
SENATE BILL 5614

State of Washington 53rd Legislature 1993 Regular Session

By Senators Snyder, Hargrove and Owen

Read first time 02/04/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to non-Puget Sound coastal commercial crab fishery;
2 amending RCW 75.30.050; adding new sections to chapter 75.30 RCW;
3 creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the other than
6 Puget Sound commercial crab fishery off the Washington coast is
7 overcapitalized. The legislature further finds that overcapitalization
8 can lead to economic hardship and potentially excessive harvesting
9 pressures on the natural coastal crab resources of Washington state.
10 It is in the best interest of the coastal crab resource and coastal
11 commercial crab fishers in the state to be proactive, as is now
12 underway in the states of Alaska, Oregon, and California, by limiting
13 entry into the Washington state coastal crab fishery.

14 NEW SECTION. **Sec. 2.** (1) Effective December 1, 1993 it is
15 unlawful to take, or land, dungeness crab (Cancer magister) in
16 Washington coastal waters without a commercial other than Puget Sound
17 crab pot license and crab pot license endorsement. A crab pot license

1 endorsement is not required to take other species of crab, including
2 red rock crab (*Cancer productus*).

3 (2) A commercial crab pot license endorsement shall be issued to a
4 vessel that:

5 (a) Held a valid Washington state commercial other than Puget Sound
6 crab pot license or delivery permit in any two of the qualifying
7 seasons, as defined in section 6 of this act, between December 1, 1988,
8 and September 15, 1991, and maintained a valid Washington state other
9 than Puget Sound commercial crab pot license between December 1, 1991,
10 and December 1, 1993;

11 (b) Actively participated in the Washington state other than Puget
12 Sound commercial crab pot fishery as evidenced by a minimum of eight
13 landings, each season, in at least two of the three qualifying seasons;

14 (c) Landed a minimum of five thousand pounds, each season, of
15 coastal dungeness crab in two of the three qualifying seasons as
16 documented by valid Washington state coastal crab receiving tickets.

17 (3) Vessels qualifying for a crab pot license endorsement under
18 this section shall not be required to make additional deliveries
19 annually to retain an endorsement after December 1, 1993. Endorsed
20 other than Puget Sound commercial crab pot licenses must be renewed
21 annually after December 1, 1993, in order to remain a qualified vessel
22 within the other than Puget Sound commercial crab fishery.

23 (4) Where the failure to obtain a valid license in any one of the
24 seasons between December 1, 1988, and December 1, 1993, was the result
25 of a license suspension, the vessel may still qualify by establishing
26 that the vessel held such a license in two of the qualifying seasons,
27 and that the vessel met or exceeded the minimum eight landings and five
28 thousand pound per season requirements of this section.

29 (5) An endorsement may be requested for a vessel that was, prior to
30 September 15, 1991, under construction for the primary purpose of non-
31 Puget Sound commercial ocean crab fishing off the Washington coast,
32 subject to the concurrence of the advisory board established under RCW
33 75.30.050(1)(h). An endorsement issued under this subsection will
34 expire on December 1, 1994, unless the individual makes at least eight
35 landings totaling a minimum of five thousand pounds prior to December
36 1, 1994. An endorsement may also be issued under this subsection if a
37 vessel under construction prior to September 15, 1991, is a replacement
38 vessel for a vessel meeting the qualification requirements specified in
39 subsection (2) of this section. Issuance of an endorsement under this

1 subsection shall be subject to the concurrence of the advisory board
2 established under RCW 75.30.050(1)(h) and approval by the director.

3 (6) Vessels denied an other than Puget Sound commercial crab pot
4 license endorsement for failure to meet the qualification requirements
5 of this section shall have up to December 1, 1994, to appeal for
6 reconsideration and qualification as an endorsed vessel.

7 (7) The director may reduce or waive the landing requirements
8 established under subsection (2) (b) and (c) of this section upon the
9 recommendation of an advisory board established under RCW
10 75.30.050(1)(h). The advisory board may recommend a reduction or
11 waiver of the landing requirements if, in the board's judgment,
12 extenuating circumstances prevented achievement of the landing
13 requirements. The director may also waive the transferability
14 requirements established under section 3 (1) and (2) of this act upon
15 the recommendation of an advisory board established under RCW
16 75.30.050(1)(h) in the case of extenuating circumstances. The director
17 shall adopt rules governing the operation of the advisory board and
18 defining "extenuating circumstances."

19 NEW SECTION. **Sec. 3.** (1) There shall be no restriction on the
20 transfer of other than Puget Sound commercial crab pot license
21 endorsements in regard to an endorsed vessel that is sold. An other
22 than Puget Sound commercial crab pot license endorsement is otherwise
23 transferable, subject to the following considerations:

24 (a) Nonemergency transfers between vessels shall be restricted to
25 one transfer in any two consecutive seasons when such transfers are to
26 vessels of the same hull measurement, or less, as defined by section 6
27 of this act.

28 (b) Transfers shall be permitted to newly acquired vessels once in
29 every five consecutive seasons as long as the new vessel is not more
30 than ten feet over the hull measurement of the vessel being replaced,
31 as defined by section 6 of this act, when the vessel owner remains
32 unchanged, except when extenuating circumstances exist as defined by
33 the director.

34 (2) In the case of total vessel loss, the restrictions of
35 subsection (1) of this section shall not prevent changes in vessel
36 operator or transfers between vessels of comparable qualifying hull
37 measurement.

1 (3) If an endorsed vessel is sold, the other than Puget Sound
2 commercial crab pot license endorsement and history shall remain with
3 the vessel unless the endorsement had been previously transferred to a
4 different vessel.

5 (4)(a) Emergency transfers shall be permitted subject to
6 documentation that must include an estimate for expected down time.
7 The director may grant up to sixty-day emergency temporary transfers,
8 with extensions, as may be deemed reasonable and necessary, based upon
9 fact and prevailing circumstances. A vessel receiving a temporary
10 license as the result of an emergency transfer may not exceed the hull
11 measurement of the transferring vessel by more than ten feet. Other
12 than Puget Sound commercial crab pot license endorsements must be
13 transferred back to the vessel of origin once an emergency condition is
14 over except where total vessel loss has occurred.

15 (b) In the event of an approved emergency transfer, the license
16 shall remain at the original hull measurement regardless of the size of
17 the vessel receiving the emergency transfer, and in the case of total
18 vessel loss, the permanent transfer criteria stated in subsection (1)
19 of this section shall apply.

20 **Sec. 4.** RCW 75.30.050 and 1990 c 61 s 3 are each amended to read
21 as follows:

22 (1) The director shall appoint three-member advisory review boards
23 to hear cases as provided in RCW 75.30.060. Members shall be from:

24 (a) The salmon charter boat fishing industry in cases involving
25 salmon charter boat licenses or angler permits;

26 (b) The commercial salmon fishing industry in cases involving
27 commercial salmon licenses;

28 (c) The commercial crab fishing industry in cases involving Puget
29 Sound crab license endorsements;

30 (d) The commercial herring fishery in cases involving herring
31 validations;

32 (e) The commercial Puget Sound whiting fishery in cases involving
33 Puget Sound whiting license endorsements;

34 (f) The commercial sea urchin fishery in cases involving sea urchin
35 endorsements to shellfish diver licenses; ((and))

36 (g) The commercial sea cucumber fishery in cases involving sea
37 cucumber endorsements to shellfish diver licenses; and

1 (h) The commercial coastal dungeness crab fishing industry in cases
2 involving other than Puget Sound commercial crab pot license
3 endorsements.

4 (2) Members shall serve at the discretion of the director and shall
5 be reimbursed for travel expenses as provided in RCW 43.03.050 and
6 43.03.060.

7 NEW SECTION. Sec. 5. (1) Subject to the recommendation of an
8 advisory board established in RCW 75.30.050(1)(h) and approval of the
9 director, an other than Puget Sound commercial crab pot license
10 endorsement shall be issued to Oregon vessels not having a delivery
11 history in Washington, to fish north of the Columbia river to latitude
12 46, 30 degrees north, provided that:

13 (a) The applicants held a valid Washington other than Puget Sound
14 commercial crab pot license during at least two of the three qualifying
15 seasons; and

16 (b) Applicants provide catch evidence, in the form of crab fishing
17 history for Washington waters, during at least two of the three
18 qualifying seasons.

19 (2) Other than Puget Sound commercial crab pot license endorsements
20 for Oregon vessels under this section shall be limited to commercial
21 crab fishing vessels that fished from Oregon Columbia river ports
22 between December 1, 1988, and December 1, 1993.

23 (3) This section shall become effective contingent upon reciprocal
24 agreement with the state of Oregon providing for equal access for
25 Washington coastal crab fishers from Columbia river ports to Oregon
26 waters.

27 NEW SECTION. Sec. 6. Unless the context clearly requires
28 otherwise, the definitions in this section apply throughout sections 2,
29 3, and 5 of this act.

30 (1) "Hull measurement" means a measurement made from the extreme
31 points on the stern to the bow, excluding extensions such as bow
32 sprints or stern extensions, on a horizontal plane at right angles to
33 the plane. Hull measurement documentation shall be considered valid
34 only when such measurements are from Washington state approved sources,
35 United States marine documentation sources, or by a certified marine
36 surveyor.

37 (2) "Qualifying seasons" means:

1 Year one: December 1, 1988, through September 15, 1989;
2 Year two: December 1, 1989, through September 15, 1990; and
3 Year three: December 1, 1990, through September 15, 1991.

4 NEW SECTION. **Sec. 7.** Sections 2, 3, 5, and 6 of this act are each
5 added to chapter 75.30 RCW.

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