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**SUBSTITUTE HOUSE BILL 1148**

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**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

READ FIRST TIME 02/17/11.

1            AN ACT Relating to the establishment of a license limitation  
2 program for the harvest and delivery of spot shrimp originating from  
3 coastal or offshore waters into the state; amending RCW 77.65.210,  
4 77.65.220, and 77.70.005; adding new sections to chapter 77.65 RCW;  
5 adding a new section to chapter 77.70 RCW; prescribing penalties; and  
6 providing an expiration date.

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

8            NEW SECTION.    **Sec. 1.** A new section is added to chapter 77.65 RCW  
9 to read as follows:

10            (1) A Washington-coastal spot shrimp pot fishery license is  
11 required to:

- 12            (a) Use spot shrimp pot gear to fish for spot shrimp;
- 13            (b) Possess spot shrimp; and
- 14            (c) Deliver spot shrimp.

15            (2) Washington-coastal spot shrimp pot fishery licenses require  
16 vessel designation under RCW 77.65.100.

17            (3) A violation of this section is punishable under RCW 77.15.500.

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

3        (1) A Washington-coastal spot shrimp pot fishery license:

4            (a) May only be issued to a natural person who held a coastal spot  
5 shrimp experimental emerging commercial fishery license and coastal  
6 spot shrimp fishery permit in 2010 or had the license transferred to  
7 him or her, under RCW 77.65.020 and 77.65.040, by a person who held a  
8 coastal spot shrimp experimental emerging commercial fishery license  
9 and coastal spot shrimp fishery permit in 2010;

10          (b) Must be renewed annually by December 31st of the calendar year  
11 to remain active; and

12          (c) Subject to the restrictions of subsection (7) of this section  
13 and to RCW 77.65.020 and 77.65.040, is transferable to a natural person  
14 beginning January 1, 2012.

15        (2) When a person fails to obtain a Washington-coastal spot shrimp  
16 pot fishery license during the previous year because of a license  
17 suspension, the person may qualify for a license by establishing that  
18 the person held such a license during the last year in which the  
19 license was not suspended.

20        (3) The annual fee for a Washington-coastal spot shrimp pot fishery  
21 license is as specified in RCW 77.65.220.

22        (4) Beginning in 2013, after taking into consideration the status  
23 of the coastal spot shrimp population, the market for spot shrimp, and  
24 the number of active fishers, both nontreaty and treaty, the director  
25 may issue a Washington-coastal spot shrimp pot fishery license to a  
26 natural person if the issuance would not raise the number of active  
27 spot shrimp pot fishery licenses to more than eight.

28        (5) Beginning 2012, a Washington-coastal spot shrimp pot fishery  
29 license holder is prohibited from designating, on the Washington-  
30 coastal spot shrimp pot fishery license:

31            (a) A vessel whose surveyed length overall is more than ten feet  
32 longer than the surveyed length overall of the vessel designated on the  
33 licensee's coastal spot shrimp experimental emerging commercial fishery  
34 license as of March 31, 2003; and

35            (b) A vessel whose surveyed length overall exceeds ninety feet.

36        (6) In the event the Washington-coastal spot shrimp pot fishery  
37 license is transferred by sale, lease, inheritance, or lottery, and

1 pursuant to subsection (4) of this section, the vessel length  
2 restriction associated with that license must remain attached to the  
3 license.

4 (7) A natural person may not own or hold an ownership interest in  
5 more than one Washington-coastal spot shrimp pot fishery license at a  
6 time.

7 (8) Only a person who owns or is designated as an operator of the  
8 vessel designated on the license may hold a Washington-coastal spot  
9 shrimp pot fishery license.

10 (9) Nothing in this section:

11 (a) Requires the commission to open a commercial coastal spot  
12 shrimp fishery in any given year;

13 (b) Prohibits the commission from closing or limiting an opened  
14 commercial coastal spot shrimp fishery for any reason; or

15 (c) Confers any right of compensation to the holder of a  
16 Washington-coastal spot shrimp pot fishery license if the license is  
17 revoked, limited, or modified by the legislature.

18 (10) Issuance of a Washington-coastal spot shrimp pot fishery  
19 license does not create, and may not be construed to create, any right,  
20 title, or interest in the coastal spot shrimp resource.

21 (11) The legislature recognizes that Washington-coastal spot shrimp  
22 pot fishery licenses may be revoked by future legislatures if the  
23 fishery is found to have jeopardized the sustainability of the coastal  
24 spot shrimp resource or the marine ecosystem.

25 **Sec. 3.** RCW 77.65.210 and 2007 c 442 s 4 are each amended to read  
26 as follows:

27 (1) Except as provided in subsection (2) of this section, a person  
28 may not use a commercial fishing vessel to deliver food fish or  
29 shellfish taken for commercial purposes in offshore waters to a port in  
30 the state without a nonlimited entry delivery license. As used in this  
31 section, "deliver" and "delivery" mean arrival at a place or port, and  
32 include arrivals from offshore waters to waters within the state and  
33 arrivals ashore from offshore waters. As used in this section, "food  
34 fish" does not include salmon. As used in this section, "shellfish"  
35 does not include ocean pink shrimp, coastal crab, coastal spot shrimp,  
36 or fish or shellfish taken under an emerging commercial fisheries  
37 license if taken from off-shore waters. The annual license fee for a

1 nonlimited entry delivery license is one hundred ten dollars for  
 2 residents and two hundred dollars for nonresidents, and an additional  
 3 thirty-five dollar surcharge for both residents and nonresidents to be  
 4 deposited in the rockfish research account created in RCW 77.12.702.

5 (2) Holders of the following licenses may deliver food fish or  
 6 shellfish taken in offshore waters without a nonlimited entry delivery  
 7 license: Salmon troll fishery licenses issued under RCW  
 8 77.65.160((τ)); salmon delivery licenses issued under RCW  
 9 77.65.170((τ)); crab pot fishery licenses issued under RCW  
 10 77.65.220((τ)); food fish trawl--Non-Puget Sound fishery licenses, and  
 11 emerging commercial fishery licenses issued under RCW 77.65.200((τ));  
 12 Dungeness crab--coastal fishery licenses((τ)); ocean pink shrimp  
 13 delivery licenses((τ)); shrimp trawl--Non-Puget Sound fishery licenses,  
 14 Washington coastal spot shrimp pot fishery licenses issued under  
 15 chapter 77.70 RCW; and emerging commercial fishery licenses issued  
 16 under RCW 77.65.220 (~~may deliver food fish or shellfish taken in~~  
 17 ~~offshore waters without a nonlimited entry delivery license~~)).

18 (3) A nonlimited entry delivery license authorizes no taking of  
 19 food fish or shellfish from state waters.

20 **Sec. 4.** RCW 77.65.220 and 2000 c 107 s 43 are each amended to read  
 21 as follows:

22 (1) This section establishes commercial fishery licenses required  
 23 for shellfish fisheries and the annual fees for those licenses. The  
 24 director may issue a limited-entry commercial fishery license only to  
 25 a person who meets the qualifications established in applicable  
 26 governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Burrowing shrimp	\$185	\$295	Yes	No
(b) Crab ring net- Non-Puget Sound	\$130	\$185	Yes	No
(c) Crab ring net- Puget Sound	\$130	\$185	Yes	No
(d) Dungeness crab- coastal (RCW 77.70.280)	\$295	\$520	Yes	Yes

1	(e) Dungeness crab-	\$295	\$520	Yes	Yes
2	coastal, class B				
3	(RCW 77.70.280)				
4	(f) Dungeness crab-	\$130	\$185	Yes	Yes
5	Puget Sound				
6	(RCW 77.70.110)				
7	(g) Emerging	\$185	\$295	Determined	Determined
8	commercial fishery			by rule	by rule
9	(RCW 77.70.160				
	and 77.65.400)				
10	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
11	77.70.220)				
12	(i) Hardshell clam	\$530	\$985	Yes	No
13	mechanical				
14	harvester				
15	(RCW 77.65.250)				
16	(j) Oyster reserve	\$130	\$185	No	No
17	(RCW 77.65.260)				
18	(k) Razor clam	\$130	\$185	No	No
19	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
20	(RCW 77.70.190)				
21	(m) Sea urchin dive	\$130	\$185	Yes	Yes
22	(RCW 77.70.150)				
23	(n) Shellfish dive	\$130	\$185	Yes	No
24	(o) Shellfish pot	\$130	\$185	Yes	No
25	(p) Shrimp pot-	\$185	\$295	Yes	Yes
26	Puget Sound				
27	(RCW 77.70.410)				
28	(q) Shrimp trawl-	\$240	\$405	Yes	No
29	Non-Puget Sound				
30	(r) Shrimp trawl-	\$185	\$295	Yes	Yes
31	Puget Sound				
32	(RCW 77.70.420)				
33	(s) <u>Spot shrimp-coastal</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
34	(t) Squid	\$185	\$295	Yes	No

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

1       **Sec. 5.** RCW 77.70.005 and 2009 c 331 s 1 are each amended to read  
2 as follows:

3       The definitions in this section apply throughout this chapter and  
4 related rules adopted by the department unless the context clearly  
5 requires otherwise.

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

9       (2) "Pacific sardine" and "pilchard" means the species *Sardinops*  
10 *sagax*.

11       (3) "Spot shrimp" means the species *Pandalus platyceros*.

12       NEW SECTION. **Sec. 6.** A new section is added to chapter 77.65 RCW  
13 to read as follows:

14       (1) The director shall provide a report to the legislature,  
15 consistent with RCW 43.01.036, regarding the coastal spot shrimp  
16 fishery. The report must include any recommended changes to the  
17 licensing program created in section 1 of this act deemed appropriate  
18 by the director. The report must take into consideration the status of  
19 the coastal spot shrimp population, the impact of the removal of  
20 coastal spot shrimp to the marine ecosystem, and the market for coastal  
21 spot shrimp.

22       (2) The report required by this section must be delivered by  
23 January 7, 2016.

24       (3) This section expires July 31, 2016.

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