

# SENATE BILL REPORT

## SHB 2593

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As of February 22, 2010

**Title:** An act relating to creating tools to enhance the department of fish and wildlife's ability to manage shellfish resources.

**Brief Description:** Concerning the department of fish and wildlife's ability to manage shellfish resources.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Rolfes, Morris, Upthegrove, Williams, Liias, White and Nelson).

**Brief History:** Passed House: 2/11/10, 97-0.

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/22/10.

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Staff:** Curt Gavigan (786-7437)

**Background:** Shellfish Gear Design Requirements. Both recreational and commercial fishers must use shellfish gear that meets requirements designed to ensure escapement of shellfish if a pot is lost. A recreational fisher violating gear requirements while fishing for or possessing shellfish is subject to a misdemeanor, and a commercial fisher is subject to a gross misdemeanor.

Coastal Dungeness Crab Removal Program. In 2009 the Legislature established the Dungeness crab pot removal program for coastal waters. The legislation authorized a permit system that allows for removal of lost or abandoned crab pots. The Department of Fish and Wildlife (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. The removal permits 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.

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 is subject to a misdemeanor.

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*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.*

Derelict Fishing Gear Removal. Statute requires DFW to maintain: guidelines for the safe removal of derelict fishing gear; and a database of known derelict fishing gear. DFW must conduct these activities in cooperation with the Northwest Straits Commission, Department of Natural Resources, and other interested parties.

**Summary of Bill:** Shellfish Gear Design Violations. The bill specifies two new crimes for a violation of rules relating to shellfish gear design. A person may not: fish for or possess shellfish with gear that does not comply with applicable gear design rules; or possess shellfish gear that does not comply with applicable gear design rules while on a vessel. Consistent with penalties under current law, a recreational fisher violating this provision is subject to a misdemeanor and a commercial fisher is subject to a gross misdemeanor.

Crab Pot Removal Program Expansion. DFW may expand the current crab pot removal program to include shellfish fisheries in Puget Sound. Crab pot removal activities may occur during shellfish harvest closures. In designing the program, DFW may set limits as it deems appropriate, including limits to:

- streamline implementation;
- minimize the oversight burden on enforcement officers; and
- minimize the interference with lawful fisheries and other user groups.

Derelict Fishing Gear Removal. DFW may update the existing guidelines for derelict fishing gear removal. The scope of the guidelines is narrowed to include lost or abandoned fishing nets and related equipment, but no longer includes shellfish pots.

DFW may use revenue from the Dungeness crab catch record card endorsement for the removal and disposal of derelict shellfish gear until June 30, 2011.

Study on Derelict Shellfish Gear Issues. DFW must work with appropriate stakeholders to develop findings and recommendations on issues relating to derelict shellfish gear including the scope of the problem, technical and legal barriers to addressing the problem, and issues relating to the costs and funding of shellfish gear removal. The findings and recommendations are due December 31, 2010.

**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:** PRO: There are thousands of lost crab pots in Washington State waters, with no active program to recover them in Puget Sound. This bill would increase DFW's ability to enforce existing laws regarding crab gear, to protect the resources, and would provide tools to increase derelict shellfish pot recovery.

**Persons Testifying:** PRO: Representative Rolfes, prime sponsor; Jeff June, Northwest Straits Initiative; Mike Cenci, DFW; David Knutzen, Coastal Conservation Association.