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**HOUSE BILL 2250**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Blake, Fitzgibbon, Lekanoff, and Tharinger

Prefiled 12/18/19. Read first time 01/13/20. Referred to Committee on Rural Development, Agriculture, & Natural Resources.

1 AN ACT Relating to coastal crab derelict gear recovery; and  
2 amending RCW 77.70.500.

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

4 **Sec. 1.** RCW 77.70.500 and 2010 c 193 s 3 are each amended to  
5 read as follows:

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

14 (b) Beginning fifteen days after the close of the primary  
15 commercial Dungeness crab-coastal harvest season, any individual with  
16 a current commercial Dungeness crab-coastal license and a valid crab  
17 pot removal permit issued by the department may remove a crab pot or  
18 crab pots used to harvest Dungeness crabs remaining in coastal marine  
19 waters after the close of the primary commercial Dungeness crab-  
20 coastal harvest season.

1 (c) In cooperation with individuals with a current commercial  
2 Dungeness crab-coastal license, the department may expand the coastal  
3 commercial Dungeness crab pot removal program to those areas closed  
4 to commercial Dungeness crab harvest prior to the end of the primary  
5 season and during the summer fishery from May 1st through September  
6 15th.

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

11 (2)(a) The department may expand the crab pot removal program to  
12 allow for the removal of shellfish pots belonging to state commercial  
13 or recreational licensed shellfish fisheries from Puget Sound waters  
14 during shellfish harvest closures, regardless of whether the  
15 shellfish pot was originally set by the permittee or not.

16 (b) If the department expands the program to Puget Sound waters,  
17 the department shall limit the program as necessary to streamline  
18 implementation, minimize the oversight burden on fish and wildlife  
19 enforcement officers, minimize interference with lawful fisheries and  
20 other user groups, minimize administrative overhead cost, and avoid  
21 the collection of shellfish pots that are not abandoned. The program  
22 may be limited as deemed appropriate by the department, including  
23 limitations on:

24 (i) The number of participants;

25 (ii) The eligible geographic areas in Puget Sound where shellfish  
26 pots may be recovered;

27 (iii) The types of shellfish pots that may be recovered;

28 (iv) The maximum or minimum depth where a shellfish pot must be  
29 located to be eligible for recovery; and

30 (v) The ports through which the vessels collecting the abandoned  
31 shellfish pots may operate.

32 (3) The department may adopt rules to implement subsections (1)  
33 and (2) of this section.

34 (4)(a) The following are exempt from complying with the lost and  
35 found property provisions in chapter 63.21 RCW:

36 (i) An individual participating in permitted crab pot removal  
37 activities in coastal marine waters who has a valid crab pot removal  
38 permit, and who adheres to the provisions of the permit as they  
39 relate to crab pot removal; and

1           (ii) An individual participating in permitted shellfish pot  
2 removal activities in Puget Sound waters who has a valid shellfish  
3 pot removal permit and who adheres to the provisions of the permit as  
4 they relate to shellfish pot removal.

5           (b) The individual who removes a shellfish pot under a valid crab  
6 pot removal permit or a valid shellfish pot removal permit takes the  
7 property free and clear of all claims of the owner or previous holder  
8 and free and clear of all individuals claiming ownership under the  
9 previous owner.

10          (5) A violation of this section, or any rules or permit  
11 conditions provided under this section, is punishable as provided in  
12 RCW 77.15.750.

13          (6) Individuals who remove shellfish pots under a valid crab pot  
14 removal permit or a valid shellfish pot removal permit in accordance  
15 with this section are not subject to permitting under RCW 77.55.021.

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