

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1471

Chapter 260, Laws of 1994

53rd Legislature
1994 Regular Session

CRAB FISHERY

EFFECTIVE DATE: 6/9/94 - Except Sections 1 through 5, 9 through 19,
and 21 through 24 which takes effect 1/1/95, and Section 8 which
takes effect 1/1/97

Passed by the House March 9, 1994
Yeas 93 Nays 2

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 9, 1994
Yeas 42 Nays 2

JOEL PRITCHARD

President of the Senate

Approved April 1, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1471** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

April 1, 1994 - 2:08 p.m.

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1471

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1994 Regular Session

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Fisheries & Wildlife (originally sponsored by Representatives King, Basich, Orr, Fuhrman, Brumsickle, Foreman and G. Cole)

Read first time 03/01/93.

1 AN ACT Relating to non-Puget Sound coastal commercial crab fishery;
2 amending RCW 75.28.044, 75.28.046, 75.28.130, and 75.28.113; reenacting
3 and amending RCW 75.30.050 and 75.28.125; adding a new section to
4 chapter 75.28 RCW; adding new sections to chapter 75.30 RCW; creating
5 a new section; and providing effective dates.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the commercial
8 crab fishery in coastal and offshore waters is overcapitalized. The
9 legislature further finds that this overcapitalization has led to the
10 economic destabilization of the coastal crab industry, and can cause
11 excessive harvesting pressures on the coastal crab resources of
12 Washington state. In order to provide for the economic well-being of
13 the Washington crab industry and to protect the livelihood of
14 Washington crab fishers who have historically and continuously
15 participated in the coastal crab fishery, the legislature finds that it
16 is in the best interests of the economic well-being of the coastal crab
17 industry to reduce the number of fishers taking crab in coastal waters,
18 to reduce the number of vessels landing crab taken in offshore waters,

1 to limit the number of future licenses, and to limit fleet capacity by
2 limiting vessel size.

3 NEW SECTION. **Sec. 2.** (1) Effective January 1, 1995, it is
4 unlawful to fish for coastal crab in Washington state waters without a
5 Dungeness crab--coastal or a Dungeness crab--coastal class B fishery
6 license. Gear used must consist of one buoy attached to each crab pot.
7 Each crab pot must be fished individually.

8 (2) A Dungeness crab--coastal fishery license is transferable.
9 Such a license shall only be issued to a person who proved active
10 historical participation in the coastal crab fishery by having
11 designated, after December 31, 1993, a vessel on the qualifying license
12 that meets the following criteria:

13 (a) Made a minimum of eight coastal crab landings totaling a
14 minimum of five thousand pounds per season in at least two of the four
15 qualifying seasons identified in subsection (4) of this section, as
16 documented by valid Washington state shellfish receiving tickets; and
17 showed historical and continuous participation in the coastal crab
18 fishery by having held one of the following licenses or their
19 equivalents each calendar year beginning 1990 through 1993, and was
20 designated on the qualifying license of the person who held one of the
21 following licenses in 1994:

22 (i) Crab pot«Non-Puget Sound license, issued under RCW
23 75.28.130(1)(b);

24 (ii) Nonsalmon delivery license, issued under RCW 75.28.125;

25 (iii) Salmon troll license, issued under RCW 75.28.110;

26 (iv) Salmon delivery license, issued under RCW 75.28.113;

27 (v) Food fish trawl license, issued under RCW 75.28.120; or

28 (vi) Shrimp trawl license, issued under RCW 75.28.130; or

29 (b) Made a minimum of four landings of coastal crab totaling two
30 thousand pounds during the period from December 1, 1991, to March 20,
31 1992, and made a minimum of eight crab landings totaling a minimum of
32 five thousand pounds of coastal crab during each of the following
33 periods: December 1, 1991, to September 15, 1992; December 1, 1992, to
34 September 15, 1993; and December 1, 1993, to September 15, 1994. For
35 landings made after December 31, 1993, the vessel shall have been
36 designated on the qualifying license of the person making the landings.

37 (3) A Dungeness crab--coastal class B fishery license is not
38 transferable. Such a license shall be issued to persons who do not

1 meet the qualification criteria for a Dungeness crab--coastal fishery
2 license, if the person has designated on a qualifying license after
3 December 31, 1993, a vessel that made a minimum of four landings
4 totaling a minimum of two thousand pounds of coastal crab, documented
5 by valid Washington state shellfish receiving tickets, during at least
6 one of the four qualifying seasons, and if the person has participated
7 continuously in the coastal crab fishery by having held or by having
8 owned a vessel that held one or more of the licenses listed in
9 subsection (2) of this section in each calendar year subsequent to the
10 qualifying season in which qualifying landings were made through 1994.
11 Dungeness crab--coastal class B fishery licenses cease to exist after
12 December 31, 1999, and the continuing license provisions of RCW
13 34.05.422(3) are not applicable.

14 (4) The four qualifying seasons for purposes of this section are:

15 (a) December 1, 1988, through September 15, 1989;

16 (b) December 1, 1989, through September 15, 1990;

17 (c) December 1, 1990, through September 15, 1991; and

18 (d) December 1, 1991, through September 15, 1992.

19 (5) For purposes of this section and section 9 of this act,
20 "coastal crab" means Dungeness crab (cancer magister) taken in all
21 Washington territorial and offshore waters south of the United States-
22 Canada boundary and west of the Bonilla-Tatoosh line (a line from the
23 western end of Cape Flattery to Tatoosh Island lighthouse, then to the
24 buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point
25 of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia
26 river.

27 NEW SECTION. **Sec. 3.** (1) The director shall allow the landing
28 into Washington state of crab taken in offshore waters only if:

29 (a) The crab are legally caught and landed by fishers with a valid
30 Washington state Dungeness crab--coastal fishery license or a valid
31 Dungeness crab--coastal class B fishery license; or

32 (b) The crab are legally caught and landed by fishers with a valid
33 Oregon or California commercial crab fishing license during the
34 calendar year between the dates of February 15th and September 15th
35 inclusive, if the crab were caught in offshore waters beyond the
36 jurisdiction of Washington state, if the crab were taken with crab gear
37 that consisted of one buoy attached to each crab pot, if each crab pot

1 was fished individually, and if the fisher landing the crab has
2 obtained a valid delivery license; or

3 (c) The director determines that the landing of offshore Dungeness
4 crab by fishers without a Washington state Dungeness crab--coastal
5 fishery license or a valid Dungeness crab--coastal class B fishery
6 license is in the best interest of the coastal crab processing industry
7 and the director has been requested to allow such landings by at least
8 three Dungeness crab processors, and if the landings are permitted only
9 between the dates of December 1st to February 15th inclusively, if only
10 crab fishers commercially licensed to fish by Oregon or California are
11 permitted to land, if the crab was taken with gear that consisted of
12 one buoy attached to each crab pot, if each crab pot was fished
13 individually, if the fisher landing the crab has obtained a valid
14 delivery license, and if the decision is made on a case-by-case basis
15 for the sole reason of improving the economic stability of the
16 commercial crab fishery.

17 (2) Nothing in this section allows the commercial fishing of
18 Dungeness crab in waters within three miles of Washington state by
19 fishers who do not possess a valid Dungeness crab--coastal fishery
20 license or a valid Dungeness crab--coastal class B fishery license.
21 Landings of offshore Dungeness crab by fishers without a valid
22 Dungeness crab--coastal fishery license or a valid Dungeness crab--
23 coastal class B license do not qualify the fisher for such licenses.

24 NEW SECTION. **Sec. 4.** A person commercially fishing for Dungeness
25 crab in offshore waters outside of Washington state jurisdiction shall
26 obtain a Dungeness crab offshore delivery license from the director if
27 the person does not possess a valid Dungeness crab--coastal fishery
28 license or a valid Dungeness crab--coastal class B fishery license and
29 the person wishes to land Dungeness crab into a place or a port in the
30 state. The annual fee for a Dungeness crab offshore delivery license
31 is two hundred fifty dollars. The director may specify restrictions on
32 landings of offshore Dungeness crab in Washington state as authorized
33 in section 3 of this act.

34 Fees from the offshore Dungeness crab delivery license shall be
35 placed in the costal crab account created in section 6 of this act.

36 NEW SECTION. **Sec. 5.** Dungeness crab--coastal fishery licenses are
37 freely transferable on a willing seller-willing buyer basis, if upon

1 each sale of a Dungeness crab--coastal fishery license, twenty percent
2 of the sale proceeds are remitted to the department and deposited in
3 the coastal crab account. Funds shall be used for license purchase as
4 provided in section 7 of this act or for coastal crab management
5 activities as provided in section 8 of this act.

6 For any license transfer that includes the transfer of the
7 designated vessel and associated business, the seller must sign a
8 notarized affidavit that the value of the vessel and associated
9 business was not inflated. A marine survey documenting the value of
10 the vessel and associated business shall be filed with the department
11 along with the affidavit and the application to transfer the Dungeness
12 crab--coastal fishery license. The cost of the survey shall be paid by
13 the purchaser.

14 NEW SECTION. **Sec. 6.** (1) The coastal crab account is created in
15 the custody of the state treasurer. Only the director or the
16 director's designee may authorize expenditures from the account. The
17 account is subject to allotment procedures under chapter 43.88 RCW but
18 no appropriation is required for expenditures. Funds may be used for
19 license purchase as provided in section 7 of this act, or for coastal
20 crab management activities as provided in section 8 of this act. The
21 appropriate standing committees of the legislature shall review the
22 status and expenditures of the coastal crab account yearly.

23 (2) A surcharge of two hundred fifty dollars shall be collected
24 with each Dungeness crab--coastal fishery license and Dungeness crab--
25 coastal class B fishery license for 1995 and 1996, for the purposes of
26 purchasing Dungeness crab--coastal class B fishery licenses as provided
27 in section 7 of this act. The moneys shall be deposited into the
28 coastal crab account.

29 NEW SECTION. **Sec. 7.** Expenditures from the coastal crab account
30 may be made by the department to purchase Dungeness crab--coastal class
31 B fishery licenses during the following time periods:

32 (1) January 1, 1995, to December 31, 1995, at a price not to exceed
33 five thousand dollars per license; or

34 (2) January 1, 1996, to December 31, 1996, at a price not to exceed
35 three thousand five hundred dollars per license.

36 The department shall establish rules governing the purchase of
37 class B licenses. Dungeness crab--coastal class B fishery licensees

1 may apply to the department for the purposes of selling their license
2 on a willing seller basis. Licenses will be purchased in the order
3 applications are received, or as funds allow.

4 NEW SECTION. **Sec. 8.** Expenditures from the coastal crab account
5 may be made by the department for management of the coastal crab
6 resource. Management activities may include studies of resource
7 viability, interstate negotiations concerning regulation of the
8 offshore crab resource, resource enhancement projects, or other
9 activities as determined by the department.

10 NEW SECTION. **Sec. 9.** (1) An Oregon resident who can show
11 historical and continuous participation in the Washington state coastal
12 crab fishery by having held a nonresident Non-Puget Sound crab pot
13 license issued under RCW 75.28.130 each year from 1990 through 1994,
14 and who has delivered a minimum of eight landings totaling five
15 thousand pounds of crab into Oregon during any two of the four
16 qualifying seasons as provided in section 2(4) of this act as evidenced
17 by valid Oregon fish receiving tickets, shall be issued a nonresident
18 Dungeness crab--coastal fishery license valid for fishing in Washington
19 state waters north from the Oregon-Washington boundary to United States
20 latitude forty-six degrees thirty minutes north. Such license shall be
21 issued upon application and submission of proof of delivery.

22 (2) This section shall become effective contingent upon reciprocal
23 statutory authority in the state of Oregon providing for equal access
24 for Washington state coastal crab fishers to Oregon territorial coastal
25 waters north of United States latitude forty-five degrees fifty-eight
26 minutes north, and Oregon waters of the Columbia river.

27 NEW SECTION. **Sec. 10.** (1) The following restrictions apply to
28 vessel designations and substitutions on Dungeness crab--coastal
29 fishery licenses and Dungeness crab--coastal class B fishery licenses:

30 (a) The holder of the license may not designate on the license a
31 vessel the hull length of which exceeds ninety-nine feet, nor may the
32 holder change vessel designation if the hull length of the vessel
33 proposed to be designated exceeds the hull length of the currently
34 designated vessel by more than ten feet;

35 (b) If the hull length of the vessel proposed to be designated is
36 comparable to or exceeds by up to one foot the hull length of the

1 currently designated vessel, the department may change the vessel
2 designation no more than once in any two consecutive Washington state
3 coastal crab seasons unless the currently designated vessel is lost or
4 in disrepair such that it does not safely operate, in which case the
5 department may allow a change in vessel designation;

6 (c) If the hull length of the vessel proposed to be designated
7 exceeds by between one and ten feet the hull length of the currently
8 designated vessel, the department may change the vessel designation no
9 more than once in any five consecutive Washington state coastal crab
10 seasons, unless a request is made by the license holder during a
11 Washington state coastal crab season for an emergency change in vessel
12 designation. If such an emergency request is made, the director may
13 allow a temporary change in designation to another vessel, if the hull
14 length of the other vessel does not exceed by more than ten feet the
15 hull length of the currently designated vessel.

16 (2) For the purposes of this section, "hull length" means the
17 length of a vessel's hull as shown by United States coast guard
18 documentation or marine survey, or for vessels that do not require
19 United States coast guard documentation, by manufacturer's
20 specifications or marine survey.

21 **Sec. 11.** RCW 75.28.044 and 1993 sp.s. c 17 s 45 are each amended
22 to read as follows:

23 This section applies to all commercial fishery licenses, delivery
24 licenses, and charter licenses, except for emergency salmon delivery
25 licenses.

26 (1) The holder of a license subject to this section may substitute
27 the vessel designated on the license or designate a vessel if none has
28 previously been designated if the license holder:

29 (a) Surrenders the previously issued license to the department;

30 (b) Submits to the department an application that identifies the
31 currently designated vessel, the vessel proposed to be designated, and
32 any other information required by the department; and

33 (c) Pays to the department a fee of thirty-five dollars.

34 (2) Unless the license holder owns all vessels identified on the
35 application described in subsection (1)(b) of this section or unless
36 the vessel is designated on a Dungeness crab--coastal or a Dungeness
37 crab--coastal class B fishery license, the following restrictions apply
38 to changes in vessel designation:

1 (a) The department shall change the vessel designation on the
2 license no more than four times per calendar year.

3 (b) The department shall change the vessel designation on the
4 license no more than once in any seven-day period.

5 **Sec. 12.** RCW 75.28.046 and 1993 c 340 s 9 are each amended to read
6 as follows:

7 This section applies to all commercial fishery licenses, delivery
8 licenses, and charter licenses, except for whiting--Puget Sound fishery
9 licenses and emergency salmon delivery licenses.

10 (1) The license holder may engage in the activity authorized by a
11 license subject to this section. With the exception of Dungeness
12 crab--coastal fishery class B licensees licensed under section 2(3) of
13 this act, the holder of a license subject to this section may also
14 designate up to two alternate operators for the license. Dungeness
15 crab--coastal fishery class B licensees may not designate alternate
16 operators. A person designated as an alternate operator must possess
17 an alternate operator license issued under section 23 of this act and
18 RCW 75.28.048.

19 (2) The fee to change the alternate operator designation is twenty-
20 two dollars.

21 NEW SECTION. **Sec. 13.** Except as provided under section 17 of this
22 act, the director shall issue no new Dungeness crab--coastal fishery
23 licenses after December 31, 1995. A person may renew an existing
24 license only if the person held the license sought to be renewed during
25 the previous year or acquired the license by transfer from someone who
26 held it during the previous year, and if the person has not
27 subsequently transferred the license to another person. Where the
28 person failed to obtain the license during the previous year because of
29 a license suspension, the person may qualify for a license by
30 establishing that the person held such a license during the last year
31 in which the license was not suspended.

32 **Sec. 14.** RCW 75.28.130 and 1993 sp.s. c 17 s 40 are each amended
33 to read as follows:

34 (1) This section establishes commercial fishery licenses required
35 for shellfish fisheries and the annual fees for those licenses. The
36 director may issue a limited-entry commercial fishery license only to

1 a person who meets the qualifications established in applicable
 2 governing sections of this title.

	Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
		Resident	Nonresident		
3					
4					
5	(a) Burrowing shrimp	\$185	\$295	Yes	No
6	(b) ((Crab pot	\$295	\$520	Yes	No
7	(c) Crab pot	\$130	\$185	Yes	No
8	Puget Sound				
9	(d)) Crab ring net	\$130	\$185	Yes	No
10	Non-Puget Sound				
11	((e)) (c) Crab ring net	\$130	\$185	Yes	No
12	Puget Sound				
13	((f)) (d) Dungeness crab	<u>\$295</u>	<u>\$520</u>	<u>Yes</u>	<u>Yes</u>
14	<u>coastal (section 2</u>				
15	<u>of this act)</u>				
16	(e) Dungeness crab	<u>\$295</u>	<u>\$520</u>	<u>Yes</u>	<u>Yes</u>
17	<u>coastal, class B</u>				
18	<u>(section 2 of this act)</u>				
19	(f) Dungeness crab	\$130	\$185	Yes	Yes
20	Puget Sound				
21	(RCW 75.30.130)				
22	(g) Emerging commercial	\$185	\$295	Determined	Determined
23	fishery (RCW 75.30.220			by rule	by rule
24	and 75.28.740)				
25	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
26	75.30.280)				
27	(i) Hardshell clam	\$530	\$985	Yes	No
28	mechanical harvester				
29	(RCW 75.28.280)				
30	(j) Oyster reserve	\$130	\$185	No	No
31	(RCW 75.28.290)				
32	(k) Razor clam	\$130	\$185	No	No
33	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
34	(RCW 75.30.250)				
35	(m) Sea urchin dive	\$130	\$185	Yes	Yes
36	(RCW 75.30.210)				
37	(n) Shellfish dive	(\$525)	(\$1045)	Yes	No
38		<u>\$130</u>	<u>\$185</u>		
39	(o) Shellfish pot	\$130	\$185	Yes	No
40	(p) Shrimp pot	\$325	\$575	Yes	No
41	Hood Canal				
42	(q) Shrimp trawl	\$240	\$405	Yes	No
43	Non-Puget Sound				
44	(r) Shrimp trawl	\$185	\$295	Yes	No
45	Puget Sound				
46	(s) Squid	\$185	\$295	Yes	No

1 (2) The director may by rule determine the species of shellfish
2 that may be taken with the commercial fishery licenses established in
3 this section, the gear that may be used with the licenses, and the
4 areas or waters in which the licenses may be used. Where a fishery
5 license has been established for a particular species, gear,
6 geographical area, or combination thereof, a more general fishery
7 license may not be used to take shellfish in that fishery.

8 NEW SECTION. **Sec. 15.** A surcharge of fifty dollars shall be
9 collected with each Dungeness crab--coastal fishery license issued
10 under RCW 75.28.130 until June 30, 2000, and with each Dungeness crab--
11 coastal class B fishery license issued under RCW 75.28.130 until
12 December 31, 1997. Moneys collected under this section shall be placed
13 in the Dungeness crab appeals account hereby created in the state
14 treasury. The account is subject to allotment procedures under chapter
15 43.88 RCW, but no appropriation is required for expenditures.
16 Expenditures from the account shall only be used for processing appeals
17 related to the issuance of Dungeness crab--coastal fishery licenses.

18 NEW SECTION. **Sec. 16.** (1) It is unlawful for Dungeness crab--
19 coastal fishery licensees to take Dungeness crab in the waters of the
20 exclusive economic zone westward of the states of Oregon or California
21 and land crab taken in those waters into Washington state unless the
22 licensee also holds the licenses, permits, or endorsements, required by
23 Oregon or California to land crab into Oregon or California,
24 respectively.

25 (2) This section becomes effective only upon reciprocal legislation
26 being enacted by both the states of Oregon and California. For
27 purposes of this section, "exclusive economic zone" means that zone
28 defined in the federal fishery conservation and management act (16
29 U.S.C. Sec. 1802) as of the effective date of this section or as of a
30 subsequent date adopted by rule of the director.

31 NEW SECTION. **Sec. 17.** If fewer than one hundred seventy-five
32 persons are eligible for Dungeness crab--coastal fishery licenses, the
33 director may accept applications for new licenses. Additional licenses
34 issued may maintain a maximum of one hundred seventy-five licenses in
35 the Washington coastal crab fishery. If additional licenses are to be
36 issued, the director shall adopt rules governing the notification,

1 application, selection, and issuance procedures for new Dungeness
2 crab--coastal fishery licenses, based on recommendations of the review
3 board established under RCW 75.30.050.

4 **Sec. 18.** RCW 75.30.050 and 1993 c 376 s 9 and 1993 c 340 s 27 are
5 each reenacted and amended to read as follows:

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

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

10 (b) The commercial salmon fishing industry in cases involving
11 commercial salmon fishery licenses;

12 (c) The commercial crab fishing industry in cases involving
13 Dungeness crab--Puget Sound fishery licenses;

14 (d) The commercial herring fishery in cases involving herring
15 fishery licenses;

16 (e) The commercial Puget Sound whiting fishery in cases involving
17 whiting--Puget Sound fishery licenses;

18 (f) The commercial sea urchin fishery in cases involving sea urchin
19 dive fishery licenses;

20 (g) The commercial sea cucumber fishery in cases involving sea
21 cucumber dive fishery licenses; ((and))

22 (h) The commercial ocean pink shrimp industry (*Pandalus jordani*) in
23 cases involving ocean pink shrimp delivery licenses; and

24 (i) The commercial coastal crab fishery in cases involving
25 Dungeness crab--coastal fishery licenses and Dungeness crab--coastal
26 class B fishery licenses. The members shall include one person from
27 the commercial crab processors, one Dungeness crab--coastal fishery
28 license holder, and one citizen representative of a coastal community.

29 (2) Members shall serve at the discretion of the director and shall
30 be reimbursed for travel expenses as provided in RCW 43.03.050,
31 43.03.060, and 43.03.065.

32 NEW SECTION. **Sec. 19.** The director may reduce the landing
33 requirements established under section 2 of this act upon the
34 recommendation of an advisory review board established under RCW
35 75.30.050, but the director may not entirely waive the landing
36 requirement. The advisory review board may recommend a reduction of
37 the landing requirement in individual cases if in the board's judgment,

1 extenuating circumstances prevented achievement of the landing
2 requirement. The director shall adopt rules governing the operation of
3 the advisory review board and defining "extenuating circumstances."
4 Extenuating circumstances may include situations in which a person had
5 a vessel under construction such that qualifying landings could not be
6 made. In defining extenuating circumstances, special consideration
7 shall be given to individuals who can provide evidence of lack of
8 access to capital based on past discrimination due to race, creed,
9 color, sex, national origin, or disability.

10 NEW SECTION. **Sec. 20.** The department, with input from Dungeness
11 crab--coastal fishery licensees and processors, shall prepare a
12 resource plan to achieve even-flow harvesting and long-term stability
13 of the coastal Dungeness crab resource. The plan may include pot
14 limits, further reduction in the number of vessels, individual quotas,
15 trip limits, area quotas, or other measures as determined by the
16 department. The plan shall be submitted to the appropriate standing
17 committees of the legislature by December 1, 1995.

18 **Sec. 21.** RCW 75.28.125 and 1993 sp.s. c 17 s 39 and 1993 c 376 s
19 3 are each reenacted and amended to read as follows:

20 (1) Except as provided in subsection (2) of this section, it is
21 unlawful to deliver with a commercial fishing vessel food fish or
22 shellfish taken in offshore waters to a port in the state without a
23 (~~nonsalmon~~) nonlimited entry delivery license. As used in this
24 section, "food fish" does not include salmon. As used in this section,
25 "shellfish" does not include ocean pink shrimp or coastal crab. The
26 annual license fee for a (~~nonsalmon~~) nonlimited entry delivery
27 license is one hundred ten dollars for residents and two hundred
28 dollars for nonresidents.

29 (2) Holders of salmon troll fishery licenses issued under RCW
30 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab
31 pot fishery licenses issued under RCW 75.28.130, food fish trawl--Non-
32 Puget Sound fishery licenses issued under RCW 75.28.120, Dungeness
33 crab--coastal fishery licenses, ocean pink shrimp delivery licenses,
34 and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW
35 75.28.130 may deliver food fish or shellfish taken in offshore waters
36 without a (~~nonsalmon~~) nonlimited entry delivery license.

1 (3) A ((~~nonsalmon~~)) nonlimited entry delivery license authorizes no
2 taking of food fish or shellfish from state waters.

3 **Sec. 22.** RCW 75.28.113 and 1993 sp.s. c 17 s 36 are each amended
4 to read as follows:

5 (1) It is unlawful to deliver salmon taken in offshore waters to a
6 place or port in the state without a salmon delivery license from the
7 director. The annual fee for a salmon delivery license is three
8 hundred eighty dollars for residents and six hundred eighty-five
9 dollars for nonresidents. The annual surcharge under RCW 75.50.100 is
10 one hundred dollars for each license. Holders of ((~~nonsalmon~~))
11 nonlimited entry delivery licenses issued under RCW 75.28.125 may apply
12 the ((~~nonsalmon~~)) nonlimited entry delivery license fee against the
13 salmon delivery license fee.

14 (2) Only a person who meets the qualifications established in RCW
15 75.30.120 may hold a salmon delivery license issued under this section.

16 (3) A salmon delivery license authorizes no taking of salmon or
17 other food fish or shellfish from the waters of the state.

18 (4) If the director determines that the operation of a vessel under
19 a salmon delivery license results in the depletion or destruction of
20 the state's salmon resource or the delivery into this state of salmon
21 products prohibited by law, the director may revoke the license under
22 the procedures of chapter 34.05 RCW.

23 NEW SECTION. **Sec. 23.** (1) Section 15 of this act is added to
24 chapter 75.28 RCW.

25 (2) Sections 2 through 10, 13, 16, 17, 19, and 20 of this act are
26 each added to chapter 75.30 RCW.

27 NEW SECTION. **Sec. 24.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 25.** Sections 1 through 5, 9 through 19, and 21
32 through 24 of this act shall take effect January 1, 1995.

33 NEW SECTION. **Sec. 26.** Section 8 of this act shall take effect
34 January 1, 1997.

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