

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1516

Chapter 355, Laws of 2009

61st Legislature
2009 Regular Session

DUNGENESS CRAB POT REMOVAL

EFFECTIVE DATE: 07/26/09

Passed by the House April 20, 2009
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 16, 2009
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 6, 2009, 1:51 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1516** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1516

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to recovering gear used in the coastal Dungeness
2 crab fisheries; amending RCW 63.21.080; adding a new section to chapter
3 77.70 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.70 RCW
6 to read as follows:

7 (1)(a) As part of a coastal commercial Dungeness crab pot removal
8 program, the department shall issue a crab pot removal permit that
9 allows the participants in the Dungeness crab-coastal fishery created
10 in RCW 77.70.280 to remove crab pots belonging to state commercial
11 licensed crab fisheries from coastal marine waters after the close of
12 the primary commercial Dungeness crab-coastal harvest season,
13 regardless of whether the crab pot was originally set by the
14 participant or not.

15 (b) Beginning fifteen days after the close of the primary
16 commercial Dungeness crab-coastal harvest season, any individual with
17 a current commercial Dungeness crab-coastal license and a valid crab
18 pot removal permit issued by the department may remove a crab pot or

1 crab pots used to harvest Dungeness crabs remaining in coastal marine
2 waters after the close of the primary commercial Dungeness crab-coastal
3 harvest season.

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

9 (d) Nothing in this section prohibits the department from exempting
10 certain crab pots from the coastal commercial Dungeness crab pot
11 removal program or from restricting crab pot removal activities to
12 specific geographic areas.

13 (e) The department may adopt rules to implement this subsection
14 (1).

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

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

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

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

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

31 **Sec. 2.** RCW 63.21.080 and 1994 c 51 s 6 are each amended to read
32 as follows:

33 This chapter shall not apply to:

34 (1) Motor vehicles under chapter 46.52 RCW;

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

- 1 (3) Uniform disposition of unclaimed property under chapter 63.29
2 RCW; (~~and~~)
3 (4) Secured vessels under chapter (~~88.27~~) 79A.65 RCW; and
4 (5) Crab pots in coastal marine waters under section 1 of this act.

Passed by the House April 20, 2009.

Passed by the Senate April 16, 2009.

Approved by the Governor May 6, 2009.

Filed in Office of Secretary of State May 8, 2009.