

# HOUSE BILL REPORT

## ESSB 5592

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### As Reported By House Committee On:

Natural Resources

**Title:** An act relating to coastal crab fishing licenses.

**Brief Description:** Revising qualifications for coastal crab fishing licenses.

**Sponsors:** Senate Committee on Natural Resources (originally sponsored by Senators Spanel and Swecker).

### Brief History:

#### Committee Activity:

Natural Resources: 3/24/95, 3/28/95 [DPA].

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## HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Fuhrman, Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Stevens; B. Thomas and Thompson.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Buck, Vice Chairman; Regala, Assistant Ranking Minority Member; Jacobsen; Romero and Sheldon.

**Staff:** Rick Anderson (786-7114).

**Background:** Dungeness crab fishing in Washington occurs in Puget Sound, the Washington coast including Grays Harbor and Willapa Harbor, and the ocean beyond three miles from the shore.

In 1992 the Legislature, in response to concerns about overcapitalization in the coastal crab fishery, directed the Department of Fish and Wildlife to participate in a coast-wide study of the coastal Dungeness crab fishery. The study was conducted by the Pacific States Marine Fisheries Commission. The purpose of the study was to report on the current and optimum numbers of fishers, vessels, licenses and gear in the coastal crab fishery of each state and on the pros and cons of establishing future limits on the issuance of coastal crab licenses. This study, including recommendations, was presented to the Legislature in October 1993.

In 1994, the Legislature enacted HB 1471 to limit participation in the coastal crab fishery to those persons who could demonstrate a continuous participation in past crab fisheries by meeting specific requirements. One of the key legislative requirements in demonstrating past participation is a clause that states:

"Such a (coastal crab) license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel on the qualifying license that meets the following criteria:"

These criteria relate to minimum landing and catch requirements, hull length of vessels, and other criteria. Persons who meet all of the specified criteria qualify for a limited entry (class A) license.

Several crab fishers who had participated in past crab fisheries designated vessels in 1994 that were different from the vessels they had used in those past fisheries. A question arose as to whether or not the vessel designated on the 1995 limited entry license had to be the same vessel that was used in the specified past fisheries.

An attorneys general opinion in 1994 interpreted the legislation as requiring the vessel used in past fisheries to meet the legislatively set criteria. According to the Department of Fish and Wildlife, seven crab fishers were denied a class A license as a result of this opinion.

**Summary of Amended Bill:** A person qualifies for a class A crab license if that person designated on a license, a replacement vessel that, by itself or in combination with other vessels, meets all the legislatively specified entry criteria.

Two new ways of qualifying for a class A license are established.

A person qualifies for a class A license if the person caught at least 20,00 pounds of crab during two of four specified fishing seasons and met certain license and vessel designation requirements.

A person qualifies for a class A license if the person had a vessel that was being constructed or substantially remodeled during a specified time period, caught at least 5,000 pounds of crab during 1992 or 1993, and meets certain license and vessel designation requirements.

**Amended Bill Compared to Engrossed Substitute Bill:** The amended bill adds two new ways of qualifying for a class A license.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Existing law hurts the local economy by not allowing some long-time crab fishers to participate in the fishery. The existing law has serious legal problems. The crab fishery was not restricted because crab populations were low, it was restricted to protect certain crab fishers. The appeals board is stacked in favor of those who already have a class A license.

**Testimony Against:** This bill is not necessary. Existing law has an appeal process to determine if those people who want to enter this fishery actually qualify. This process should be allowed to proceed. Existing law does not discriminate between small and large boats. The existing law protects jobs by extending the crab fishing season. An influx of boats will reduce the season, thereby hurting fishers and processors.

**Testified:** Jack Burtch, citizen; Howard Vining, F/V Pacific Dove; Randy Roy, Washington Fair Crab Coalition; and Ed Manary, Department of Fish & Wildlife (all in favor). Louis Sommers, WDCFA; David Wolfberger, D & M Live Crab; Ernie Summers, WDCFA; Dick Sheldon, CRCFA; and Larry Tnevik; WDCFA (oppose).