

WAC 220-356-170 Spawn on kelp licenses (SOK license)—Applications. (1) Any herring fisher holding a herring fishery license under chapter 77.65 RCW may participate in an auction for a spawn on kelp license (SOK license). Proof of current herring licensing must be presented before entering the auction. No more than one SOK license will be awarded to each herring license holder.

(2) The department shall offer SOK licenses under the following conditions:

(a) The department shall establish a minimum acceptable bid for each license.

(b) Licenses shall be offered by sealed bidding at auction. The license will be awarded to the bidder with the highest bid. In the event of tie bids, the tie breaker will be by coin toss.

(c) Each SOK license shall be auctioned separately. Each bidder for a license must submit a certified check equal to the minimum acceptable bid prior to the bidding as a down payment on the winning bid price.

(d) Bidding by proxy is allowed, provided the proxy holder has a power of attorney for the herring license holder represented.

(e) The successful bidder for a SOK license is required to sign and return to the department a copy of the SOK license within 10 days after the award of a license together with the balance of the bid amount. Failure to return the license and bid balance will invalidate the award of the license and result in forfeiture of the deposit in the amount necessary to compensate the department for any damages. In such case the license shall be offered to the other bidders in descending order of their bid amount.

(f) If the license fails to be sold as described in (c) or (e) of this subsection, the license may be offered to any person possessing a herring license who offers the largest amount within a specified time period.

(g) The department may revoke the SOK license for noncompliance with the terms of the license. In case of license revocation, the bid amount shall be retained by the department.

(3) Licensing:

(a) Herring dip bag net, herring drag seine, herring lampara and herring purse seine licenses are licenses required to operate the respective gear and retain herring for the spawn on kelp fishery.

(b) A spawn on kelp fishery license is the license issued to a successful bidder and allows the holder to participate in the spawn on kelp fishery.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-356-170, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 94-12-009 (Order 94-23), § 220-49-063, filed 5/19/94, effective 6/19/94; WSR 91-05-016 (Order 91-08), § 220-49-063, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW 75.08.080 and 75.28.245. WSR 90-07-003 (Order 90-17), § 220-49-063, filed 3/8/90, effective 4/8/90.]