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**SUBSTITUTE HOUSE BILL 2149**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Linville, Buck, Regala, Gardner, Kessler and Anderson)

Read first time 03/05/97.

1 AN ACT Relating to removing landing requirements for the Puget  
2 Sound commercial crab fishery and allowing two licensees to operate one  
3 vessel; and amending RCW 75.30.130 and 75.28.048.

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

5 **Sec. 1.** RCW 75.30.130 and 1993 c 340 s 34 are each amended to read  
6 as follows:

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

13 (2) Except as provided in subsections (3) and (~~(7)~~) (6) of this  
14 section, after January 1, 1982, the director shall issue no new  
15 dungeness crab--Puget Sound fishery licenses. Only a person who meets  
16 the following qualification(~~s~~) may renew an existing license:  
17 (~~(a)~~) The person shall have held the dungeness crab--Puget Sound  
18 fishery license sought to be renewed during the previous year or  
19 acquired the license by transfer from someone who held it during the

1 previous year, and shall not have subsequently transferred the license  
2 to another person(~~(i) and~~

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

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

8 ~~(ii) Under any combination of the following commercial fishery~~  
9 ~~licenses that the person held when the crab were caught and sold: Crab~~  
10 ~~pot--Non Puget Sound, crab ring net--Non Puget Sound, dungeness crab--~~  
11 ~~Puget Sound. Sales under a license other than the one sought to be~~  
12 ~~renewed may be used for the renewal of no more than one dungeness~~  
13 ~~crab--Puget Sound fishery license)).~~

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

18 (4) ~~((The director may reduce or waive the poundage requirement~~  
19 ~~established under subsection (2)(b) of this section upon the~~  
20 ~~recommendation of a review board established under RCW 75.30.050. The~~  
21 ~~review board may recommend a reduction or waiver of the poundage~~  
22 ~~requirement in individual cases if, in the board's judgment,~~  
23 ~~extenuating circumstances prevent achievement of the poundage~~  
24 ~~requirement. The director shall adopt rules governing the operation of~~  
25 ~~the review boards and defining "extenuating circumstances."~~

26 ~~(5))~~ This section does not restrict the issuance of commercial  
27 crab licenses for areas other than Puget Sound or for species other  
28 than dungeness crab.

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

32 ~~((7))~~ (6) If fewer than two hundred persons are eligible for  
33 dungeness crab--Puget Sound fishery licenses, the director may accept  
34 applications for new licenses. The director shall determine by random  
35 selection the successful applicants for the additional licenses. The  
36 number of additional licenses issued shall be sufficient to maintain  
37 two hundred licenses in the Puget Sound dungeness crab fishery. The  
38 director shall adopt rules governing the application, selection, and  
39 issuance procedures for new dungeness crab--Puget Sound fishery

1 licenses, based upon recommendations of a board of review established  
2 under RCW 75.30.050.

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 may operate the licenses on one vessel if the vessel owner or  
23 alternate operator is on the vessel. The department shall allow a  
24 license holder to operate up to one hundred crab pots for each license.

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.

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