

SENATE BILL REPORT

2ESHB 1471

AS REPORTED BY COMMITTEE ON NATURAL RESOURCES, FEBRUARY 25, 1994

Brief Description: Regulating the non-Puget Sound coastal commercial crab fishery.

SPONSORS: House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole)

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

SENATE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Franklin, Haugen, Oke and Sellar.

Staff: Kari Guy (786-7464)

Hearing Dates: February 22, 1994; February 25, 1994

BACKGROUND:

Dungeness crab fishing in Washington occurs in Puget Sound, along the coast, including Grays Harbor and Willapa Harbor, and in the ocean beyond three miles from the shore. The Department of Fisheries regulates the crab fishery in Washington waters and requires a crab pot license. The state does not regulate the fishery outside of state waters, beyond the three mile limit. A nonsalmon delivery license is required of persons landing crab in Washington.

In 1992 the Legislature, in response to concerns about overcapitalization in the coastal crab fishery, directed the Department of Fisheries to participate in a coast-wide study of the status of the coastal Dungeness crab fishery, conducted by the Pacific States Marine Fishery Commission. The legislation stated that after consideration of the study, the Legislature may consider limitations on the issuance of licenses to reduce the number of fishers or vessels. Fishers entering the coastal crab fishery after September 15, 1991 were informed by the legislation that they may be precluded, at a future date, from participation in the coastal crab fishery. The study, submitted by WDF to the Legislature in October 1993, stated that the management issues to be resolved were socio-economic in nature and not based upon conservation concerns. The study recommended a limited-entry licensing program for the coastal crab fishery.

SUMMARY:

Legislative findings are made that the commercial crab fishery in coastal waters is overcapitalized, and that it is in the best interest of the industry to reduce the number of fishers taking crab in coastal waters, and to limit the number of future licenses.

Qualification for Dungeness Crab Coastal Licenses. A Dungeness crab coastal license and a Dungeness crab coastal class B license are created, replacing the existing crab pot license. Beginning January 1, 1995, such licenses are required to fish for Dungeness crab in the state's coastal waters or to deliver coastal crab to a port in the state.

The Dungeness crab coastal license is transferrable. To qualify for this license, a person must have designated on the qualifying license, after December 31, 1993, a vessel that meets the following criteria:

- (1) Made a minimum of eight landings totalling 5,000 pounds per season in two of four qualifying seasons (qualifying seasons are between December 1, 1988, and September 15, 1992), and held a qualifying license each year beginning 1990 through 1994 (qualifying licenses are: crab pot, non-salmon delivery, salmon troll, food fish trawl and shrimp trawl); or
- (2) Made a minimum of four landings totalling 2,000 pounds of coastal crab between December 1, 1990 and March 20, 1992, and made eight crab landings totalling 5,000 pounds each season between December 1, 1991 and September 15, 1994.

A Dungeness crab coastal class B license is non-transferable and ceases to exist after December 31, 1997. Alternate operators are not permitted on class B licenses. To qualify for this license, a person must be, after December 31, 1993, the registered owner of a vessel that meets the following criteria:

- (1) Made a minimum of four landings totalling 2,000 pounds of coastal crab during at least one qualifying season; and
- (2) Held one of the qualifying licenses each year since the qualifying season through 1994.

Qualification for Vessels Under Construction. Legislative findings are made that some persons may have planned to enter the coastal crab fishery, but were unable to fulfill the landing requirements because the vessel was under construction during the qualifying seasons. A person who does not qualify for a Dungeness crab coastal license because a vessel was under construction may be awarded a license if the vessel was under construction on March 20, 1992, and the vessel either landed 5,000 pounds of coastal crab prior to September 15, 1993 and 5,000 pounds in eight landings this season, or the vessel is a replacement vessel for a lost vessel that would have contributed to the eligibility of the applicant for a

license. All applications for licenses for vessels under construction must be heard by the advisory review board.

Reciprocity with Oregon and California. A resident of Oregon who can show historical participation in the Washington State coastal crab fishery by making required landings in Oregon shall be issued a nonresident Dungeness crab coastal license, upon adoption of reciprocal legislation in Oregon.

It is unlawful to take Dungeness crab in the waters of the states of Oregon or California and land the crab in Washington unless the licensee holds a license required by Oregon or California. This requirement will become effective upon adoption of reciprocal legislation by both Oregon and California.

Vessel Designations and Substitutions. No person may designate a vessel with a hull length of greater than ninety-nine feet on the Dungeness crab coastal license. The holder of the license may not change the vessel designation on the licenses if the hull length exceeds the hull length of the currently designated vessel by more than ten feet.

Change of vessel designation to a vessel of comparable length may occur once every two seasons. Change of vessel designation to a vessel of up to ten feet greater than the existing vessel may occur once every five seasons.

If an emergency request is made, the director may allow a temporary change in designation to a leased or rented vessel, if the leased or rented vessel does not exceed the hull length of the currently designated vessel by greater than ten feet.

Future Issuance of Licenses. After December 31, 1995, a Dungeness crab coastal fishery license may only be issued to a person who has held the license continuously since issuance, or to a person who has had the license transferred to them.

Surcharge. A surcharge of \$50.00 is collected with each Dungeness crab coastal fishery license until June 30, 2000, and with each class B license until December 31, 1997. The funds are placed into a dedicated account to fund processing of appeals related to coastal crab licenses.

Adding New Licenses. If less than 125 persons are eligible for Dungeness crab coastal fishery licenses, the director of WDF may accept applications for new licenses and maintain the number of licenses at a maximum of 125.

Advisory Review Board. The director of the WDF is required to appoint a three member advisory review board to hear cases involving the Dungeness crab coastal fishery licenses. The director is authorized to reduce the landing requirements for these licenses if recommended by the board, based on extenuating circumstances.

Gear Reduction Plan. The industry is directed to prepare a gear reduction plan to stabilize the coastal crab industry and

to submit the plan to the WDF by June 30, 1996. The WDF must evaluate and submit the plan to the Legislature by December 31, 1996.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

Dungeness crab caught outside of the state's coastal waters may be delivered to a port in the state without a Dungeness crab-coastal fishery license.

The qualification for vessels under construction is changed. Boats under construction on September 15, 1992, rather than March 20, 1992, may qualify for a Dungeness crab-coastal fishery license upon appeal to the advisory review board.

A surcharge of \$200 is added to all Dungeness crab-coastal fishery licenses until September 15, 1999, for the purpose of purchasing Dungeness crab-coastal class B fishery licenses. The expiration of class B licenses is extended from 1997 to 2000. The Department of Fish and Wildlife is to establish rules governing the purchase of licenses. Licenses may be purchased on a willing seller basis in the order applications are received. Price of purchase is set at a maximum of \$5,000 in the 1995-96 season, declining each subsequent year until the class B licenses expire.

The number of licenses to be maintained by the department is changed from 125 to 175.

The requirement for the industry to prepare a gear reduction study is deleted and replaced with a resource plan to be prepared by the Department of Fish and Wildlife. The resource plan is to achieve long-term stability of the coastal Dungeness crab resource through such measures as pot limits, individual quotas, trip limits, or area quotas. The study is to be submitted to the Legislature by December 1, 1995.

The fee for shellfish dive licenses is decreased on recommendation of the Department of Fisheries.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The coastal crab industry has been increasingly unstable. The large number of boats in the fishery creates a race for crab when the season opens, which can lead to waste of crab, unsafe fishing practices, decreasing profits, and a boom-bust economy in coastal communities. Surveys show wide support for effort restrictions. This bill was carefully tailored to ensure all serious fishermen have been included.

TESTIMONY AGAINST:

This bill allocates the resource to a select group of fishers. Fishers with many years of experience in the coastal crab fishery are being cut out and will lose their livelihood. The bill also unfairly penalizes Washington processors, because crab will continue to be caught outside of the state waters by unlicensed boats, but will have to be delivered into Oregon.

TESTIFIED: Representative Dick King, prime sponsor; Don Jester (con); Dennis Strugel (pro); John Corbin (con); Lou Holcombe (con); Doug Cornman (con); David Wolfenberger, D&M Live Crab (pro); Randy Ray; Frank Dulcich, Jay Bornstrin, PPA (con); Ernie Summers, Larry Thevik, WDCFA (pro); Dick Sheldon, CRCFA (pro); Bill Taylor (pro); Terry Kager, Chinook Packing Co. (pro); Ed Manary, Al Millikan, Fisheries