

Chapter 220-95 WAC

COMMERCIAL FISHING GEAR REDUCTION PROGRAM

WAC

220-95-013 2001-2002 Puget Sound salmon license economic adjustment assistance program established—Fund allocation—Expiration.

220-95-018 2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility.

220-95-022 2001-2002 Puget Sound salmon license economic adjustment assistance program application.

220-95-027 Ranking and acceptance of salmon purse seine license offers.

220-95-032 Ranking and acceptance of salmon gillnet—Puget Sound and salmon reef net license offers.

220-95-100 Sea urchin license reduction program.

220-95-110 Sea cucumber license reduction program.

§ 220-95-026, filed 2/21/84; 82-19-082 (Order 82-141), § 220-95-026, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.

220-95-030 Offer to sell—Forms. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-030, filed 9/7/79; Order 76-26, § 220-95-030, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-031 Use restrictions and penalties. [Statutory Authority: RCW 75.08.080. 82-19-082 (Order 82-141), § 220-95-031, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.

220-95-035 Advisory board. [Order 76-26, § 220-95-035, filed 1:45 p.m., 4/20/76.] Repealed by 79-10-013 (Order 79-75), filed 9/7/79. Statutory Authority: RCW 75.08.080.

220-95-040 Protection—Undisclosed liens, claims, etc. [Order 76-26, § 220-95-040, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-045 Selling of vessels, equipment, gear—Conditions. [Order 76-26, § 220-95-045, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-050 Use of buy-back vessels. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-050, filed 9/7/79; Order 76-45, § 220-95-050, filed 6/10/76; Order 76-26, § 220-95-050, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-055 Violations—Conditions—Penalties. [Order 76-26, § 220-95-055, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-95-010 Application to sell—Qualification. [Statutory Authority: RCW 75.08.080. 81-09-018 (Order 81-22), § 220-95-010, filed 4/10/81; 79-11-069 (Order 79-111), § 220-95-010, filed 10/18/79; 79-03-025 (Order 79-13), § 220-95-010, filed 2/22/79; Order 76-26, § 220-95-010, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.-080.

220-95-011 Application to sell. [Statutory Authority: RCW 75.08.-080. 82-19-082 (Order 82-141), § 220-95-011, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.

220-95-012 Marginal production. [Statutory Authority: RCW 75.08.080. 81-09-018 (Order 81-22), § 220-95-012, filed 4/10/81.] Repealed by 85-11-011 (Order 85-42), filed 5/7/85. Statutory Authority: RCW 75.08.080.

220-95-015 Survey—Vessel—Gear—License—Permit. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-015, filed 9/7/79; 79-03-025 (Order 79-13), § 220-95-015, filed 2/22/79; Order 76-98, § 220-95-015, filed 9/22/76; Order 76-26, § 220-95-015, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-016 Ranking of applications. [Statutory Authority: RCW 75.08.080. 85-01-013 (Order 84-215), § 220-95-016, filed 12/10/84; 82-19-082 (Order 82-141), § 220-95-016, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.

220-95-017 Bonus payments. [Statutory Authority: RCW 75.08.-080. 81-09-018 (Order 81-22), § 220-95-017, filed 4/10/81.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-020 Offer to sell. [Statutory Authority: RCW 75.08.080. 79-10-013 (Order 79-75), § 220-95-020, filed 9/7/79; Order 76-26, § 220-95-020, filed 1:45 p.m., 4/20/76.] Repealed by 82-19-082 (Order 82-141), filed 9/21/82. Statutory Authority: RCW 75.08.080.

220-95-021 Program options. [Statutory Authority: RCW 75.08.-080. 85-11-011 (Order 85-42), § 220-95-021, filed 5/7/85; 85-01-013 (Order 84-215), § 220-95-021, filed 12/10/84; 84-05-046 (Order 84-11), § 220-95-021, filed 2/21/84; 82-19-082 (Order 82-141), § 220-95-021, filed 9/21/82.] Repealed by 95-07-012 (Order 95-20), filed 3/3/95, effective 4/3/95. Statutory Authority: RCW 75.08.080.

220-95-025 Survey (owner's expense)—Recomputed offer to sell. [Order 76-98, § 220-95-025, filed 9/22/76; Order 76-26, § 220-95-025, filed 1:45 p.m., 4/20/76.] Repealed by 79-10-013 (Order 79-75), filed 9/7/79. Statutory Authority: RCW 75.08.080. Later promulgation, see WAC 220-95-015, 220-95-020, and 220-95-030.

220-95-026 Surveys—Vessels—License—Permit values. [Statutory Authority: RCW 75.08.080. 84-05-046 (Order 84-11),

WAC 220-95-013 2001-2002 Puget Sound salmon license economic adjustment assistance program established—Fund allocation—Expiration. (1) The legislature and the federal government have allocated funds and anticipate allocating additional funds to buy back salmon licenses from commercial license holders. The department hereby designates \$34,884,689 of these funds as the 2001-2002 Puget Sound salmon license economic adjustment assistance program (program). The licenses eligible to participate in the program are purse seine, Puget Sound salmon gillnet, and reef net.

(2) The goal of the program is to provide economic relief to Washington commercial salmon fishers, and to reduce the number of Washington commercial salmon licenses. To accomplish this, the department is proposing a three-step process, all three steps of which are purchase of licenses for a fixed sum.

(3) The department will allocate the funds available for the program after deducting up to 3% for the costs of state program administration as follows:

(a) Spring 2001, Phase 1.

(i) Purse seine - 56.4% at a purchase price of \$103,300 per license.

(ii) Gillnet - 38.5% at a purchase price of \$27,500 per license.

(iii) Reef net - 5.1% at a purchase price of \$57,600 per license.

(b) Fall 2001, Phase 2.

(c) Spring 2002, Phase 3.

Program administration funds that will not be used will be reallocated to license purchases.

(4) The program expires upon the distribution of all available funds.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-013, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-013, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-013, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-013, filed 3/3/95, effective 4/3/95.]

WAC 220-95-018 2001-2002 Puget Sound salmon license economic adjustment assistance program eligibility. Only persons who possessed or were eligible to possess in 2000 a salmon gillnet—Puget Sound license, a salmon purse seine license, or a salmon reef net license issued pursuant to RCW 77.65.160, and are eligible to possess the same license in 2001 are eligible to participate in the program.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-018, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-018, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-018, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-018, filed 3/3/95, effective 4/3/95.]

WAC 220-95-022 2001-2002 Puget Sound salmon license economic adjustment assistance program application. (1) A person may make only one offer per license under the program.

(2) Applications must be submitted to the department's licensing division on a department offer form. A completed offer form must contain the following information:

The applicant's name, Social Security number, mailing address during the offer period, telephone number (if applicable), and the license type and license number being offered.

(3) Applications for all phases will be accepted through 5:00 p.m., May 11, 2001. Only those applications received by this deadline will be eligible for the Phase 1 buyback. Applications received after this date will be ranked for Phase 2 or Phase 3 as detailed under the procedures for ranking offers.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-022, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-022, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-022, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-022, filed 3/3/95, effective 4/3/95.]

WAC 220-95-027 Ranking and acceptance of salmon purse seine license offers. (1) All salmon purse seine licenses will be ranked based upon participation in the Puget Sound summer and fall salmon fisheries.

(2) Purse seine rankings will be based upon a point system (0-15) for landings in the months of July and August (summer fisheries) and/or the months of September, October, and November (fall fisheries) between 1994 and 1998. One point will be assigned for a verified landing during the fall fisheries and two points will be assigned for a verified landing during the summer fisheries or a maximum of fifteen points possible.

(3) Points will be assigned only if the current license owner and program applicant also landed salmon on that same license some time during the 1994-1998 qualifying period except upon the death of the licensee, the license shall

be treated as analogous to personal property for purposes of calculating and assigning points in the program. A license transferred to an immediate family member during or after the period 1994-1998, and who has continued with that license shall be able to count the points for that license and shall be qualified to participate in the program.

(4) Example: A current license owner makes a landing on the license in August and October of each year from 1994 to 1998. The owner is assigned the maximum fifteen points possible. If landings were only made in August 1994 and October 1998, then the owner would be assigned three points.

(5) Landings will be documented on official Washington state fish-receiving tickets or computer-generated landing lists certified by the department to be true and correct copies of Washington fish receiving tickets.

(6) In the event that two or more applicants have the same number of points, a random draw shall be conducted to rank the applicants among themselves before placing them into the overall rank order.

(7) The ranking will continue until all applicants have been rank-ordered. The order of ranking will apply to all phases of the program.

(8) **Persons selected** based upon the rank order and the available funds will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(9) **Persons not selected** in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for Phase 2 and Phase 3 when they should occur.

(10) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. They are not eligible to participate in Phase 1. Applications received on a single day will be ranked by random draw.

(11) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding for resolution.

(12) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased.

[Statutory Authority: RCW 77.12.047. 01-10-031 (Order 01-66), § 220-95-027, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 75.08.080. 98-20-052 (Order 98-206), § 220-95-027, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-027, filed 3/3/95, effective 4/3/95.]

WAC 220-95-032 Ranking and acceptance of salmon gillnet—Puget Sound and salmon reef net license offers.

(1) The purchase of Puget Sound gillnet and reef net licenses will be based upon a random drawing of all applicants for a specific license type.

(2) The random drawing will continue until all applicants who offered to sell at the department's offered price have been rank-ordered. The order of ranking will apply to all phases of the buyback.

(3) **Persons selected** will be notified by the department that a license offer has been accepted by registered mail to the address provided on the offer form. The enclosed acknowledgment sent with the acceptance letter must be signed and returned to the department within twenty days of the department's mailing date. Any acknowledgment received after the twenty-day period is void and the acceptance will be withdrawn. Final rankings of all licenses will be available upon request to applicants when all appeals have been settled.

(4) **Persons not selected** in Phase 1 will be sent an acceptance by mail to the address provided on the offer form that their ranking will continue to apply for a Phase 2 and Phase 3 buyback when they should occur.

(5) Persons who apply after 5:00 p.m. on May 11, 2001, will be ranked at the bottom of the ranked list in the order that the applications were received. Applications received on a single day will be ranked by random draw.

(6) Persons who wish to appeal their ranking must appeal within twenty days of the mailing date of the registered letter of acceptance. Any appeal received after the twenty-day period is void and the ranking will stand. Appeals will be referred to an adjudicative proceeding resolution.

(7) The department will tender the amount of the offer upon receipt of a valid acknowledgment and upon resolution of all appeals that affect the ranking of licenses to be purchased for that respective gear group.

[Statutory Authority: RCW 77.12.047, 01-10-031 (Order 01-66), § 220-95-032, filed 4/24/01, effective 5/25/01; 00-17-105 (Order 00-148), § 220-95-032, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080, 98-20-052 (Order 98-206), § 220-95-032, filed 10/1/98, effective 11/1/98; 95-07-012 (Order 95-20), § 220-95-032, filed 3/3/95, effective 4/3/95.]

WAC 220-95-100 Sea urchin license reduction program. In order to provide for economic stability in the commercial sea urchin fishery, and in accordance with RCW 77.70.150, the department establishes the sea urchin license reduction program (program).

(1) **Eligibility:** All persons who currently hold a sea urchin commercial fishery license are eligible to offer their license(s) for purchase by the department.

(2) **Offer process:** The department will accept sales offers beginning August 1st of each year and will purchase licenses based on the funds that are available on September 30th of that same year.

(3) **Selection process:** The department will rank sales offers from the lowest offer to the highest. It will purchase the lowest-cost licenses first, then the next lowest, and continue until there are insufficient funds to complete a purchase on an offer. If two or more licenses are offered at the same price, selection will be by random draw. To purchase licenses, the department will use the funds made available under RCW 77.70.150, with a maximum purchase price of twenty thousand dollars per license.

(4) **License reduction process:** When the department purchases a license, it will issue a warrant (a check from the department) in the amount of the offer to the license holder. On the date that the department mails the warrant to the

license holder's mailing address on file with the department, it will void the license. When the license holder receives the warrant, he or she must return his or her commercial sea urchin license cards to the department.

(5) **No prohibition on reentry:** License holders who sell a license under the program may reenter the sea urchin commercial fishery if they purchase a license.

(6) **Program termination:** This program terminates when the number of sea urchin commercial fishery licensees is reduced to twenty.

[Statutory Authority: RCW 77.12.047, 77.70.150, and 77.70.190, 12-15-019 (Order 12-140), § 220-95-100, filed 7/10/12, effective 8/10/12. Statutory Authority: RCW 77.12.047, 07-11-110 (Order 07-88), § 220-95-100, filed 5/18/07, effective 6/18/07; 02-17-014 (Order 02-184), § 220-95-100, filed 8/9/02, effective 9/9/02; 02-01-069 (Order 01-274), § 220-95-100, filed 12/14/01, effective 1/14/02.]

WAC 220-95-110 Sea cucumber license reduction program. In order to provide for economic stability in the commercial sea cucumber fishery, and in accordance with RCW 77.70.190, the department establishes the sea cucumber license reduction program (program).

(1) **Eligibility:** All persons who currently hold a sea cucumber commercial fishery license are eligible to offer their license(s) for purchase by the department.

(2) **Offer process:** The department will accept sales offers beginning August 1st of each year and will purchase licenses based on the funds that are available on September 30th of that same year.

(3) **Selection process:** The department will rank sales offers from the lowest offer to the highest. It will purchase the lowest-cost licenses first, then the next lowest, and continue until there are insufficient funds to complete a purchase on an offer. If two or more licenses are offered at the same price, selection will be by random draw. To purchase licenses, the department will use the funds made available under RCW 77.70.190, with a maximum purchase price of sixty thousand dollars per license.

(4) **License reduction process:** When the department purchases a license, it will issue a warrant (a check from the department) in the amount of the offer to the license holder. On the date that the department mails the warrant to the license holder's mailing address on file with the department, it will void the license. When the license holder receives the warrant, he or she must return his or her commercial sea cucumber license cards to the department.

(5) **No prohibition on reentry:** License holders who sell a license under the program may reenter the sea cucumber commercial fishery if they purchase a license.

(6) **Program termination:** This program terminates when the number of sea cucumber commercial fishery licensees is reduced to twenty.

[Statutory Authority: RCW 77.12.047, 77.70.150, and 77.70.190, 12-15-019 (Order 12-140), § 220-95-110, filed 7/10/12, effective 8/10/12. Statutory Authority: RCW 77.12.047, 07-11-110 (Order 07-88), § 220-95-110, filed 5/18/07, effective 6/18/07; 05-17-027 (Order 05-170), § 220-95-110, filed 8/5/05, effective 9/5/05; 02-17-014 (Order 02-184), § 220-95-110, filed 8/9/02, effective 9/9/02; 02-01-069 (Order 01-274), § 220-95-110, filed 12/14/01, effective 1/14/02.]