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**SUBSTITUTE HOUSE BILL 1350**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Fuhrman, Basich, Wood, Orr, Tate, Johanson and Foreman)

Read first time 02/17/93.

1 AN ACT Relating to commercial shrimp fishing licenses; amending RCW  
2 75.28.125 and 75.30.050; adding new sections to chapter 75.28 RCW;  
3 adding a new section to chapter 75.30 RCW; creating a new section; and  
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the offshore  
7 Washington, Oregon, and California commercial ocean pink shrimp fishery  
8 is composed of a mobile fleet, fishing the entire coast from Washington  
9 to California and landing its catch in the state nearest the area being  
10 fished. The legislature further finds that the ocean pink shrimp  
11 fishery currently uses the entire available resource, and has the  
12 potential to become overcapitalized. The legislature further finds  
13 that overcapitalization can lead to economic destabilization, and that  
14 reductions in fishing opportunities from licensing restrictions imposed  
15 for conservation needs and the economic well-being of the ocean pink  
16 shrimp industry creates uncertainty. The legislature further finds  
17 that it is the best interest of the ocean pink shrimp resource,  
18 commercial ocean pink shrimp fishers, and ocean pink shrimp processors  
19 in the state, to limit the number of fishers who make landings of ocean

1 pink shrimp into the state of Washington to those persons who have  
2 historically and continuously participated in the ocean pink shrimp  
3 fishery.

4 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
5 otherwise, as used in this chapter "ocean pink shrimp" means the  
6 species *Pandalus jordani*.

7 **Sec. 3.** RCW 75.28.125 and 1989 c 316 s 7 are each amended to read  
8 as follows:

9 A delivery license is required to deliver shellfish other than  
10 ocean pink shrimp or food fish other than salmon taken in offshore  
11 waters and delivered to a port in the state. Unless adjusted by the  
12 director pursuant to the director's authority granted in RCW 75.28.065,  
13 the annual license fee is fifty dollars for residents and one hundred  
14 dollars for nonresidents. Licenses issued under RCW 75.28.113 (salmon  
15 delivery license), RCW 75.28.130(4) (crab pot, other than Puget Sound),  
16 ((~~or~~)) RCW 75.28.140(2) (trawl, other than Puget Sound), section 4 of  
17 this act (ocean pink shrimp delivery), or section 8 of this act (ocean  
18 pink shrimp single delivery) shall include a delivery license.

19 NEW SECTION. **Sec. 4.** An ocean pink shrimp delivery license is  
20 required to deliver ocean pink shrimp taken in offshore waters and  
21 delivered to a port in the state. Unless adjusted by the director  
22 pursuant to the director's authority granted in RCW 75.28.065, the  
23 annual license fee is one hundred fifty dollars for residents and three  
24 hundred dollars for nonresidents. Ocean pink shrimp delivery licenses  
25 are transferable.

26 NEW SECTION. **Sec. 5.** After December 31, 1993, it is unlawful to  
27 deliver into any Washington state port ocean pink shrimp caught in  
28 offshore waters without an ocean pink shrimp delivery license issued  
29 under section 4 of this act, or an ocean pink shrimp single delivery  
30 license issued under section 8 of this act. An ocean pink shrimp  
31 delivery license shall be issued to a vessel that:

32 (1) Landed a total of at least five thousand pounds of ocean pink  
33 shrimp in Washington in any single calendar year between January 1,  
34 1983, and December 31, 1992, as documented by a valid shellfish  
35 receiving ticket; and

1 (2) Can show continuous participation in the Washington, Oregon, or  
2 California ocean pink shrimp fishery by being eligible to land ocean  
3 pink shrimp in either Washington, Oregon, or California each year since  
4 the landing made under subsection (1) of this section. Evidence of  
5 such eligibility shall be a certified statement from the relevant state  
6 licensing agency that the applicant for a Washington ocean pink shrimp  
7 delivery license held at least one of the following permits:

8 (a) For Washington: Possession of a delivery permit or delivery  
9 license issued under RCW 75.28.125 or a trawl license (other than Puget  
10 Sound) issued under RCW 75.28.140;

11 (b) For Oregon: Possession of a vessel permit issued under Oregon  
12 Revised Statute 508.880; or

13 (c) For California: A trawl permit issued under California Fish  
14 and Game Code sec. 8842.

15 NEW SECTION. **Sec. 6.** An applicant who can show historical  
16 participation under section 5(1) of this act but does not satisfy the  
17 continuous participation requirement of section 5(2) of this act shall  
18 be issued an ocean pink shrimp delivery license if:

19 (1) The owner can prove that the owner was in the process on  
20 December 31, 1992, of constructing a vessel for the purpose of ocean  
21 pink shrimp harvest. For purposes of this section, "construction"  
22 means having the keel laid, and "for the purpose of ocean pink shrimp  
23 harvest" means the vessel is designed as a trawl vessel. An ocean pink  
24 shrimp delivery license issued to a vessel under construction is not  
25 renewable after December 31, 1994, unless the vessel lands a total of  
26 at least five thousand pounds of ocean pink shrimp into a Washington  
27 state port before December 31, 1994; or

28 (2) The applicant's vessel is a replacement for a vessel that is  
29 otherwise eligible for an ocean pink shrimp delivery license.

30 NEW SECTION. **Sec. 7.** After December 31, 1994, an ocean pink  
31 shrimp delivery license may only be issued to a vessel that held an  
32 ocean pink shrimp delivery license in 1994, and each year thereafter.  
33 If the license is transferred to another vessel, the license history  
34 shall also be transferred to the transferee vessel.

35 Where the failure to hold the license in any given year was the  
36 result of a license suspension, the vessel may qualify if the vessel

1 held an ocean pink shrimp delivery license in the year immediately  
2 preceding the year of the license suspension.

3 NEW SECTION. **Sec. 8.** The owner of an ocean pink shrimp fishing  
4 vessel that does not qualify for an ocean pink shrimp delivery license  
5 issued under section 4 of this act shall obtain an ocean pink shrimp  
6 single delivery license in order to make a landing into a state port of  
7 ocean pink shrimp taken in offshore waters. The director shall not  
8 issue an ocean pink shrimp single delivery license unless, as  
9 determined by the director, a bona fide emergency exists. A maximum of  
10 six ocean pink shrimp single delivery licenses may be issued annually  
11 to any vessel. Unless adjusted by the director pursuant to the  
12 director's authority granted in RCW 75.28.065, the fee for an ocean  
13 pink shrimp single delivery license is one hundred dollars.

14 **Sec. 9.** RCW 75.30.050 and 1990 c 61 s 3 are each amended to read  
15 as follows:

16 (1) The director shall appoint three-member advisory review boards  
17 to hear cases as provided in RCW 75.30.060. Members shall be from:

18 (a) The salmon charter boat fishing industry in cases involving  
19 salmon charter boat licenses or angler permits;

20 (b) The commercial salmon fishing industry in cases involving  
21 commercial salmon licenses;

22 (c) The commercial crab fishing industry in cases involving Puget  
23 Sound crab license endorsements;

24 (d) The commercial herring fishery in cases involving herring  
25 validations;

26 (e) The commercial Puget Sound whiting fishery in cases involving  
27 Puget Sound whiting license endorsements;

28 (f) The commercial sea urchin fishery in cases involving sea urchin  
29 endorsements to shellfish diver licenses; ((and))

30 (g) The commercial sea cucumber fishery in cases involving sea  
31 cucumber endorsements to shellfish diver licenses; and

32 (h) The commercial ocean pink shrimp industry (Pandalus jordani) in  
33 cases involving ocean pink shrimp delivery permits.

34 (2) Members shall serve at the discretion of the director and shall  
35 be reimbursed for travel expenses as provided in RCW 43.03.050 and  
36 43.03.060.

1        NEW SECTION.   **Sec. 10.**   A new section is added to chapter 75.30 RCW  
2 to read as follows:

3        The director may reduce the landing requirements established under  
4 section 5 of this act upon the recommendation of an advisory review  
5 board established under RCW 75.30.050, but the director may not  
6 entirely waive the landing requirement. The advisory review board may  
7 recommend a reduction of the landing requirement in individual cases if  
8 in the board's judgment, extenuating circumstances prevented  
9 achievement of the landing requirement. The director shall adopt rules  
10 governing the operation of the advisory review board and defining  
11 "extenuating circumstances."

12        NEW SECTION.   **Sec. 11.**   Sections 2 and 4 through 8 of this act are  
13 each added to chapter 75.28 RCW.

14        NEW SECTION.   **Sec. 12.**   This act shall take effect January 1, 1994.

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