

# SENATE BILL REPORT

## SHB 2593

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As Reported by Senate Committee On:  
Natural Resources, Ocean & Recreation, February 25, 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, 2/25/10 [DPA, w/oRec].

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

**Majority Report:** Do pass as amended.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Hatfield and Swecker.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Stevens.

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

**Background:** Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the State's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

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.

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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.*

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 by a participant in the coastal Dungeness crab fishery. 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.

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.

Coastal Crab Vessel Designation Change Frequency. Generally, DFW may change the vessel designated on a coastal Dungeness crab license to a vessel of comparable size no more than once in any two consecutive coastal crab seasons. However, DFW may make an exception to this limit if it is destroyed or cannot be safely operated.

Sea Urchin and Sea Cucumber Dive Fishery Buyback Programs. The sea urchin and sea cucumber dive fisheries (the dive fisheries) are separate commercial fisheries, and each requires a license issued by DFW. DFW administers a statutory, industry-funded license buyback program for the dive fisheries. The buyback programs are currently authorized through 2010. Funding for each of the buyback programs comes from the following sources:

- a surcharge of \$100 on a dive fishery license renewal;
- a surcharge of varying amounts, either \$500 or \$2500, for designating an alternate operator on a dive fishery license;
- a surcharge of varying amounts, either \$500 or \$2500, to transfer a dive fishery license; and
- a portion of the enhanced food fish tax on commercial sea urchins and sea cucumbers landings.

**Summary of Bill (Recommended Amendments):** 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 must ensure maintenance of the derelict fishing gear and shellfish pot database, but need not conduct the maintenance itself.

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.

Coastal Crab Vessel Designation Change Frequency. The frequency by which DFW may change the vessel designated on a coastal Dungeness crab license to a vessel of comparable size is increased to once in any one year period, measured from September 15 to September 15 of the following year.

Sea Urchin and Sea Cucumber Dive Fishery Buyback Programs. The statutory license buyback program for the sea urchin and sea cucumber dive fisheries is extended. The buyback programs now operate:

- through license year 2013; or
- until the number of licenses in a dive fishery is reduced to 20, whichever comes first.

DFW may not issue a new license in a dive fishery until fewer than 20 persons are eligible to renew a license in that fishery, which is reduced from the current threshold of 25 persons.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments):** The proposed committee striking amendment:

- provides that DFW must ensure maintenance of the derelict fishing gear and shellfish pot database, but need not conduct the maintenance itself;
- increases the frequency with which DFW may change the vessel designated on a coastal Dungeness crab license to a vessel of comparable size; and
- adds provisions extending the statutory license buyback program for the sea urchin and sea cucumber dive fisheries.

**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 on Substitute House Bill:** 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.