
HOUSE BILL 2593

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By Representatives Rolfes, Morris, Upthegrove, Williams, Lias, White, and Nelson

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1 AN ACT Relating to creating tools to enhance the department of fish
2 and wildlife's ability to manage shellfish resources; amending RCW
3 77.70.500, 77.15.520, 77.15.380, and 63.21.080; adding a new section to
4 chapter 77.15 RCW; adding a new section to chapter 77.32 RCW; adding a
5 new section to chapter 77.12 RCW; prescribing penalties; and providing
6 expiration dates.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW
9 to read as follows:

10 (1) It is unlawful to take, fish for, show intent to fish for, or
11 possess crab, shrimp, or crawfish for either commercial or personal use
12 purposes with shellfish pot gear unless the gear allows for escapement
13 using at least one of the following methods:

14 (a) The attachment of pot lid hooks or tiedown straps with a single
15 strand or loop of untreated cotton twine or other natural fiber
16 approved by the department no larger than one hundred twenty thread
17 size and configured so that the pot lid will open freely if the twine
18 or fiber is broken; or

1 (b) The configuration of an opening in the pot mesh no less than
2 three inches by five inches that is laced or sewn closed with untreated
3 cotton twine or other natural fiber approved by the department no
4 larger than one hundred twenty thread size. The opening must be
5 located within the top half of the pot and be unimpeded by the entry
6 tunnels, bait boxes, or any other structures or materials.

7 (2)(a) A person is guilty of the unlawful use of shellfish pot gear
8 if the person acts in violation of this section.

9 (b) The possession of a shellfish pot that occurs upon any vessel
10 located on the waters of the state is considered prima facie evidence
11 of intent to fish by all persons on the vessel, unless a person holds
12 a valid crab pot removal permit under RCW 77.70.500 and is in the
13 process of transporting removed crab pots as part of the Dungeness crab
14 pot removal program, if the shellfish pot is constructed or altered in
15 a manner that violates the escapement requirements of subsection (1) of
16 this section.

17 (3) The unlawful use of shellfish pot gear is a gross misdemeanor.

18 **Sec. 2.** RCW 77.70.500 and 2009 c 355 s 1 are each amended to read
19 as follows:

20 (1)(a) As part of a (~~coastal-commercial~~) Dungeness crab pot
21 removal program, the department shall issue a crab pot removal permit
22 that allows the participants in either the Dungeness crab-coastal
23 fishery created in RCW 77.70.280 or the Dungeness crab-Puget Sound
24 fishery created in RCW 77.70.110 to remove crab pots belonging to state
25 commercial or recreational licensed crab fisheries from coastal marine
26 or Puget Sound waters after the close of the applicable primary
27 (~~commercial~~) Dungeness crab(~~-coastal~~) harvest season, regardless of
28 whether the crab pot was originally set by the participant or not.

29 (b) Beginning fifteen days after the close of the applicable
30 primary (~~commercial~~) Dungeness crab(~~-coastal~~) harvest season, any
31 individual with a current (~~commercial~~) applicable Dungeness crab(~~-~~
32 ~~coastal~~) license and a valid crab pot removal permit issued by the
33 department may remove a crab pot or crab pots used to harvest Dungeness
34 crabs remaining in coastal marine or Puget Sound waters after the close
35 of the applicable primary (~~commercial~~) Dungeness crab(~~-coastal~~)
36 harvest season.

1 (c) In cooperation with individuals with a current (~~commercial~~)
2 Dungeness crab(~~coastal~~) license, the department may expand the
3 (~~coastal-commercial~~) Dungeness crab pot removal program to those
4 areas closed to (~~commercial~~) Dungeness crab harvest prior to the end
5 of the primary season.

6 (d) Nothing in this section prohibits the department from exempting
7 certain crab pots from the (~~coastal-commercial~~) Dungeness crab pot
8 removal program or from restricting crab pot removal activities to
9 specific geographic areas.

10 (e) The department may adopt rules to implement this subsection
11 (1).

12 (2) An individual participating in permitted crab pot removal
13 activities in coastal marine or Puget Sound waters who has a valid crab
14 pot removal permit, and who adheres to the provisions of the permit as
15 they relate to crab pot removal, is exempt from complying with the lost
16 and found property provisions in chapter 63.21 RCW. The individual who
17 removes the crab pot under a valid crab pot removal permit takes the
18 property free and clear of all claims of the owner or previous holder
19 and free and clear of all individuals claiming ownership under the
20 previous owner.

21 (3)(a) A person is guilty of unlawful use of a crab pot removal
22 permit if the person:

23 (i) Violates any terms or conditions of the permit issued under
24 this section; or

25 (ii) Violates any rule of the department applicable to the
26 requirement for, issuance of, or use of the permit.

27 (b) Unlawful use of a crab pot removal permit is a misdemeanor.

28 **Sec. 3.** RCW 77.15.520 and 1998 c 190 s 37 are each amended to read
29 as follows:

30 (1) Except for actions involving shellfish pot gear punishable
31 under section 1 of this act, a person is guilty of commercial fishing
32 using unlawful gear or methods if the person acts for commercial
33 purposes and takes or fishes for any fish or shellfish using any gear
34 or method in violation of a rule of the (~~department~~) commission
35 specifying, regulating, or limiting the gear or method for taking,
36 fishing, or harvesting of such fish or shellfish.

1 (2) Commercial fishing using unlawful gear or methods is a gross
2 misdemeanor.

3 **Sec. 4.** RCW 77.15.380 and 2001 c 253 s 39 are each amended to read
4 as follows:

5 (1) A person is guilty of unlawful recreational fishing in the
6 second degree if the person fishes for, takes, possesses, or harvests
7 fish or shellfish and:

8 (a) The person does not have and possess the license or the catch
9 record card required by chapter 77.32 RCW for such activity; or

10 (b) The action violates any rule of the commission or the director
11 regarding seasons, bag or possession limits but less than two times the
12 bag or possession limit, closed areas, closed times, or any other rule
13 addressing the manner or method of fishing or possession of fish,
14 except for use of a net to take fish as provided for in RCW 77.15.580
15 and the use of unlawful shellfish pot gear as provided in section 1 of
16 this act.

17 (2) Unlawful recreational fishing in the second degree is a
18 misdemeanor.

19 **Sec. 5.** RCW 63.21.080 and 2009 c 355 s 2 are each amended to read
20 as follows:

21 This chapter shall not apply to:

22 (1) Motor vehicles under chapter 46.52 RCW;

23 (2) Unclaimed property in the hands of a bailee under chapter 63.24
24 RCW;

25 (3) Uniform disposition of unclaimed property under chapter 63.29
26 RCW;

27 (4) Secured vessels under chapter 79A.65 RCW; and

28 (5) Crab or shrimp pots in coastal marine or Puget Sound waters
29 under RCW 77.70.500.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.32 RCW
31 to read as follows:

32 (1) For license years 2011, 2012, and 2013 only, the department
33 shall offer to collect a voluntary derelict shellfish pot removal
34 donation, in addition to any other charges authorized by this title,

1 concurrently with the purchase of any licenses issued under RCW
2 77.32.520 or 77.32.470.

3 (2) Any derelict shellfish pot removal donation must be at least
4 two dollars per licensee.

5 (3) All derelict shellfish pot removal donations collected under
6 this section must be used by the department in accordance with section
7 of this act.

8 (4) This section expires June 30, 2014.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.12 RCW
10 to read as follows:

11 (1) Except as otherwise provided in this section, the department
12 shall use all moneys collected under section 6 of this act to implement
13 a competitive grant program that allows a nonprofit, nongovernmental
14 organization or organizations to receive funding for the removal and
15 disposal of derelict crab and shrimp pots from the waters of the state.

16 (2) The department may retain up to ten percent of the moneys
17 collected under section 6 of this act to fund the collection of
18 donations, the design and implementation of the grant program required
19 under this section, and to conduct a marketing campaign aimed at
20 educating the department's licensees as to the purposes of the program.

21 (3) By January 1, 2014, the department shall deliver a report to
22 the appropriate committees of the legislature, consistent with RCW
23 43.01.036, that:

24 (a) Outlines the successes and limitations discovered through the
25 implementation of this section;

26 (b) Summarizes the amount of money collected under section 6 of
27 this act, along with how that money was either spent by the department
28 or allocated in grants;

29 (c) Provides a list of grantees receiving awards under this
30 section, along with a summary of crab and shrimp pots removed by the
31 grantees; and

32 (d) Provides a recommendation as to whether this section should be
33 extended beyond its expiration date, and if so, what changes would be
34 necessary to make the program more efficient and effective.

35 (4) Any moneys remaining in possession of the department from
36 collections under section 6 of this act on June 30, 2014, must be

1 transferred to the general fund.

2 (5) This section expires June 30, 2014.

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