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**SUBSTITUTE SENATE BILL 5269**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Swecker, and Hatfield; by request of Department of Fish and Wildlife)

READ FIRST TIME 01/30/09.

1       AN ACT Relating to the establishment of a license limitation  
2 program for the harvest and delivery of Pacific sardines into the  
3 state; amending RCW 77.65.200; and adding new sections to chapter 77.70  
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6       NEW SECTION. **Sec. 1.** A new section is added to chapter 77.70 RCW  
7 to read as follows:

8       The definitions in this section apply throughout this chapter and  
9 related rules adopted by the department unless the context clearly  
10 requires otherwise.

11       (1) "Deliver" or "delivery" means arrival at a place or port, and  
12 includes arrivals from offshore waters to waters within the state and  
13 arrivals ashore from offshore waters.

14       (2) "Pacific sardine" and "pilchard" means the species *Sardinops*  
15 *sagax*.

16       NEW SECTION. **Sec. 2.** A new section is added to chapter 77.70 RCW  
17 to read as follows:

18       (1) A Washington sardine purse seine fishery license or temporary

1 annual fishery permit is required to use purse seine gear to fish for  
2 or possess Pacific sardines in offshore waters. This requirement does  
3 not affect persons authorized to fish for or possess sardines in  
4 offshore waters under a valid Oregon or California license or permit.

5 (2) A Washington sardine purse seine fishery license or temporary  
6 annual fishery permit is required to deliver Pacific sardines into the  
7 state.

8 (3) Washington sardine purse seine fishery licenses and temporary  
9 annual fishery permits require vessel designation under RCW 77.65.100.

10 (4) Pacific sardines may not be taken or retained in state waters  
11 except for incidental harvest authorized by rule of the department.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.70 RCW  
13 to read as follows:

14 (1) A Washington Pacific sardine purse seine fishery license:

15 (a) May only be issued to a person that held a coastal pilchard  
16 experimental fishery permit in 2008, except as otherwise provided in  
17 this section;

18 (b) Must be renewed annually to remain active; and

19 (c) Subject to the restrictions of subsections (6) and (7) of this  
20 section and RCW 77.65.040, is transferable.

21 (2) A Washington Pacific sardine purse seine fishery license may be  
22 issued to any person that held a coastal pilchard experimental fishery  
23 permit in 2005, 2006, or 2007 and is precluded from qualifying under  
24 subsection (1) of this section because the vessel designated on the  
25 permit sank prior to 2008.

26 (3) Beginning in 2010, after taking into consideration the status  
27 of the Pacific sardine population and the market for Pacific sardines  
28 in the state, the director may issue:

29 (a) A Washington Pacific sardine purse seine fishery license to any  
30 person provided that the issuance would not raise the number of  
31 licenses beyond the number initially issued in 2009;

32 (b) A Washington Pacific sardine purse seine temporary annual  
33 fishery permit to any person if the combined number of active  
34 Washington Pacific sardine purse seine fishery licenses and annual  
35 temporary permits already issued during the year is less than twenty-  
36 five.

1 (4) The annual fee for a Washington Pacific sardine purse seine  
 2 fishery license is one hundred eighty-five dollars for residents and  
 3 two hundred ninety-five dollars for nonresidents.

4 (5) The fee for a Washington Pacific sardine purse seine temporary  
 5 annual fishery permit is one hundred eighty-five dollars for residents  
 6 and two hundred ninety-five dollars for nonresidents. A temporary  
 7 annual fishery permit expires at the end of the calendar year in which  
 8 the permit is issued.

9 (6) Only a person who owns or operates the vessel designated on the  
 10 license or permit may hold a Washington Pacific sardine purse seine  
 11 fishery license or temporary annual fishery permit.

12 (7) A person may not own or hold an ownership interest in more than  
 13 two Washington Pacific sardine purse seine fishery licenses.

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

16 (1) This section establishes commercial fishery licenses required  
 17 for food fish fisheries and the annual fees for those licenses. As  
 18 used in this section, "food fish" does not include salmon. The  
 19 director may issue a limited-entry commercial fishery license only to  
 20 a person who meets the qualifications established in applicable  
 21 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

1	(j) Food fish drag seine	\$130	\$185	Yes	No
2	(k) Food fish set line	\$130	\$185	Yes	No
3	(l) Food fish trawl-	\$240	\$405	Yes	No
4	Non-Puget Sound				
5	(m) Food fish trawl-	\$185	\$295	Yes	No
6	Puget Sound				
7	(n) Herring dip bag net	\$175	\$275	Yes	Yes
8	(RCW 77.70.120)				
9	(o) Herring drag seine	\$175	\$275	Yes	Yes
10	(RCW 77.70.120)				
11	(p) Herring gill net	\$175	\$275	Yes	Yes
12	(RCW 77.70.120)				
13	(q) Herring Lampara	\$175	\$275	Yes	Yes
14	(RCW 77.70.120)				
15	(r) Herring purse seine	\$175	\$275	Yes	Yes
16	(RCW 77.70.120)				
17	(s) Herring spawn-on-	N/A	N/A	Yes	Yes
18	kelp (RCW				
19	77.70.210)				
20	(t) <u>Sardine purse seine</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
21	(section 2 of this				
22	act)				
23	(u) <u>Sardine purse seine</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
24	<u>temporary</u>				
25	<u>(section 2 of this</u>				
26	<u>act)</u>				
27	(v) Smelt dip bag net	\$130	\$185	No	No
28	((+)) (w) Smelt gill	\$380	\$685	Yes	No
29	net				
30	((+)) (x) Whiting-Puget	\$295	\$520	Yes	Yes
31	Sound (RCW				
	77.70.130)				

32 (2) The director may by rule determine the species of food fish  
33 that may be taken with the commercial fishery licenses established in  
34 this section, the gear that may be used with the licenses, and the  
35 areas or waters in which the licenses may be used. Where a fishery  
36 license has been established for a particular species, gear,  
37 geographical area, or combination thereof, a more general fishery  
38 license may not be used to take food fish in that fishery.

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