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HOUSE BILL 2406

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State of Washington

53rd Legislature

1994 Regular Session

By Representative King

Read first time 01/14/94. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to sea cucumbers and sea urchins; amending RCW  
2 75.30.210 and 75.30.250; adding new sections to chapter 75.30 RCW;  
3 creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that both the sea  
6 urchin and sea cucumber resources are being depleted, despite the  
7 passage of recent limited entry legislation. It is the intent of the  
8 legislature to allow the use of a variety of management tools in the  
9 management of such fisheries in order to restore the populations.

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

12 To ensure the optimum population of sea urchins and sea cucumbers  
13 for the long-term survival of the resource, the director may adopt  
14 rules further limiting the numbers of individuals participating in  
15 either fishery. The scope of such rules may include:

16 (1) Individual quotas;

17 (2) Buybacks;

1 (3) License lotteries if fewer than forty-five persons are eligible  
2 for sea urchin dive fishery licenses and if fewer than fifty persons  
3 are eligible for sea cucumber dive fishery licenses;

4 (4) Transferability restrictions that reduce the total numbers of  
5 licenses, such as purchase of two active licenses in order to hold one  
6 license; and

7 (5) Requirements that licensees remain with the designated vessel  
8 or that licensees function as divers on the designated vessel.

9 **Sec. 3.** RCW 75.30.210 and 1993 c 340 s 41 are each amended to read  
10 as follows:

11 (1) It is unlawful to commercially take any species of sea urchin  
12 using shellfish diver gear without first obtaining a sea urchin dive  
13 fishery license.

14 (2) Except as provided in subsections (3) and (6) of this section,  
15 after December 31, 1991, the director shall issue no new sea urchin  
16 dive fishery licenses. Only a person who meets the following  
17 qualifications may renew an existing license:

18 (a) The person shall have held the sea urchin dive fishery license  
19 sought to be renewed during the previous year or acquired the license  
20 by transfer from someone who held it during the previous year; and

21 (b) The person shall document, by valid shellfish receiving tickets  
22 issued by the department, that twenty thousand pounds of sea urchins  
23 were caught and sold under the license sought to be renewed during the  
24 two-year period ending March 31 of the most recent odd-numbered year.

25 (3) Where the person failed to obtain the license during the  
26 previous year because of a license suspension or revocation by the  
27 department or the court, the person may qualify for a license by  
28 establishing that the person held such a license during the last year  
29 in which the person was eligible.

30 (4) The director may reduce or waive the poundage requirement of  
31 subsection (2)(b) of this section upon the recommendation of a board of  
32 review established under RCW 75.30.050. The board of review may  
33 recommend a reduction or waiver of the poundage requirement in  
34 individual cases if, in the board's judgment, extenuating circumstances  
35 prevent achievement of the poundage requirement. The director shall  
36 adopt rules governing the operation of the board of review and defining  
37 "extenuating circumstances."

1 (5) Except as provided in section 2(4) of this act, sea urchin dive  
2 fishery licenses are not transferable from one license holder to  
3 another, except from parent to child, or from spouse to spouse during  
4 marriage or as a result of marriage dissolution, or upon the death of  
5 the license holder.

6 (6) If fewer than forty-five persons are eligible for sea urchin  
7 dive fishery licenses, the director may accept applications for new  
8 licenses. The director shall determine by random selection the  
9 successful applicants for the additional licenses. The number of  
10 additional licenses issued shall be sufficient to maintain up to forty-  
11 five licenses in the sea urchin dive fishery. The director shall adopt  
12 rules governing the application, selection, and issuance procedure for  
13 new sea urchin dive fishery licenses, based upon recommendations of a  
14 board of review established under RCW 75.30.050.

15 **Sec. 4.** RCW 75.30.250 and 1993 c 340 s 44 are each amended to read  
16 as follows:

17 (1) It is unlawful to commercially take while using shellfish diver  
18 gear any species of sea cucumber without first obtaining a sea cucumber  
19 dive fishery license.

20 (2) Except as provided in subsection (6) of this section, after  
21 December 31, 1991, the director shall issue no new sea cucumber dive  
22 fishery licenses. Only a person who meets the following qualifications  
23 may renew an existing license:

24 (a) The person shall have held the sea cucumber dive fishery  
25 license sought to be renewed during the previous two years or acquired  
26 the license by transfer from someone who held it during the previous  
27 year; and

28 (b) The person shall establish, by means of dated shellfish  
29 receiving documents issued by the department, that thirty landings of  
30 sea cucumbers totaling at least ten thousand pounds were made under the  
31 license during the previous two-year period ending December 31 of the  
32 odd-numbered year.

33 (3) Where the person failed to obtain the license during either of  
34 the previous two years because of a license suspension by the  
35 department or the court, the person may qualify for a license by  
36 establishing that the person held such a license during the last year  
37 in which the person was eligible.

1 (4) The director may reduce or waive any landing or poundage  
2 requirement established under this section upon the recommendation of  
3 a board of review established under RCW 75.30.050. The board of review  
4 may recommend a reduction or waiver of any landing or poundage  
5 requirement in individual cases if, in the board's judgment,  
6 extenuating circumstances prevent achievement of the landing or  
7 poundage requirement. The director shall adopt rules governing the  
8 operation of the board of review and defining "extenuating circum-  
9 stances."

10 (5) Except as provided in section 2(4) of this act, sea cucumber  
11 dive fishery licenses are not transferable from one license holder to  
12 another except from parent to child, from spouse to spouse during  
13 marriage or as a result of marriage dissolution, or upon death of the  
14 license holder.

15 (6) If fewer than fifty persons are eligible for sea cucumber dive  
16 fishery licenses, the director may accept applications for new licenses  
17 from those persons who can demonstrate two years' experience in the  
18 Washington state sea cucumber dive fishery. The director shall  
19 determine by random selection the successful applicants for the  
20 additional licenses. The number of additional licenses issued shall be  
21 sufficient to maintain up to fifty licenses in the sea cucumber dive  
22 fishery. The director shall adopt rules governing the application,  
23 selection, and issuance procedure for new sea cucumber dive fishery  
24 licenses, based upon recommendations of a board of review established  
25 under RCW 75.30.050.

26 NEW SECTION. Sec. 5. A new section is added to chapter 75.30 RCW  
27 to read as follows:

28 The department shall not adopt rules that allow sea cucumber  
29 harvest during the spawning season for that species.

30 NEW SECTION. Sec. 6. This act shall take effect July 1, 1994.

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