
SENATE BILL 6387

State of Washington 54th Legislature 1996 Regular Session

By Senators Spanel, A. Anderson, Snyder, Haugen, Roach and Kohl

Read first time 01/12/96. Referred to Committee on Natural Resources.

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

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, and Dungeness
9 crab«Puget Sound fishery licenses.

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

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

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

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

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

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

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

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

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

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

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

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

37 Fishery Annual Fee Vessel Limited

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

39 (2)(a) The Dungeness crab«Puget Sound fishery is open October 1
40 through April 15. However, it is unlawful to set crab gear prior to
41 9:00 a.m. on the opening day of the season. The department may not
42 close an area or a region of the Puget Sound Dungeness crab fishery
43 except for conservation purposes.

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

1 (3) The director may by rule determine the species of shellfish
2 that may be taken with the commercial fishery licenses established in
3 this section, the gear that may be used with the licenses, and the
4 areas or waters in which the licenses may be used. Where a fishery
5 license has been established for a particular species, gear,
6 geographical area, or combination thereof, a more general fishery
7 license may not be used to take shellfish in that fishery.

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

10 (1) It is unlawful to take Dungeness crab (*Cancer magister*) in
11 Puget Sound without first obtaining a Dungeness crab Puget Sound
12 fishery license. As used in this section, "Puget Sound" has the
13 meaning given in RCW 75.28.110(5)(a). A Dungeness crab Puget Sound
14 fishery license is not required to take other species of crab,
15 including red rock crab (*Cancer productus*).

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

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

29 ~~(i) Under the license sought to be renewed; or~~
30 ~~(ii) Under any combination of the following commercial fishery~~
31 ~~licenses that the person held when the crab were caught and sold: Crab~~
32 ~~pot—Non Puget Sound, crab ring net—Non Puget Sound, dungeness crab—~~
33 ~~Puget Sound.—Sales under a license other than the one sought to be~~
34 ~~renewed may be used for the renewal of no more than one dungeness~~
35 ~~crab—Puget Sound fishery license)).~~

36 (3) Where the person failed to obtain the license during the
37 previous year because of a license suspension, the person may qualify

1 for a license by establishing that the person held such a license
2 during the last year in which the license was not suspended.

3 ~~(4) ((The director may reduce or waive the poundage requirement~~
4 ~~established under subsection (2)(b) of this section upon the~~
5 ~~recommendation of a review board established under RCW 75.30.050. The~~
6 ~~review board may recommend a reduction or waiver of the poundage~~
7 ~~requirement in individual cases if, in the board's judgment,~~
8 ~~extenuating circumstances prevent achievement of the poundage~~
9 ~~requirement. The director shall adopt rules governing the operation of~~
10 ~~the review boards and defining "extenuating circumstances."~~

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

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

17 ~~((7) If fewer than two hundred persons are eligible for Dungeness~~
18 ~~crab ~~Puget Sound~~ fishery licenses, the director may accept applications~~
19 ~~for new licenses. The director shall determine by random selection the~~
20 ~~successful applicants for the additional licenses. The number of~~
21 ~~additional licenses issued shall be sufficient to maintain two hundred~~
22 ~~licenses in the Puget Sound Dungeness crab fishery. The director shall~~
23 ~~adopt rules governing the application, selection, and issuance~~
24 ~~procedures for new Dungeness crab ~~Puget Sound~~ fishery licenses, based~~
25 ~~upon recommendations of a board of review established under RCW~~
26 ~~75.30.050.))~~

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