
ENGROSSED SUBSTITUTE SENATE BILL 6387

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Natural Resources (originally sponsored by Senators Spanel, A. Anderson, Snyder, Haugen, Roach and Kohl)

Read first time 02/02/96.

1 AN ACT Relating to Puget Sound Dungeness crab licenses; and
2 amending RCW 75.28.046, 75.28.048, 75.28.130, 75.30.130, and 75.28.045.

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

4 **Sec. 1.** RCW 75.28.046 and 1994 c 260 s 12 are each amended to read
5 as follows:

6 This section applies to all commercial fishery licenses, delivery
7 licenses, and charter licenses, except for whiting«Puget Sound fishery
8 licenses and emergency salmon delivery licenses.

9 (1) The license holder may engage in the activity authorized by a
10 license subject to this section. With the exception of Dungeness crab«
11 coastal fishery class B licensees licensed under RCW
12 75.30.350(~~((3))~~)(4), the holder of a license subject to this section
13 may also designate up to two alternate operators for the license.
14 Dungeness crab«coastal fishery class B licensees may not designate
15 alternate operators. A person designated as an alternate operator must
16 possess an alternate operator license issued under (~~section 23 of this~~
17 ~~act and~~) RCW 75.28.048.

18 (2) The fee to change the alternate operator designation is
19 twenty-two dollars.

1 **Sec. 2.** RCW 75.28.048 and 1993 c 340 s 25 are each amended to read
2 as follows:

3 (1) A person who holds a commercial fishery license, delivery
4 license, or charter license may operate the vessel designated on the
5 license. A person who is not the license holder may operate the vessel
6 designated on the license only if:

7 (a) The person holds an alternate operator license issued by the
8 director; and

9 (b) The person is designated as an alternate operator on the
10 underlying commercial fishery license, delivery license, or charter
11 license under RCW 75.28.046.

12 (2) Only an individual at least sixteen years of age may hold an
13 alternate operator license.

14 (3) No individual may hold more than one alternate operator
15 license. An individual who holds an alternate operator license may be
16 designated as an alternate operator on an unlimited number of
17 commercial fishery licenses, delivery licenses, and charter licenses
18 under RCW 75.28.046.

19 (4) An individual who holds two Dungeness crab ~~Puget Sound fishery~~
20 licenses or two persons who both hold Dungeness crab ~~Puget Sound~~
21 fishery licenses may operate one vessel, provided that the owner of
22 each license is on the vessel.

23 (5) As used in this section, to "operate" means to control the
24 deployment or removal of fishing gear from state waters while aboard a
25 vessel, to operate a vessel as a charter boat, or to operate a vessel
26 delivering food fish or shellfish taken in offshore waters to a port
27 within the state.

28 **Sec. 3.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to read
29 as follows:

30 (1) This section establishes commercial fishery licenses required
31 for shellfish fisheries and the annual fees for those licenses. The
32 director may issue a limited-entry commercial fishery license only to
33 a person who meets the qualifications established in applicable
34 governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Burrowing shrimp	\$185	\$295	Yes	No

1	(b) Crab ring net«	\$130	\$185	Yes	No
2	Non-Puget Sound				
3	(c) Crab ring net«	\$130	\$185	Yes	No
4	Puget Sound				
5	(d) Dungeness crab«	\$295	\$520	Yes	Yes
6	coastal (RCW 75.30.350)				
7	(e) Dungeness crab«	\$295	\$520	Yes	Yes
8	coastal, class B				
9	(RCW 75.30.350)				
10	(f) Dungeness crab«	\$130	\$185	Yes	Yes
11	Puget Sound				
12	(RCW 75.30.130)				
13	(g) Emerging commercial	\$185	\$295	Determined	Determined
14	fishery (RCW 75.30.220			by rule	by rule
15	and 75.28.740)				
16	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
17	75.30.280)				
18	(i) Hardshell clam	\$530	\$985	Yes	No
19	mechanical harvester				
20	(RCW 75.28.280)				
21	(j) Oyster reserve	\$130	\$185	No	No
22	(RCW 75.28.290)				
23	(k) Razor clam	\$130	\$185	No	No
24	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
25	(RCW 75.30.250)				
26	(m) Sea urchin dive	\$130	\$185	Yes	Yes
27	(RCW 75.30.210)				
28	(n) Shellfish dive	\$130	\$185	Yes	No
29	(o) Shellfish pot	\$130	\$185	Yes	No
30	(p) Shrimp pot«	\$325	\$575	Yes	No
31	Hood Canal				
32	(q) Shrimp trawl«	\$240	\$405	Yes	No
33	Non-Puget Sound				
34	(r) Shrimp trawl«	\$185	\$295	Yes	No
35	Puget Sound				
36	(s) Squid	\$185	\$295	Yes	No

37 (2)(a) The fish and wildlife commission may open the commercial
38 Dungeness crab« Puget Sound fishery from October 1 to April 15. If the
39 commission closes or considers closing the commercial Dungeness
40 crab« Puget Sound fishery between October 1 and April 15, or if the fish
41 and wildlife commission does not open the commercial Dungeness
42 crab« Puget Sound fishery at all between October 1 and April 15, the
43 commission shall hold a public hearing in the north Puget Sound area
44 before the closure. The fish and wildlife commission shall consider
45 the effect of a potential fishery closure upon the marketability of

1 crab and the economic health and the physical safety of the fishers.
2 The fish and wildlife commission may close the commercial Dungeness
3 crab Puget Sound non-Indian fishery between October 1 and April 15 only
4 with the approval of six or more fish and wildlife commission members.
5 The fish and wildlife commission will enact closures of the commercial
6 Dungeness crab Puget Sound fishery in a way that the fishers have
7 adequate time to remove their pots from the fishing grounds,
8 considering weather conditions and the size and capacity of the boats
9 participating in the fishery. It is unlawful to set crab gear prior to
10 9:00 a.m. on the opening day of the season.

11 (b) The holder of a Dungeness crab Puget Sound fishery license may
12 take or fish for crabs with up to one hundred shellfish pots.

13 (c) The fish and wildlife commission shall not allow commercial
14 crab fishing by a commercial fishing group in Puget Sound recreational
15 crabbing zones between April 15 and October 1.

16 (d) The fish and wildlife commission shall not require recreational
17 Puget Sound crab pot escape rings larger than four and one-eighth
18 inches in diameter.

19 (e) The fish and wildlife commission shall work with the treaty
20 Indian commercial crab fishing industry to ensure coordination with the
21 non-Indian commercial crab fishing industry, to minimize waste, and to
22 ensure the long-term health and productivity of the resource.

23 (3) The ((director)) fish and wildlife commission may by rule
24 determine the species of shellfish that may be taken with the
25 commercial fishery licenses established in this section, the gear that
26 may be used with the licenses, and the areas or waters in which the
27 licenses may be used. Where a fishery license has been established for
28 a particular species, gear, geographical area, or combination thereof,
29 a more general fishery license may not be used to take shellfish in
30 that fishery.

31 **Sec. 4.** RCW 75.30.130 and 1993 c 340 s 34 are each amended to read
32 as follows:

33 (1) It is unlawful to take Dungeness crab (Cancer magister) in
34 Puget Sound without first obtaining a Dungeness crab Puget Sound
35 fishery license. As used in this section, "Puget Sound" has the
36 meaning given in RCW 75.28.110(5)(a). A Dungeness crab Puget Sound
37 fishery license is not required to take other species of crab,
38 including red rock crab (Cancer productus).

1 (2) Except as provided in subsection~~((s))~~ (3) ~~((and (7)))~~ of this
2 section, after January 1, 1982, the director shall issue no new
3 Dungeness crab ~~Puget Sound~~ fishery licenses. ~~((Only))~~ A person ~~((who~~
4 ~~meets the following qualifications))~~ may renew an existing license~~((:~~
5 ~~(a))~~ if the person ~~((shall have))~~ has held the Dungeness
6 crab ~~Puget Sound~~ fishery license sought to be renewed during the
7 previous year or acquired the license by transfer from someone who held
8 it during the previous year, and ~~((shall))~~ has not ~~((have))~~
9 subsequently transferred the license to another person~~((: and~~

10 (b) ~~The person shall document, by valid shellfish receiving tickets~~
11 ~~issued by the department, that one thousand pounds of dungeness crab~~
12 ~~were caught and sold during the previous two year period ending on~~
13 ~~December 31st of an odd numbered year:~~

14 (i) ~~Under the license sought to be renewed; or~~

15 (ii) ~~Under any combination of the following commercial fishery~~
16 ~~licenses that the person held when the crab were caught and sold: Crab~~
17 ~~pot Non Puget Sound, crab ring net Non Puget Sound, dungeness crab~~
18 ~~Puget Sound. Sales under a license other than the one sought to be~~
19 ~~renewed may be used for the renewal of no more than one dungeness~~
20 ~~crab Puget Sound fishery license)).~~

21 (3) Where the person failed to obtain the license during the
22 previous year because of a license suspension, the person may qualify
23 for a license by establishing that the person held such a license
24 during the last year in which the license was not suspended.

25 (4) ~~((The director may reduce or waive the poundage requirement~~
26 ~~established under subsection (2)(b) of this section upon the~~
27 ~~recommendation of a review board established under RCW 75.30.050. The~~
28 ~~review board may recommend a reduction or waiver of the poundage~~
29 ~~requirement in individual cases if, in the board's judgment,~~
30 ~~extenuating circumstances prevent achievement of the poundage~~
31 ~~requirement. The director shall adopt rules governing the operation of~~
32 ~~the review boards and defining "extenuating circumstances."~~

33 ~~(5))~~ This section does not restrict the issuance of commercial
34 crab licenses for areas other than Puget Sound or for species other
35 than Dungeness crab.

36 ~~((6) Subject to the restrictions in section 11 of this act,)~~ (5)
37 Dungeness crab ~~Puget Sound~~ fishery licenses are transferable from one
38 license holder to another.

1 (~~(7) If fewer than two hundred persons are eligible for Dungeness~~
2 ~~crab~~ Puget Sound fishery licenses, the director may accept applications
3 for new licenses. The director shall determine by random selection the
4 successful applicants for the additional licenses. The number of
5 additional licenses issued shall be sufficient to maintain two hundred
6 licenses in the Puget Sound Dungeness crab fishery. The director shall
7 adopt rules governing the application, selection, and issuance
8 procedures for new Dungeness crab Puget Sound fishery licenses, based
9 upon recommendations of a board of review established under RCW
10 75.30.050.)

11 **Sec. 5.** RCW 75.28.045 and 1993 c 340 s 7 are each amended to read
12 as follows:

13 This section applies to all commercial fishery licenses, delivery
14 licenses, and charter licenses.

15 (1) An applicant for a license subject to this section may
16 designate a vessel to be used with the license. Except for emergency
17 salmon delivery licenses, the director may issue a license regardless
18 of whether the applicant designates a vessel. An applicant may
19 designate no more than one vessel on a license subject to this section.

20 (2) A license for a fishery that requires a vessel authorizes no
21 taking or delivery of food fish or shellfish unless a vessel is
22 designated on the license. A delivery license authorizes no delivery
23 of food fish or shellfish unless a vessel is designated on the license.

24 (3) It is unlawful to take food fish or shellfish in a fishery that
25 requires a vessel except from a vessel designated on a commercial
26 fishery license for that fishery.

27 (4) It is unlawful to operate a vessel as a charter boat unless the
28 vessel is designated on a charter license.

29 (5) No vessel may be designated on more than one commercial fishery
30 license unless the licenses are for different fisheries, except as
31 otherwise provided in statute. No vessel may be designated on more
32 than one delivery license, on more than one salmon charter license, or
33 on more than one nonsalmon charter license.

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