules governing the time, place, and methods used to harvest fish and shellfish.

A coastal Dungeness crab fishery license is required to commercially fish for coastal Dungeness crab in Washington waters. A fisher may set or operate crab pots during times and in areas that are open for commercial crab fishing. However, a fisher may not possess or operate a crab pot unless the crab pot has a tag identifying the crab pot as belonging to the fisher. Current rules allow fishery participants to apply to DFW for permission to recovery crab pots that cannot be recovered at the conclusion of the fishing season due to extreme weather conditions.

Current law contains a process that a finder who wishes to claim found property must follow. The procedure includes appraisal of the property, notice to law enforcement, and public notice by newspaper.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Amendments): DFW must issue crab pot removal permits (removal permits) as part of a Dungeness crab pot removal program for coastal waters. DFW may adopt rules to provide a permit system that allows for removal of lost or abandoned crab pots. The removal permits would authorize a participant in the coastal Dungeness crab fishery to remove crab pots remaining in coastal waters 15 days or more after the close of the harvest season. Additionally, DFW may work with fishery participants to consider expansion of the removal program to crab pots remaining in coastal waters within the primary fishery season.

DFW may place conditions on crab pot removal activities, including restricting the removal of certain crab pots and limiting the area in which crab pot removal may occur.

A removal permit holder who removes a crab pot consistent with permit requirements takes the crab pots free and clear of other ownership claims. A person who violates the provisions of a pot removal permit or a related rule is subject to a misdemeanor.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments): The committee striking amendment:

- provides that DFW may consider expanding the pot removal program established in the bill to times within the primary season;
- provides that violations of a pot removal permit and related rules are a misdemeanor; and
- makes a technical correction to provide internal consistency.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: PRO: This language has been developed cooperatively by DFW and the crab fleets. It is a proactive way to help remove abandoned crab pots from coastal waters.

Persons Testifying: PRO: Heather Reed, DFW; Ed Owens, Coalition of Coastal Fisheries; Ray Toste, Washington Dungeness Crab Fishers Association.