

CERTIFICATION OF ENROLLMENT

SENATE BILL 5124

Chapter 340, Laws of 1993

53rd Legislature
1993 Regular Session

COMMERCIAL FISHING LICENSES

EFFECTIVE DATE: 1/1/94

Passed by the Senate April 19, 1993
YEAS 39 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 5, 1993
YEAS 94 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved May 15, 1993

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5124** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 15, 1993 - 10:41 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5124

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries

Read first time 01/14/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to commercial fishing licenses; amending RCW
2 75.28.010, 75.28.014, 75.28.020, 75.28.030, 75.28.040, 75.28.110,
3 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.280,
4 75.28.290, 75.28.690, 75.28.287, 75.28.710, 75.30.050, 75.30.065,
5 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130,
6 75.30.140, 75.28.235, 75.28.245, 75.30.160, 75.30.170, 75.30.180,
7 75.30.210, 75.30.220, 75.30.240, 75.30.250, 75.08.230, 75.28.134,
8 75.24.100, 75.28.070, and 75.50.100; reenacting and amending RCW
9 75.28.095 and 75.08.011; adding new sections to chapter 75.28 RCW;
10 adding new sections to chapter 75.30 RCW; adding new sections to
11 chapter 75.12 RCW; creating new sections; recodifying RCW 75.28.070,
12 75.28.134, 75.28.235, 75.28.245, and 75.28.287; decodifying RCW
13 75.30.150; repealing RCW 75.28.012, 75.28.035, 75.28.060, 75.28.140,
14 and 75.28.255; and providing an effective date.

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

16 NEW SECTION. **Sec. 1.** The legislature finds that the laws
17 governing commercial fishing licensing in this state are highly complex
18 and increasingly difficult to administer and enforce. The current laws
19 governing commercial fishing licenses have evolved slowly, one section

1 at a time, over decades of contention and changing technology, without
2 general consideration for how the totality fits together. The result
3 has been confusion and litigation among commercial fishers. Much of
4 the confusion has arisen because the license holder in most cases is a
5 vessel, not a person. The legislature intends by this act to
6 standardize licensing criteria, clarify licensing requirements, reduce
7 complexity, and remove inequities in commercial fishing licensing. The
8 legislature intends that the license fees stated in this act shall be
9 equivalent to those in effect on January 1, 1993, as adjusted under
10 section 19, chapter 316, Laws of 1989.

11 **Sec. 2.** RCW 75.28.010 and 1991 c 362 s 1 are each amended to read
12 as follows:

13 (1) Except as otherwise provided by this title, it is unlawful to
14 engage in any of the following activities without a license or permit
15 issued by the director (~~is required to~~):

16 (a) Commercially fish for or take food fish or shellfish;

17 (b) Deliver food fish or shellfish taken in offshore waters;

18 (c) Operate a charter boat or commercial fishing vessel engaged in
19 a fishery;

20 (d) Engage in processing or wholesaling food fish or shellfish; or

21 (e) (~~Operate~~) Act as a guide for salmon for personal use in
22 freshwater rivers and streams, other than that part of the Columbia
23 river below the bridge at Longview.

24 (2) (~~It is unlawful to~~) No person may engage in the activities
25 described in subsection (1) of this section (~~without having in~~
26 possession) unless the licenses or permits required by this title are
27 in the person's possession, and the person is the named license holder
28 or an alternate operator designated on the license.

29 (3) A valid Oregon license that is equivalent to a license under
30 this title is valid in the concurrent waters of the Columbia river if
31 the state of Oregon recognizes as valid the equivalent Washington
32 license. The director may identify by rule what Oregon licenses are
33 equivalent.

34 (4) No license or permit is required for the production or
35 harvesting of private sector cultured aquatic products as defined in
36 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
37 aquatic products. However, if a means of identifying such products is
38 required by rules adopted under RCW 15.85.060, the exemption from

1 licensing or permit requirements established by this subsection applies
2 only if the aquatic products are identified in conformance with those
3 rules.

4 **Sec. 3.** RCW 75.28.014 and 1986 c 198 s 8 are each amended to read
5 as follows:

6 ~~((1))~~ The ~~((department may establish by rule license))~~
7 application deadline~~((s))~~ for ~~((types of gear and licensing districts.~~
8 ~~An applicant for))~~ a commercial ~~((salmon fishing))~~ license ~~((shall~~
9 submit a license application in accordance with this subsection.

10 (a) ~~If an application is postmarked or personally delivered to the~~
11 ~~department in Olympia by the application deadline, it shall be~~
12 ~~accompanied by the prescribed license fee.~~

13 (b) ~~If an application is postmarked or personally delivered to the~~
14 ~~department in Olympia after the application deadline, it shall be~~
15 ~~accompanied by the prescribed license fee and a late application fee of~~
16 ~~two hundred dollars.~~

17 ~~(2) Columbia River smelt license applications accompanied by the~~
18 ~~license fee shall be made in person or postmarked by January 10 of the~~
19 ~~license year)) or permit established in this chapter is December 31 of~~
20 ~~the calendar year for which the license or permit is sought. The~~
21 ~~department shall accept no license or permit applications after~~
22 ~~December 31 of the calendar year for which the license or permit is~~
23 ~~sought.~~

24 **Sec. 4.** RCW 75.28.020 and 1989 c 47 s 1 are each amended to read
25 as follows:

26 (1) ~~((The department may only issue))~~ Except as otherwise provided
27 in this title, a person as defined in RCW 75.08.011 may hold a
28 commercial license ((to a person who)) established by this chapter.

29 (2) Except as otherwise provided in this title, an individual may
30 hold a commercial license only if the individual is sixteen years of
31 age or older and a bona fide resident of the United States. ((The
32 deckhand license required by RCW 75.28.690 may be issued to persons
33 under sixteen years of age. The department may only issue a commercial
34 license to))

35 (3) A corporation may hold a commercial license only if it is
36 authorized to do business in this state. ((A valid Oregon license
37 which is comparable to a license under this title is valid in the

1 concurrent waters of the Columbia River if the state of Oregon
2 recognizes as valid the comparable Washington license.))

3 (4) No person may hold a limited-entry license unless the person
4 meets the qualifications that this title establishes for the license.

5 **Sec. 5.** RCW 75.28.030 and 1983 1st ex.s. c 46 s 105 are each
6 amended to read as follows:

7 (1) Except as otherwise provided in this title, the director shall
8 issue commercial licenses and permits to a qualified person((7)) upon
9 ((the receipt of an)) receiving a completed application accompanied by
10 the required fee. ((Applications shall be submitted on forms provided
11 by the department. Applicants for commercial licenses and permits
12 shall indicate at the time of application the species of food fish or
13 shellfish they intend to take and the type of gear they intend to
14 use.))

15 (2) An application submitted to the department under this chapter
16 shall contain the name and address of the applicant and any other
17 information required by the department or this title. An applicant for
18 a commercial fishery license, delivery license, or charter license may
19 designate a vessel to be used with the license and up to two alternate
20 operators.

21 (3) An application submitted to the department under this chapter
22 shall contain the applicant's declaration under penalty of perjury that
23 the information on the application is true and correct.

24 (4) Upon issuing a commercial license under this chapter, the
25 director shall assign the license a unique number that the license
26 shall retain upon renewal. The department shall use the number to
27 record any commercial catch under the license. This does not preclude
28 the department from using other, additional, catch record methods.

29 (5) The fee to replace a license that has been lost or destroyed is
30 eleven dollars.

31 **Sec. 6.** RCW 75.28.040 and 1983 1st ex.s. c 46 s 108 are each
32 amended to read as follows:

33 (1) A commercial license issued under this chapter permits the
34 license holder to engage in the activity for which the license is
35 issued in accordance with this title and the rules of the director.

36 (2) No security interest or lien of any kind, including tax liens,
37 may be created or enforced in a license issued under this chapter.

1 (3) Unless otherwise provided in this title or rules of the
2 director, commercial licenses and permits issued under this chapter
3 expire at midnight on December 31st ((following their issuance and)) of
4 the calendar year for which they are issued. In accordance with this
5 title, licenses may be renewed annually upon application and payment of
6 the prescribed license fees.

7 **NEW SECTION.** **Sec. 7.** A new section is added to chapter 75.28 RCW
8 to read as follows:

9 VESSEL DESIGNATION. This section applies to all commercial fishery
10 licenses, delivery licenses, and charter licenses.

11 (1) An applicant for a license subject to this section may
12 designate a vessel to be used with the license. Except for emergency
13 salmon delivery licenses, the director may issue a license regardless
14 of whether the applicant designates a vessel. An applicant may
15 designate no more than one vessel on a license subject to this section.

16 (2) A license for a fishery that requires a vessel authorizes no
17 taking or delivery of food fish or shellfish unless a vessel is
18 designated on the license. A delivery license authorizes no delivery
19 of food fish or shellfish unless a vessel is designated on the license.

20 (3) It is unlawful to take food fish or shellfish in a fishery that
21 requires a vessel except from a vessel designated on a commercial
22 fishery license for that fishery.

23 (4) It is unlawful to operate a vessel as a charter boat unless the
24 vessel is designated on a charter license.

25 (5) No vessel may be designated on more than one commercial fishery
26 license unless the licenses are for different fisheries. No vessel may
27 be designated on more than one delivery license, on more than one
28 salmon charter license, or on more than one nonsalmon charter license.

29 **NEW SECTION.** **Sec. 8.** A new section is added to chapter 75.28 RCW
30 to read as follows:

31 CHANGES IN VESSEL DESIGNATION. This section applies to all
32 commercial fishery licenses, delivery licenses, and charter licenses,
33 except for emergency salmon delivery licenses.

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

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

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

4 (c) Pays to the department a fee of twenty-two dollars.

5 (2) Unless the license holder owns all vessels identified on the
6 application described in subsection (1)(b) of this section, the
7 following restrictions apply to changes in vessel designation:

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

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

12 NEW SECTION. **Sec. 9.** A new section is added to chapter 75.28 RCW
13 to read as follows:

14 **ALTERNATE OPERATOR DESIGNATION.** This section applies to all
15 commercial fishery licenses, delivery licenses, and charter licenses,
16 except for whiting--Puget Sound fishery licenses and emergency salmon
17 delivery licenses.

18 (1) The license holder may engage in the activity authorized by a
19 license subject to this section. The holder of a license subject to
20 this section may also designate up to two alternate operators for the
21 license. A person designated as an alternate operator must possess an
22 alternate operator license issued under sections 23 and 25 of this act.

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

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 75.28 RCW
26 to read as follows:

27 **PERSONS WHO MAY USE A LICENSE.** (1) Only the license holder and any
28 alternate operators designated on the license may sell or deliver food
29 fish or shellfish under a commercial fishery license or delivery
30 license. A commercial fishery license or delivery license authorizes
31 no taking or delivery of food fish or shellfish unless the license
32 holder or an alternate operator designated on the license is present or
33 aboard the vessel.

34 (2) Only the license holder and any alternate operators designated
35 on the license may operate a vessel as a charter boat.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 75.28 RCW
2 to read as follows:

3 TRANSFERS FROM ONE LICENSE HOLDER TO ANOTHER. (1) Unless otherwise
4 provided in this title, a license issued under this chapter is not
5 transferable from the license holder to any other person.

6 (2) The following restrictions apply to transfers of commercial
7 fishery licenses, salmon delivery licenses, and salmon charter licenses
8 that are transferable between license holders:

9 (a) The license holder shall surrender the previously issued
10 license to the department.

11 (b) The department shall complete no more than one transfer of the
12 license in any seven-day period.

13 (c) The fee to transfer a license from one license holder to
14 another is twenty-two dollars.

15 (d) If a license is transferred from a resident to a nonresident,
16 the transferee shall pay the difference between the resident and
17 nonresident license fees at the time of transfer.

18 (3) A commercial license that is transferable under this title
19 survives the death of the holder. Though such licenses are not
20 personal property, they shall be treated as analogous to personal
21 property for purposes of inheritance and intestacy. Such licenses are
22 subject to state laws governing wills, trusts, estates, intestate
23 succession, and community property, except that such licenses are
24 exempt from claims of creditors of the estate and tax liens. The
25 surviving spouse, estate, or beneficiary of the estate may apply for a
26 renewal of the license. There is no fee for transfer of a license from
27 a license holder to the license holder's surviving spouse or estate, or
28 to a beneficiary of the estate.

29 **Sec. 12.** RCW 75.28.110 and 1989 c 316 s 3 are each amended to read
30 as follows:

31 (1) The following commercial salmon (~~((fishing))~~) fishery licenses
32 are required for the (~~((licensee))~~) license holder to use the specified
33 gear to fish for salmon (~~((and other food fish))~~) in state waters.
34 (~~((Unless adjusted by the director pursuant to the director's authority~~
35 ~~granted in RCW 75.28.065,))~~) Only a person who meets the qualifications
36 of RCW 75.30.120 may hold a license listed in this subsection. The
37 licenses and their annual (~~((license))~~) fees and surcharges under RCW
38 75.50.100 are:

	<u>Fishery</u>	<u>Resident</u>	<u>Nonresident</u>	<u>Surcharge</u>
	<u>License</u>	<u>Fee</u>	<u>Fee</u>	
3	(a) <u>Salmon Gill Net--Grays</u>	<u>\$304</u>	<u>\$609</u>	<u>plus \$100</u>
4	<u>Harbor-Columbia river</u>			
5	(b) <u>Salmon Gill Net--Puget</u>	<u>\$304</u>	<u>\$609</u>	<u>plus \$100</u>
6	<u>Sound</u>			
7	(c) <u>Salmon Gill Net--Willapa</u>	<u>\$304</u>	<u>\$609</u>	<u>plus \$100</u>
8	<u>Bay-Columbia river</u>			
9	(d) <u>Salmon purse seine</u>	(((\$410)) <u>\$454</u>	(((\$820)) <u>\$908</u>	<u>plus \$100</u>
10	((b)) <u>Gill net</u>	----- <u>\$275</u>	----- <u>\$550</u>	
11	(c)) <u>Troll</u>	----- <u>\$275</u>	----- <u>\$550</u>	
12	(d)) (e) <u>Salmon reef net</u>	(((\$275)) <u>\$304</u>	(((\$550)) <u>\$609</u>	<u>plus \$100</u>
13	(f) <u>Salmon troll</u>	<u>\$304</u>	<u>\$609</u>	<u>plus \$100</u>

14 (2) A license issued under this section authorizes no taking or
15 delivery of salmon or other food fish unless a vessel is designated on
16 the license under section 7 of this act.

17 (3) Holders of commercial salmon ((fishing)) fishery licenses may
18 retain incidentally caught food fish other than salmon, subject to
19 rules of the director.

20 ((3)) (4) A salmon troll license ((allows fishing in all
21 licensing districts and)) includes a salmon delivery license.

22 ((4)) (5) A ((separate)) salmon gill net license ((is required to
23 fish for salmon in each of the licensing districts established in RCW
24 75.28.012)) authorizes the taking of salmon only in the geographical
25 area for which the license is issued. The geographical designations in
26 subsection (1) of this section have the following meanings:

27 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
28 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
29 sounds, and estuaries lying easterly and southerly of the international
30 boundary line and a line at the entrance to the Strait of Juan de Fuca
31 projected northerly from Cape Flattery to the lighthouse on Tatoosh
32 Island and then to Bonilla Point on Vancouver Island.

33 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
34 and tributary estuaries lying easterly of a line projected northerly
35 from Point Chehalis Light to Point Brown and those waters of the
36 Columbia river and tributary sloughs and estuaries easterly of a line
37 at the entrance to the Columbia river projected southerly from the most

1 westerly point of the North jetty to the most westerly point of the
2 South jetty.

3 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and
4 tributary estuaries and easterly of a line projected northerly from
5 Leadbetter Point to the Cape Shoalwater tower and those waters of the
6 Columbia river and tributary sloughs described in (b) of this
7 subsection.

8 **Sec. 13.** RCW 75.28.113 and 1989 c 316 s 4 are each amended to read
9 as follows:

10 (1) ~~((A person operating a commercial fishing vessel used in~~
11 ~~taking)) It is unlawful to deliver with a commercial fishing vessel~~
12 ~~salmon taken in offshore waters ((and delivering the salmon)) to a~~
13 ~~place or port in the state ((shall obtain)) without a salmon delivery~~
14 ~~license from the director. ((Unless adjusted by the director pursuant~~
15 ~~to the director's authority granted in RCW 75.28.065,)) The annual fee~~
16 ~~for a salmon delivery license is ((two hundred seventy five)) three~~
17 ~~hundred four dollars for residents and ((five hundred fifty)) six~~
18 ~~hundred nine dollars for nonresidents. ((Persons operating fishing~~
19 ~~vessels licensed)) The annual surcharge under RCW 75.50.100 is one~~
20 ~~hundred dollars for each license. Holders of nonsalmon delivery~~
21 ~~licenses issued under RCW 75.28.125 may apply the nonsalmon delivery~~
22 ~~license fee ((of fifty dollars)) against the salmon delivery license~~
23 ~~fee.~~

24 (2) Only a person who meets the qualifications established in RCW
25 75.30.120 may hold a salmon delivery license issued under this section.

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

28 (4) If the director determines that the operation of a vessel under
29 a salmon delivery license results in the depletion or destruction of
30 the state's salmon resource or the delivery into this state of salmon
31 products prohibited by law, the director may revoke the license under
32 the procedures of chapter 34.05 RCW.

33 **Sec. 14.** RCW 75.28.116 and 1989 c 316 s 5 are each amended to read
34 as follows:

35 ~~((The owner of a commercial salmon fishing vessel which is)) A~~
36 ~~person who does not ((qualified)) qualify for a license under RCW~~
37 ~~75.30.120 ((is required to)) shall obtain a nontransferable emergency~~

1 salmon ((single)) delivery license ((in order)) to make one ((landing))
 2 delivery of salmon taken in offshore waters. The director shall not
 3 issue ((a)) an emergency salmon ((single)) delivery license unless, as
 4 determined by the director, a bona fide emergency exists. ((Unless
 5 adjusted by the director pursuant to the director's authority granted
 6 in RCW 75.28.065,)) The license fee is one hundred ((thirty-five))
 7 forty-nine dollars for residents and two hundred ((seventy)) ninety-
 8 nine dollars for nonresidents. An applicant for an emergency salmon
 9 delivery license shall designate no more than one vessel that will be
 10 used with the license. Alternate operator licenses are not required of
 11 persons delivering salmon under an emergency salmon delivery license.
 12 Emergency salmon delivery licenses are not renewable.

13 **Sec. 15.** RCW 75.28.120 and 1989 c 316 s 6 are each amended to read
 14 as follows:

15 ((The following commercial fishing licenses are required for the
 16 licensee to use the specified gear to fish for food fish other than
 17 salmon in state waters. Unless adjusted by the director pursuant to
 18 the director's authority granted in RCW 75.28.065, the annual license
 19 fees are:

	Gear	Resident	Nonresident
		Fee	Fee
22	(1) Jig	\$50	\$100
23	(2) Set line	\$50	\$100
24	(3) Set net	\$50	\$100
25	(4) Drag seine	\$50	\$100
26	(5) Gill net	\$275	\$550
27	(6) Purse seine	\$410	\$820
28	(7) Troll	\$50	\$100
29	(8) Bottom fish pots	\$50	\$100
30	(9) Lampara	\$100	\$200
31	(10) Dip bag net	\$50	\$100
32	(11) Brush weir	\$100	\$200
33	(12) Other gear	\$100	\$200))

34 (1) This section establishes commercial fishery licenses required
 35 for food fish fisheries and the annual fees for those licenses. As
 36 used in this section, "food fish" does not include salmon. The
 37 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.

3 <u>Fishery</u>	4 <u>Annual Fee</u>		5 <u>Vessel</u>	6 <u>Limited</u>
	7 <u>(Governing section(s))</u>	8 <u>Resident</u>		
12 (a) <u>Baitfish Lampara</u>	\$111	\$221	Yes	No
13 (b) <u>Baitfish purse seine</u>	\$454	\$908	Yes	No
14 (c) <u>Bottom fish jig</u>	\$ 55	\$111	Yes	No
15 (d) <u>Bottom fish pot</u>	\$ 55	\$111	Yes	No
16 (e) <u>Bottom fish troll</u>	\$ 55	\$111	Yes	No
17 (f) <u>Carp</u>	\$ 55	\$111	No	No
18 (g) <u>Columbia river smelt</u>	\$304	\$609	No	No
19 (h) <u>Dog fish set net</u>	\$ 55	\$111	Yes	No
20 (i) <u>Emerging commercial</u>	\$111	\$221	Determined by rule	Determined by rule
21 <u>fishery (RCW 75.30.220</u>				
22 <u>(section 18 of this act))</u>				
23 (j) <u>Food fish drag seine</u>	\$ 55	\$111	Yes	No
24 (k) <u>Food fish set line</u>	\$ 55	\$111	Yes	No
25 (l) <u>Food fish trawl--</u>	\$166	\$332	Yes	No
26 <u>Non-Puget Sound</u>				
27 (m) <u>Food fish trawl--</u>	\$111	\$221	Yes	No
28 <u>Puget Sound</u>				
29 (n) <u>Herring dip bag net</u>	\$100	\$200	Yes	Yes
30 <u>(RCW 75.30.140)</u>				
31 (o) <u>Herring drag seine</u>	\$100	\$200	Yes	Yes
32 <u>(RCW 75.30.140)</u>				
33 (p) <u>Herring gill net</u>	\$100	\$200	Yes	Yes
34 <u>(RCW 75.30.140)</u>				
35 (q) <u>Herring Lampara</u>	\$100	\$200	Yes	Yes
36 <u>(RCW 75.30.140)</u>				
37 (r) <u>Herring purse seine</u>	\$100	\$200	Yes	Yes
38 <u>(RCW 75.30.140)</u>				
39 (s) <u>Herring spawn-on-kelp</u>	N/A	N/A	Yes	Yes
40 <u>(RCW 75.28.245 (as</u>				
41 <u>recodified by section</u>				
42 <u>54 of this act))</u>				

1	<u>(t) Smelt dip bag net</u>	<u>\$ 55</u>	<u>\$111</u>	<u>No</u>	<u>No</u>
2	<u>(u) Smelt gill net</u>	<u>\$304</u>	<u>\$609</u>	<u>Yes</u>	<u>No</u>
3	<u>(v) Whiting--Puget Sound</u>	<u>\$221</u>	<u>\$443</u>	<u>Yes</u>	<u>Yes</u>
4	<u>(RCW 75.30.170)</u>				

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

12 **Sec. 16.** RCW 75.28.125 and 1989 c 316 s 7 are each amended to read
13 as follows:

14 ~~((A delivery license is required to deliver shellfish or food fish~~
15 ~~other than salmon taken in offshore waters to a port in the state.~~
16 ~~Unless adjusted by the director pursuant to the director's authority~~
17 ~~granted in RCW 75.28.065,)) (1) Except as provided in subsection (2) of~~
18 ~~this section, it is unlawful to deliver with a commercial fishing~~
19 ~~vessel food fish or shellfish taken in offshore waters to a port in the~~
20 ~~state without a nonsalmon delivery license. As used in this section,~~
21 ~~"food fish" does not include salmon. The annual license fee for a~~
22 ~~nonsalmon delivery license is ((fifty)) fifty-five dollars for~~
23 ~~residents and one hundred eleven dollars for nonresidents. ((Licenses~~
24 ~~issued under RCW 75.28.113 (salmon delivery license), RCW 75.28.130(4)~~
25 ~~(crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other~~
26 ~~than Puget Sound) shall include a delivery license.))~~

27 (2) Holders of salmon troll fishery licenses issued under RCW
28 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab
29 pot--Non-Puget Sound fishery licenses issued under RCW 75.28.130, food
30 fish trawl--Non-Puget Sound fishery licenses issued under RCW
31 75.28.120, and shrimp trawl--Non-Puget Sound fishery licenses issued
32 under RCW 75.28.130 may deliver food fish or shellfish taken in
33 offshore waters without a nonsalmon delivery license.

34 (3) A nonsalmon delivery license authorizes no taking of food fish
35 or shellfish from state waters.

36 **Sec. 17.** RCW 75.28.130 and 1989 c 316 s 8 are each amended to read
37 as follows:

1 ((The following commercial fishing licenses are required for the
 2 licensee to use the specified gear to fish for shellfish in state
 3 waters. Unless adjusted by the director pursuant to the director's
 4 authority granted in RCW 75.28.065, the annual license fees are:

Gear	Resident	Nonresident
	Fee	Fee
7 (1) Ring net	\$50	\$100
8 (2) Shellfish pots		
9 (excluding crab)	\$50	\$100
10 (3) Crab pots		
11 (Puget Sound)	\$50	\$100
12 (4) Crab pots		
13 (other than Puget Sound)	\$200	\$400
14 (5) Shellfish diver		
15 (excluding clams)	\$50	\$100
16 (6) Squid gear, all types	\$100	\$200
17 (7) Ghost shrimp gear	\$100	\$200
18 (8) Commercial razor		
19 clam license	\$50	\$100
20 (9) Geoduck diver license	\$100	\$200
21 (10) Other shellfish gear	\$100	\$200

22 (1) This section establishes commercial fishery licenses required
 23 for shellfish fisheries and the annual fees for those licenses. The
 24 director may issue a limited-entry commercial fishery license only to
 25 a person who meets the qualifications established in applicable
 26 governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
29 (a) Burrowing shrimp	\$111	\$221	Yes	No
30 (b) Crab pot-- 31 Non-Puget Sound	\$221	\$443	Yes	No
32 (c) Crab pot-- 33 Puget Sound	\$ 55	\$111	Yes	No
34 (d) Crab ring net-- 35 Non-Puget Sound	\$ 55	\$111	Yes	No
36 (e) Crab ring net-- 37 Puget Sound	\$ 55	\$111	Yes	No

1	(f) <u>Dungeness crab--</u>	\$ 55	\$111	Yes	Yes
2	<u>Puget Sound</u>				
3	<u>(RCW 75.30.130)</u>				
4	(g) <u>Emerging commercial</u>	\$111	\$221	<u>Determined</u>	<u>Determined</u>
5	<u>fishery (RCW 75.30.220</u>			<u>by rule</u>	<u>by rule</u>
6	<u>(section 18 of this act))</u>				
7	(h) <u>Geoduck</u>	\$ 0	\$ 0	Yes	Yes
8	<u>(Section 46 of this act)</u>				
9	(i) <u>Hardshell clam</u>	\$454	\$908	Yes	No
10	<u>mechanical harvester</u>				
11	<u>(RCW 75.28.280)</u>				
12	(j) <u>Oyster reserve</u>	\$ 55	\$111	No	No
13	<u>(RCW 75.28.290)</u>				
14	(k) <u>Razor clam</u>	\$ 55	\$111	No	No
15	(l) <u>Sea cucumber dive</u>	\$ 55	\$111	Yes	Yes
16	<u>(RCW 75.30.250)</u>				
17	(m) <u>Sea urchin dive</u>	\$ 55	\$111	Yes	Yes
18	<u>(RCW 75.30.210)</u>				
19	(n) <u>Shellfish dive</u>	\$ 55	\$111	Yes	No
20	(o) <u>Shellfish pot</u>	\$ 55	\$111	Yes	No
21	(p) <u>Shrimp pot--</u>	\$304	\$609	Yes	No
22	<u>Hood Canal</u>				
23	(q) <u>Shrimp trawl--</u>	\$166	\$332	Yes	No
24	<u>Non-Puget Sound</u>				
25	(r) <u>Shrimp trawl--</u>	\$111	\$221	Yes	No
26	<u>Puget Sound</u>				
27	(s) <u>Squid</u>	\$111	\$221	Yes	No

28 (2) The director may by rule determine the species of shellfish
29 that may be taken with the commercial fishery licenses established in
30 this section, the gear that may be used with the licenses, and the
31 areas or waters in which the licenses may be used. Where a fishery
32 license has been established for a particular species, gear,
33 geographical area, or combination thereof, a more general fishery
34 license may not be used to take shellfish in that fishery.

35 NEW SECTION. Sec. 18. A new section is added to chapter 75.28 RCW
36 to read as follows:

37 EMERGING COMMERCIAL FISHERY LICENSES AND PERMITS. (1) The director
38 may by rule designate a fishery as an emerging commercial fishery. The

1 director shall include in the designation whether the fishery is one
2 that requires a vessel.

3 (2) "Emerging commercial fishery" means the commercial taking of a
4 newly classified species of food fish or shellfish, the commercial
5 taking of a classified species with gear not previously used for that
6 species, or the commercial taking of a classified species in an area
7 from which that species has not previously been commercially taken.
8 Any species of food fish or shellfish commercially harvested in
9 Washington state as of June 7, 1990, may be designated as a species in
10 an emerging commercial fishery, except that no fishery subject to a
11 license limitation program in chapter 75.30 RCW may be designated as an
12 emerging commercial fishery.

13 (3) It is unlawful to take food fish or shellfish in a fishery
14 designated as an emerging commercial fishery without an emerging
15 commercial fishery license and a permit from the director. The
16 director shall issue two types of permits to accompany emerging
17 commercial fishery licenses: Trial fishery permits and experimental
18 fishery permits. Trial fishery permits are governed by subsection (4)
19 of this section. Experimental fishery permits are governed by RCW
20 75.30.220.

21 (4) The director shall issue trial fishery permits for a fishery
22 designated as an emerging commercial fishery unless the director
23 determines there is a need to limit the number of participants under
24 RCW 75.30.220. A person who meets the qualifications of RCW 75.28.020
25 may hold a trial fishery permit. The holder of a trial fishery permit
26 shall comply with the terms of the permit. Trial fishery permits are
27 not transferable from the permit holder to any other person.

28 **Sec. 19.** RCW 75.28.280 and 1989 c 316 s 12 are each amended to
29 read as follows:

30 A hardshell clam mechanical harvester fishery license is required
31 to operate a mechanical or hydraulic device for commercially harvesting
32 clams, other than geoduck clams, (~~on a clam farm~~) unless the
33 requirements of RCW 75.20.100 are fulfilled for the proposed activity.
34 (~~Unless adjusted by the director pursuant to the director's authority~~
35 ~~granted in RCW 75.28.065, the annual license fee is four hundred ten~~
36 ~~dollars for residents and eight hundred twenty dollars for~~
37 ~~nonresidents.))~~

1 **Sec. 20.** RCW 75.28.290 and 1989 c 316 s 14 are each amended to
2 read as follows:

3 A person who commercially takes shellfish from state oyster
4 reserves under RCW 75.24.070 must have an oyster reserve fishery
5 license ((is required for the commercial taking of shellfish from state
6 oyster reserves. Unless adjusted by the director pursuant to the
7 director's authority granted in RCW 75.28.065, the annual license fee
8 is fifty dollars for residents and one hundred dollars for
9 nonresidents)).

10 **Sec. 21.** RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and
11 1989 c 47 s 2 are each reenacted and amended to read as follows:

12 ((A charter boat license is required for a vessel to be
13 operated as a charter boat from which food fish are taken for personal
14 use. Unless adjusted by the director pursuant to the director's
15 authority granted in RCW 75.28.065,)) The director shall issue the
16 charter licenses and angler permits listed in this section according to
17 the requirements of this title. The licenses and permits and their
18 annual ((license)) fees and surcharges are:

19	((Species))	((Resident))	<u>Annual</u>	((Nonresident		
20	<u>License or Permit</u>	Fee		Fee))		
21		(RCW 75.50.100	<u>Surcharge)</u>	<u>Governing</u>		
22		<u>Resident</u>	<u>Nonresident</u>	<u>Section</u>		
23	(a) ((Food fish other					
24	than salmon))					
25	<u>Nonsalmon charter</u>	(((\$135))	<u>\$149</u>	(((\$270))	<u>\$299</u>	
26	(b) Salmon ((and					
27	other food fish))					
28	<u>charter</u>	(((\$275))	<u>\$304</u>	(((\$550))	<u>\$609</u>	<u>RCW</u>
29		(plus \$100)		(plus \$100)		<u>75.30.065</u>
30	(c) <u>Salmon angler</u>	<u>\$ 0</u>		<u>\$ 0</u>		<u>RCW</u>
31						<u>75.30.070</u>
32	(d) <u>Salmon roe</u>	<u>\$ 20</u>		<u>\$ 20</u>		<u>RCW</u>
33						<u>75.28.690</u>

34 (2) Except as provided in subsection (5) of this section, it is
35 unlawful to operate a vessel as a charter boat from which salmon or
36 salmon and other food fish are taken without a salmon charter license

1 designating the vessel. The director may issue a salmon charter
2 license only to a person who meets the qualifications of RCW 75.30.065.

3 (3) Except as provided in subsections (2) and (5) of this section,
4 it is unlawful to operate a vessel as a charter boat from which food
5 fish or shellfish are taken without a nonsalmon charter license. As
6 used in this subsection, "food fish" does not include salmon.

7 (4) "Charter boat" means a vessel from which persons may, for a
8 fee, fish for food fish or shellfish for personal use, and ((which
9 delivers)) that brings food fish or shellfish into state ports or
10 ((delivers)) brings food fish or shellfish taken from state waters into
11 United States ports. The director may specify by rule when a vessel is
12 a "charter boat" within this definition. "Charter boat" does not
13 mean((:

14 (a) Vessels not generally engaged in charter boat fishing which are
15 under private lease or charter and operated by the lessee for the
16 lessee's personal recreational enjoyment; or

17 (b) Vessels)) a vessel used by ((guides)) a guide for clients
18 fishing for food fish for personal use in freshwater rivers, streams,
19 and lakes, other than Lake Washington or that part of the Columbia
20 River below the bridge at Longview.

21 ((+3)) (5) A charter boat licensed in Oregon ((shall be permitted
22 to)) may fish without a Washington charter ((boat)) license under the
23 same rules as Washington charter boat operators in ocean waters within
24 the jurisdiction of Washington state from the southern border of the
25 state of Washington to Leadbetter Point ((under the same regulations as
26 Washington charter boat operators)), as long as the Oregon vessel does
27 not land at any Washington port with the purpose of taking on or
28 discharging passengers. The provisions of this subsection shall be in
29 effect as long as the state of Oregon has reciprocal laws and
30 regulations.

31 ((4) A vessel shall not engage in both charter or sports fishing
32 and commercial fishing on the same day.))

33 **Sec. 22.** RCW 75.28.690 and 1989 c 316 s 18 are each amended to
34 read as follows:

35 (1) A ((deckhand)) salmon roe license is required for a crew member
36 on a ((licensed)) boat designated on a salmon charter ((boat)) license
37 to sell salmon roe as provided in subsection (2) of this section.
38 ((Unless adjusted by the director pursuant to the director's authority

1 ~~granted in RCW 75.28.065, the annual license fee is twenty dollars.))~~

2 An individual under sixteen years of age may hold a salmon roe license.

3 (2) A ~~((deckhand))~~ crew member on a ~~((licensed))~~ boat designated on
4 a salmon charter ~~((boat))~~ license may sell salmon roe taken from fish
5 caught for personal use, subject to rules of the director and the
6 following conditions:

7 (a) The salmon is taken ~~((while))~~ by an angler fishing on the
8 charter boat;

9 (b) The roe is the property of the angler until the roe is given to
10 the ~~((deckhand))~~ crew member. The crew member shall notify the charter
11 boat's passengers ~~((are notified))~~ of this fact ~~((by the deckhand))~~;

12 (c) The crew member sells the roe ~~((is sold))~~ to a licensed
13 wholesale dealer; and

14 (d) The ~~((deckhand))~~ crew member is licensed as provided in
15 subsection (1) of this section and has the license in possession
16 whenever the crew member sells salmon roe ~~((is sold))~~.

17 NEW SECTION. Sec. 23. A new section is added to chapter 75.28 RCW
18 to read as follows:

19 PERSONAL LICENSES--FEES. The director shall issue the personal
20 licenses listed in this section according to the requirements of this
21 title. The licenses and their annual fees are:

Personal License	Annual Fee		Governing
	(RCW 75.50.100 Surcharge)		Section
	Resident	Nonresident	
25 (1) Alternate Operator	\$ 50	\$100	Section 25 of
26			this act
27 (2) Geoduck Diver	\$111	\$221	RCW 75.28.287 (as
28			recodified by
29			section 54 of this
30			act)
31 (3) Salmon Guide	\$ 55	\$554	RCW 75.28.710
32	(plus \$20)	(plus \$100)	

33 **Sec. 24.** RCW 75.28.287 and 1990 c 163 s 6 are each amended to read
34 as follows:

35 Every diver engaged in the commercial harvest of geoduck ~~((or~~
36 ~~other))~~ clams shall obtain a nontransferable geoduck diver license.

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 75.28 RCW
2 to read as follows:

3 ALTERNATE OPERATOR LICENSE REQUIRED. (1) A person who holds a
4 commercial fishery license, delivery license, or charter license may
5 operate the vessel designated on the license. A person who is not the
6 license holder may operate the vessel designated on the license only
7 if:

8 (a) The person holds an alternate operator license issued by the
9 director; and

10 (b) The person is designated as an alternate operator on the
11 underlying commercial fishery license, delivery license, or charter
12 license under section 9 of this act.

13 (2) Only an individual at least sixteen years of age may hold an
14 alternate operator license.

15 (3) No individual may hold more than one alternate operator
16 license. An individual who holds an alternate operator license may be
17 designated as an alternate operator on an unlimited number of
18 commercial fishery licenses, delivery licenses, and charter licenses
19 under section 9 of this act.

20 (4) As used in this section, to "operate" means to control the
21 deployment or removal of fishing gear from state waters while aboard a
22 vessel, to operate a vessel as a charter boat, or to operate a vessel
23 delivering food fish or shellfish taken in offshore waters to a port
24 within the state.

25 **Sec. 26.** RCW 75.28.710 and 1991 c 362 s 2 are each amended to read
26 as follows:

27 (~~(A professional salmon guide license is required for the holder))~~)
28 (1) It is unlawful to offer or perform the services of a professional
29 salmon guide in the taking of salmon for personal use in freshwater
30 rivers and streams, other than in that part of the Columbia river below
31 the bridge at Longview, without a professional salmon guide license.
32 (~~(The annual license fees are fifty dollars for residents and five~~
33 ~~hundred dollars for nonresidents. A surcharge of twenty dollars shall~~
34 ~~be assessed on each resident guide license and a surcharge of one~~
35 ~~hundred dollars shall be assessed on each nonresident guide license for~~
36 ~~the purposes of RCW 75.50.100.))~~)

1 (2) Only an individual at least sixteen years of age may hold a
2 professional salmon guide license. No individual may hold more than
3 one professional salmon guide license.

4 **Sec. 27.** RCW 75.30.050 and 1990 c 61 s 3 are each amended to read
5 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 (~~boat~~) 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 (~~crab~~) fishery licenses (~~endorsements~~);

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

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

18 (f) The commercial sea urchin fishery in cases involving sea urchin
19 (~~endorsements to shellfish diver~~) dive fishery licenses; and

20 (g) The commercial sea cucumber fishery in cases involving sea
21 cucumber (~~endorsements to shellfish diver~~) dive fishery licenses.

22 (2) Members shall serve at the discretion of the director and shall
23 be reimbursed for travel expenses as provided in RCW 43.03.050 (~~and~~),
24 43.03.060, and 43.03.065.

25 **Sec. 28.** RCW 75.30.065 and 1983 1st ex.s. c 46 s 141 are each
26 amended to read as follows:

27 (~~Salmon charter boat licenses issued under RCW 75.28.095(1)(b) may~~
28 ~~be issued only to boats which~~) (1) After May 28, 1977, the director
29 shall issue no new salmon charter licenses. A person may renew an
30 existing salmon charter license only if the person held (~~a salmon~~
31 ~~charter boat~~) the license sought to be renewed during the previous
32 year or (~~had transferred to the boat such a~~) acquired the license by
33 transfer from someone who held it during the previous year, and if the
34 person has not subsequently transferred the license to another (~~boat~~)
35 person. (~~A boat is entitled to only one salmon charter boat~~
36 ~~license.~~)

1 (2) Salmon charter ((boat)) licenses may be renewed each year. A
2 salmon charter ((boat)) license which is not renewed each year shall
3 not be renewed further.

4 (~~Salmon charter boat licenses are transferable.~~)

5 (3) Subject to the restrictions in section 11 of this act, salmon
6 charter licenses are transferrable from one license holder to another.

7 **Sec. 29.** RCW 75.30.070 and 1989 c 147 s 2 are each amended to read
8 as follows:

9 (1) (~~In addition to a salmon charter boat license, an angler~~
10 ~~permit is required to operate a salmon~~) Except as provided in
11 subsection (3) of this section, it is unlawful to operate a vessel as
12 a charter boat from which salmon are taken in salt water without an
13 angler permit. The angler permit shall specify the maximum number of
14 persons that may fish from the charter boat per trip (~~and shall be~~
15 ~~issued annually without charge~~). The angler permit expires if the
16 salmon charter ((boat)) license is not renewed.

17 (2) Only a person who holds a salmon charter license issued under
18 RCW 75.28.095 and 75.30.065 may hold an angler permit.

19 (3) An angler permit shall not be required for charter boats
20 licensed in Oregon and fishing in ocean waters within the jurisdiction
21 of Washington state from the southern border of the state of Washington
22 to Leadbetter Point under the same regulations as Washington charter
23 boat operators, as long as the Oregon vessel does not land at any
24 Washington port with the purpose of taking on or discharging
25 passengers. The provisions of this subsection shall be in effect as
26 long as the state of Oregon has reciprocal laws and regulations.

27 **Sec. 30.** RCW 75.30.090 and 1983 1st ex.s. c 46 s 143 are each
28 amended to read as follows:

29 A salmon charter boat may not carry more anglers than the number
30 specified in the angler permit issued (~~to the boat~~) under RCW
31 75.30.070. Members of the crew may fish from the boat only to the
32 extent that the number of anglers specified in the angler permit
33 exceeds the number of noncrew passengers on the boat at that time.

34 **Sec. 31.** RCW 75.30.100 and 1983 1st ex.s. c 46 s 144 are each
35 amended to read as follows:

1 (1) The total number of anglers authorized by the department shall
2 not exceed the total number authorized for 1980.

3 (2) Angler permits issued under RCW 75.30.070 are transferable.
4 All or a portion of the permit may be transferred to another salmon
5 charter ((boat)) license holder.

6 (3) The angler permit holder and proposed transferee shall notify
7 the department ((shall be notified)) when transferring an angler permit
8 ((is transferred)), and the department shall issue a new angler permit
9 certificate. If the original permit holder retains a portion of the
10 permit, the department shall issue a new angler permit certificate
11 reflecting the decrease in angler capacity.

12 (4) The department shall collect a fee of ten dollars for each
13 certificate issued under ((this)) subsection (3) of this section.

14 **Sec. 32.** RCW 75.30.120 and 1983 1st ex.s. c 46 s 146 are each
15 amended to read as follows:

16 (1) ((A commercial salmon fishing)) Except as provided in
17 subsection (2) of this section, after May 6, 1974, the director shall
18 issue no new commercial salmon fishery licenses or salmon delivery
19 licenses. A person may renew an existing license ((issued under RCW
20 75.28.110 or salmon delivery permit issued under RCW 75.28.113 may be
21 issued only to a vessel:

22 (a) ~~Which))~~ only if the person held ((a state commercial salmon
23 fishing)) the license ((or salmon delivery permit)) sought to be
24 renewed during the previous year or ((had transferred to the vessel
25 such a)) acquired the license by transfer from someone who held it
26 during the previous year, and if the person has not subsequently
27 transferred the license ((or permit)) to another ((vessel; and

28 (b) ~~From which food fish were caught and landed in this state or in~~
29 ~~another state during the previous year as documented by a valid fish~~
30 ~~receiving document)) person.~~

31 (2) Where the ((failure)) person failed to obtain the license ((or
32 permit)) during the previous year ((was the result)) because of a
33 license ((or permit)) suspension, the ((vessel)) person may qualify for
34 a license ((or permit)) by establishing that the ((vessel)) person held
35 such a license ((or permit)) during the last year in which the license
36 ((or permit)) was not suspended.

37 ((2) The director may waive the landing requirement of subsection
38 (1)(b) of this section if:

1 ~~(a) The vessel to which an otherwise valid license is transferred~~
2 ~~has not had the opportunity to have caught and landed salmon; and~~

3 ~~(b) The intent of the commercial salmon vessel limitation program~~
4 ~~established under this section is not violated.)~~

5 (3) Subject to the restrictions in section 11 of this act,
6 commercial salmon ((fishing)) fishery licenses and salmon delivery
7 ((permits)) licenses are transferable from one license holder to
8 another.

9 **Sec. 33.** RCW 75.30.125 and 1986 c 198 s 2 are each amended to read
10 as follows:

11 Any commercial salmon ((fishing)) fishery license issued under RCW
12 75.28.110 or salmon delivery ((permit)) license issued under RCW
13 75.28.113 shall revert to the department when any government
14 confiscates and sells the vessel ((to which the license or permit was
15 issued)) designated on the license. Upon application of the person
16 named on the license ((or permit)) as license holder and the approval
17 of the director, the department shall transfer the license ((or
18 permit)) to the ((original owner)) applicant. Application for transfer
19 of the license ((or permit)) must be made within the calendar year ((in
20 which the vessel was licensed)) for which the license was issued.

21 **Sec. 34.** RCW 75.30.130 and 1983 1st ex.s. c 46 s 147 are each
22 amended to read as follows:

23 (1) It is unlawful to take dungeness crab (Cancer magister) in
24 ((the)) Puget Sound ((licensing district)) without first obtaining a
25 dungeness crab--Puget Sound ((crab)) fishery license ((endorsement)).
26 As used in this section, "Puget Sound" has the meaning given in RCW
27 75.28.110(5)(a). A dungeness crab--Puget Sound fishery license
28 ((endorsement)) is not required to take other species of crab,
29 including red rock crab (Cancer productus).

30 (2) ((Commercial crab licenses issued under RCW 75.28.130(3)
31 endorsed for the Puget Sound licensing district may be issued only to
32 vessels)) Except as provided in subsections (3) and (7) of this
33 section, after January 1, 1982, the director shall issue no new
34 dungeness crab--Puget Sound fishery licenses. Only a person who meets
35 the following qualifications may renew an existing license:

36 (a) ((Which)) The person shall have held ((a commercial)) the
37 dungeness crab--Puget Sound fishery license ((endorsed for the Puget

1 ~~Sound licensing district~~) sought to be renewed during the previous
2 year or ~~((had transferred to the vessel such a))~~ acquired the license
3 by transfer from someone who held it during the previous year, and
4 ~~((has))~~ shall not have subsequently transferred the ~~((endorsed))~~
5 license to another ~~((vessel))~~ person; and

6 (b) ~~((From which))~~ The person shall document, by valid shellfish
7 receiving tickets issued by the department, that one thousand pounds of
8 dungeness crab were caught and ~~((landed in this state))~~ sold during the
9 previous two-year period ending on December 31st of an odd-numbered
10 year~~((, as documented by a valid shellfish receiving ticket. This~~
11 ~~requirement shall apply to licenses for which application is made after~~
12 January 1, 1984)):

13 (i) Under the license sought to be renewed; or

14 (ii) Under any combination of the following commercial fishery
15 licenses that the person held when the crab were caught and sold: Crab
16 pot--Non-Puget Sound, crab ring net--Non-Puget Sound, dungeness crab--
17 Puget Sound. Sales under a license other than the one sought to be
18 renewed may be used for the renewal of no more than one dungeness
19 crab--Puget Sound fishery license.

20 (3) Where the ~~((failure))~~ person failed to obtain the license
21 during the previous year ~~((was the result))~~ because of a license
22 suspension, the ~~((vessel))~~ person may qualify for a license by
23 establishing that the ~~((vessel))~~ person held such a license during the
24 last year in which the license was not suspended.

25 ~~((+3))~~ (4) The director may reduce or waive the ~~((landing))~~
26 poundage requirement established under subsection (2)(b) of this
27 section upon the recommendation of a review board established under RCW
28 75.30.050. The review board may recommend a reduction or waiver of the
29 ~~((landing))~~ poundage requirement in individual cases if, in the board's
30 judgment, extenuating circumstances prevent achievement of the
31 ~~((landing))~~ poundage requirement. The director shall adopt rules
32 governing the operation of the review boards and defining "extenuating
33 circumstances."

34 ~~((+4))~~ (5) This section does not restrict the issuance of
35 commercial crab licenses for areas other than ~~((the))~~ Puget Sound
36 ~~((licensing district is not restricted by this section))~~ or for species
37 other than dungeness crab.

38 ~~((+5) License endorsements issued under this section are not))~~ (6)
39 Subject to the restrictions in section 11 of this act, dungeness crab--

1 Puget Sound fishery licenses are transferable from one ((owner))
2 license holder to another ((owner, except from parent to child or upon
3 the death of the owner, before July 1, 1986. This restriction applies
4 to all changes in the vessel owner named on the license, including (a)
5 changes during the license year, and (b) changes during the license
6 renewal process between years. This restriction does not prevent
7 changes in vessel operator or transfers between vessels when the vessel
8 owner remains unchanged. Upon request of a vessel owner, the director
9 may issue a temporary permit to allow the vessel owner to use the
10 license endorsement on a leased or rented vessel)).

11 ((+6)) (7) If ((less)) fewer than two hundred ((vessels)) persons
12 are eligible for dungeness crab--Puget Sound fishery licenses
13 ((endorsements)), the director may accept applications for new
14 ((endorsements)) licenses. The director shall determine by random
15 selection the successful applicants for the additional ((endorsements))
16 licenses. The number of additional ((endorsements)) licenses issued
17 shall be sufficient to maintain two hundred ((vessels)) licenses in the
18 Puget Sound dungeness crab fishery. The director shall adopt rules
19 governing the application, selection, and issuance procedures for new
20 dungeness crab--Puget Sound ((crab)) fishery licenses ((endorsements)),
21 based upon recommendations of a board of review established under RCW
22 75.30.050.

23 **Sec. 35.** RCW 75.30.140 and 1983 1st ex.s. c 46 s 148 are each
24 amended to read as follows:

25 (1) ((In addition to a commercial fishing license, a herring
26 validation is required to)) It is unlawful to fish commercially for
27 herring in state waters without a herring fishery license. ((Herring
28 validations shall be issued without charge.)) As used in this section,
29 "herring fishery license" means any of the following commercial fishery
30 licenses issued under RCW 75.28.120: Herring dip bag net; herring drag
31 seine; herring gill net; herring lampara; herring purse seine.

32 (2) Except as provided in this section, ((permanent)) a herring
33 ((validations)) fishery license may be issued only to a person who:

34 (a) Established initial eligibility for a ((permanent)) herring
35 ((validation)) fishery license as provided in subsection (3) of this
36 section or ((had transferred to the person a permanent herring
37 validation)) acquired such a license by transfer; ((and))

1 (b) Held a herring fishery license during the previous year or
2 acquired such a license by transfer; and

3 (c) Has not subsequently transferred the ~~((validation))~~ license to
4 another person.

5 (3) A person may establish initial eligibility for a ~~((permanent))~~
6 herring ~~((validation))~~ fishery license by:

7 (a) Documenting to the department that the person landed herring
8 during the period January 1, 1971, through April 15, 1973;

9 (b) Documenting to the department that the person landed herring
10 during the period January 1, 1969, through December 31, 1970, if the
11 person was in the armed forces of the United States during the period
12 January 1, 1971, through April 15, 1973; or

13 (c) Applying to the department and qualifying for a ~~((permanent))~~
14 herring ~~((validation))~~ fishery license under hardship criteria
15 established by rule of the director.

16 Landings may be documented only by a department fish receiving
17 ticket.

18 (4) A ~~((permanent))~~ herring ~~((validation))~~ fishery license may be
19 ~~((used))~~ issued only ~~((with))~~ for the type of fishing gear
20 ~~((originally))~~ used to establish initial eligibility for the
21 ~~((validation))~~ license.

22 (5) The director may establish rules governing the administration
23 of this section based upon recommendations of a board of review
24 established under RCW 75.30.050.

25 ~~((Additional permanent and temporary validations may be granted~~
26 ~~by the department))~~ Except as provided in subsection (8) of this
27 section, after January 1, 1995, the director shall issue no new herring
28 fishery licenses. After January 1, 1995, a person may renew an
29 existing license only if the person held the license sought to be
30 renewed during the previous year or acquired the license by transfer
31 from someone who held it during the previous year, and if the person
32 has not subsequently transferred the license to another person.

33 (7) Herring fishery licenses may be renewed each year. A herring
34 fishery license that is not renewed each year shall not be renewed
35 further.

36 (8) The department may issue additional herring fishery licenses if
37 the stocks of herring will not be jeopardized by granting additional
38 ~~((validations))~~ licenses. ~~((Herring validations are transferable.))~~

1 (9) Subject to the restrictions of section 11 of this act, herring
2 fishery licenses are transferable from one license holder to another.

3 **Sec. 36.** RCW 75.28.235 and 1989 c 176 s 1 are each amended to read
4 as follows:

5 The legislature finds that the wise management of Washington
6 state's herring resource is of paramount importance to the people of
7 the state. The legislature finds that herring are an important part of
8 the food chain for a number of the state's living marine resources.
9 The legislature finds that both open and closed pond "spawn on kelp"
10 harvesting techniques allow for an economic return to the state while
11 at the same time providing for the proper management of the herring
12 resource. The legislature finds that limitations on the number of
13 herring harvesters tends to improve the management and economic health
14 of the herring industry. The maximum number of herring spawn on kelp
15 ~~((permits))~~ fishery licenses shall not exceed five annually. The state
16 therefore must use its authority to regulate the number of herring
17 spawn on kelp ~~((permits))~~ fishery licenses so that the management and
18 economic health of the herring fishery may be improved.

19 **Sec. 37.** RCW 75.28.245 and 1989 c 176 s 2 are each amended to read
20 as follows:

21 ~~((In addition to a commercial fishing license, a herring~~
22 ~~validation, and other applicable permits required under state law,))~~
23 (1) A herring spawn on kelp ((permit)) fishery license is required to
24 commercially take herring eggs which have been deposited on vegetation
25 of any type. ~~((All herring spawn on kelp permits shall be sold at~~
26 ~~auction to))~~

27 (2) A herring spawn on kelp fishery license may be issued only to
28 a person who:

29 (a) Holds a herring fishery license issued under RCW 75.28.120 and
30 75.30.140; and

31 (b) Is the highest bidder in an auction conducted under subsection
32 (3) of this section.

33 (3) The department shall sell herring spawn on kelp commercial
34 fishery licenses at auction to the highest bidder. Bidders ~~((are~~
35 ~~required to))~~ shall identify their sources of kelp. Kelp harvested
36 from state-owned aquatic lands as defined in RCW 79.90.465 requires the
37 written consent of the department of natural resources. The department

1 shall give all holders of herring (~~validation holders~~) fishery
2 licenses thirty days' notice of the auction.

3 **Sec. 38.** RCW 75.30.160 and 1986 c 198 s 6 are each amended to read
4 as follows:

5 (~~In addition to any other license, a Puget Sound commercial
6 whiting endorsement is required to take whiting in the waters of marine
7 fish shell fish management and catch reporting areas 24B, Port Susan;
8 24C, Saratoga Passage; 26A, Possession Sound; or any other area
9 designated by the department. An annual endorsement fee is two hundred
10 dollars for residents and four hundred dollars for nonresidents. The
11 license shall be affixed to the licensed vessel.)) It is unlawful to
12 take whiting from areas that the department designates within the
13 waters described in RCW 75.28.110(5)(a) without a whiting--Puget Sound
14 fishery license.~~

15 **Sec. 39.** RCW 75.30.170 and 1986 c 198 s 5 are each amended to read
16 as follows:

17 (~~To obtain a Puget Sound commercial whiting endorsement, the owner
18 of the vessel must have~~) (1) A whiting--Puget Sound fishery license
19 may be issued only to an individual who:

20 (a) Delivered at least fifty thousand pounds of whiting during the
21 period from January 1, 1981, through February 22, 1985, as verified by
22 fish delivery tickets (~~and must have~~);

23 (b) Possessed, on January 1, 1986, all equipment necessary to fish
24 for whiting; and

25 (c) Held a whiting--Puget Sound fishery license during the previous
26 year or acquired such a license by transfer from someone who held it
27 during the previous year.

28 (2) After January 1, 1995, the director shall issue no new
29 whiting--Puget Sound fishery licenses. After January 1, 1995, only an
30 individual who meets the following qualifications may renew an existing
31 license: The individual shall have held the license sought to be
32 renewed during the previous year or acquired the license by transfer
33 from someone who held it during the previous year, and shall not have
34 subsequently transferred the license to another person.

35 (3) Whiting--Puget Sound fishery licenses may be renewed each year.
36 A whiting--Puget Sound fishery license that is not renewed each year
37 shall not be renewed further.

1 **Sec. 40.** RCW 75.30.180 and 1986 c 198 s 4 are each amended to read
2 as follows:

3 (~~Commercial Puget Sound whiting license endorsements issued under~~
4 ~~RCW 75.30.160 shall be valid for the owner and the vessel for which the~~
5 ~~endorsement was issued. The endorsement~~) A whiting--Puget Sound
6 fishery license may be transferred through gift, devise, bequest, or
7 descent to members of the license holder's immediate family which shall
8 be limited to spouse, children, or stepchildren. (~~Only a natural~~
9 ~~person may possess an endorsement. The owner of the endorsement must~~)
10 The holder of a whiting--Puget Sound fishery license shall be present
11 on any vessel taking whiting under (~~terms of~~) the (~~endorsement~~)
12 license. In no instance may temporary permits be issued.

13 The director may adopt rules necessary to implement RCW
14 (~~75.30.150~~) 75.30.160 through 75.30.180.

15 **Sec. 41.** RCW 75.30.210 and 1990 c 62 s 2 are each amended to read
16 as follows:

17 (1) (~~After October 1, 1990,~~) It is unlawful to commercially take
18 any species of sea urchin using shellfish diver gear without first
19 obtaining a sea urchin (endorsement to accompany a shellfish diver)
20 dive fishery license. (A sea urchin endorsement to a shellfish diver
21 license issued under RCW 75.28.130(5) shall be limited to those vessels
22 which:

23 (a) ~~Held a commercial shellfish diver license, excluding clams,~~
24 ~~during calendar years 1988 and 1989 or had transferred to the vessel~~
25 ~~such a license;~~

26 (b) ~~Have not transferred the license to another vessel; and~~

27 (c) ~~Can establish, by means of dated shellfish receiving documents~~
28 ~~issued by the department, that twenty thousand pounds of sea urchins~~
29 ~~were caught and landed under the license during the period of April 1,~~
30 ~~1986, through March 31, 1988.~~

31 ~~Endorsements issued under this section are a new licensing~~
32 ~~condition, and the continuing license provisions of RCW 34.05.422(3)~~
33 ~~are not applicable.))~~

34 (2) (~~In addition to the requirements of subsection (1) of this~~
35 ~~section, after December 31, 1991, sea urchin endorsements to shellfish~~
36 ~~diver licenses issued under RCW 75.28.130(5) may be issued only to~~
37 ~~vessels)) Except as provided in subsections (3) and (6) of this
38 section, after December 31, 1991, the director shall issue no new sea~~

1 urchin dive fishery licenses. Only a person who meets the following
2 qualifications may renew an existing license:

3 (a) ~~((Which))~~ The person shall have held ((a)) the sea urchin
4 ~~((endorsement to a shellfish diver))~~ dive fishery license sought to be
5 renewed during the previous year or ((had transferred to the vessel
6 ~~such a))~~ acquired the license by transfer from someone who held it
7 during the previous year; and

8 (b) ~~((From which))~~ The person shall document, by valid shellfish
9 receiving tickets issued by the department, that twenty thousand pounds
10 of sea urchins were caught and ((landed in this state)) sold under the
11 license sought to be renewed during the two-year period ending March 31
12 of ((an)) the most recent odd-numbered year((, as documented by valid
13 ~~shellfish receiving documents issued by the department)).~~

14 (3) Where ((failure)) the person failed to obtain the license
15 during the previous year ((was the result)) because of a license
16 suspension or revocation by the department or the court, the ((vessel))
17 person may qualify for a license by establishing that the ((vessel))
18 person held such a license during the last year in which ((it)) the
19 person was eligible.

20 ~~((+3))~~ (4) The director may reduce or waive ((any landing)) the
21 poundage requirement ((established under)) of subsection (2)(b) of this
22 section upon the recommendation of a board of review established under
23 RCW 75.30.050. The board of review may recommend a reduction or waiver
24 of the ((landing)) poundage requirement in individual cases if, in the
25 board's judgment, extenuating circumstances prevent achievement of the
26 ((landing)) poundage requirement. The director shall adopt rules
27 governing the operation of the board of review and defining
28 "extenuating circumstances."

29 ~~((+4))~~ (5) Sea urchin ((endorsements issued under this section))
30 dive fishery licenses are not transferable from one ((owner)) license
31 holder to another ((owner)), except from parent to child, or from
32 spouse to spouse during marriage or as a result of marriage
33 dissolution, or upon the death of the ((owner)) license holder. ((This
34 restriction applies to all changes in the vessel owner's name on the
35 license, including (a) changes during the license year, and (b) changes
36 during the license renewal process between years. This restriction
37 does not prevent changes in vessel operator or transfers between
38 vessels when the vessel owner remains unchanged. Upon request of a
39 vessel owner, the director may issue a temporary permit to allow the

1 ~~vessel owner to use the license endorsement on a leased or rented~~
2 ~~vessel.~~

3 ~~(5))~~ (6) If ~~((less))~~ fewer than forty-five ~~((vessels))~~ persons are
4 eligible for sea urchin ~~((endorsements))~~ dive fishery licenses, the
5 director may accept applications for new ~~((endorsements))~~ licenses.
6 The director shall determine by random selection the successful
7 applicants for the additional ~~((endorsements))~~ licenses. The number of
8 additional ~~((endorsements))~~ licenses issued shall be sufficient to
9 maintain up to forty-five ~~((vessels))~~ licenses in the sea urchin dive
10 fishery. The director shall adopt rules governing the application,
11 selection, and issuance procedure for new sea urchin ~~((endorsements))~~
12 dive fishery licenses, based upon recommendations of a board of review
13 established under RCW 75.30.050.

14 **Sec. 42.** RCW 75.30.220 and 1990 c 63 s 2 are each amended to read
15 as follows:

16 ~~(1) ((The director may by rule designate a fishery as an emerging~~
17 ~~commercial fishery.~~

18 ~~(2))~~ The director may issue experimental fishery permits for
19 commercial harvest in an emerging commercial fishery for which the
20 director has determined there is a need to limit the number of
21 participants. The director shall determine by rule the number and
22 qualifications of participants for such experimental fishery permits.
23 Only a person who holds an emerging commercial fishery license issued
24 under section 18 of this act and who meets the qualifications
25 established in those rules may hold an experimental fishery permit.
26 The director shall limit the number of these permits to prevent habitat
27 damage, ensure conservation of the resource, and prevent
28 overharvesting. In developing rules for limiting participation in an
29 emerging or expanding commercial fishery, the director shall appoint a
30 five-person advisory board representative of the affected fishery
31 industry. The advisory board shall review and make recommendations to
32 the director on rules relating to the number and qualifications of the
33 participants for such ~~((supplemental))~~ experimental fishery permits.

34 ~~((3))~~ (2) RCW 34.05.422(3) does not apply to applications for new
35 experimental fishery permits.

36 ~~((4) Upon request of a vessel owner, the director may allow the~~
37 ~~vessel owner to temporarily transfer the experimental fishery permit to~~
38 ~~a leased or rented vessel. The director shall allow such temporary~~

1 ~~transfers only when the vessel holding the experimental fishery permit~~
2 ~~is disabled.))~~

3 (3) Experimental fishery permits are not transferable from the
4 permit holder to any other person.

5 **Sec. 43.** RCW 75.30.240 and 1990 c 63 s 4 are each amended to read
6 as follows:

7 Within five years after adopting rules to govern the number and
8 qualifications of participants in an emerging commercial fishery, the
9 director shall provide to the appropriate senate and house of
10 representatives committees a report which outlines the status of the
11 fishery and a recommendation as to whether a separate commercial
12 fishery license, license fee, or ((endorsement and/or a)) limited
13 harvest program should be established for that fishery.

14 **Sec. 44.** RCW 75.30.250 and 1990 c 61 s 2 are each amended to read
15 as follows:

16 ~~(1) ((After April 30, 1990,))~~ It is unlawful to commercially take
17 while using shellfish diver gear any species of sea cucumber without
18 first obtaining a sea cucumber ((endorsement to accompany a shellfish
19 diver)) dive fishery license.

20 ~~((A))~~ (2) Except as provided in subsection (6) of this section,
21 after December 31, 1991, the director shall issue no new sea cucumber
22 ((endorsement to a shellfish diver)) dive fishery licenses ((issued
23 under RCW 75.28.130(5) shall be limited to those vessels which)). Only
24 a person who meets the following qualifications may renew an existing
25 license:

26 (a) ~~((Held a commercial shellfish diver license (excluding clams),~~
27 ~~between January 1, 1989, and December 31, 1989, or had transferred to~~
28 ~~the vessel such a license, and held a permit for harvest of sea~~
29 ~~cucumbers in 1989;~~

30 (b) ~~Have not transferred the license to another vessel;~~

31 (c) ~~Can establish, by means of dated shellfish receiving documents~~
32 ~~issued by the department, that thirty landings of sea cucumbers were~~
33 ~~made under the license during the period of January 1, 1988, through~~
34 ~~December 31, 1989; and~~

35 (d) ~~Endorsements issued under this section are a new licensing~~
36 ~~condition, and the continuing license provisions of RCW 34.05.422(3)~~
37 ~~are not applicable.~~

1 ~~(2) In addition to the requirements of subsection (1) of this~~
2 ~~section, after December 31, 1991, sea cucumber endorsements to~~
3 ~~shellfish diver licenses issued under RCW 75.28.130(5) may be issued~~
4 ~~only to vessels which:~~

5 ~~(a))~~ The person shall have held ((a)) the sea cucumber
6 ~~((endorsement to a shellfish diver))~~ dive fishery license sought to be
7 renewed during the previous two years or ~~((had transferred to the~~
8 ~~vessel such a))~~ acquired the license by transfer from someone who held
9 it during the previous year; and

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

15 ~~(3) Where ((failure))~~ the person failed to obtain the license
16 during either of the previous two years ~~((was the result))~~ because of
17 a license suspension by the department or the court, the ~~((vessel))~~
18 person may qualify for a license by establishing that the ~~((vessel))~~
19 person held such a license ~~((and a sea cucumber endorsement))~~ during
20 the last year in which ~~((it))~~ the person was eligible.

21 ~~((+3))~~ ~~(4)~~ The director may reduce or waive any landing or
22 poundage requirement established under this section upon the
23 recommendation of a board of review established under RCW 75.30.050.
24 The board of review may recommend a reduction or waiver of any landing
25 or poundage requirement in individual cases if, in the board's
26 judgment, extenuating circumstances prevent achievement of the landing
27 or poundage requirement. The director shall adopt rules governing the
28 operation of the board of review and defining "extenuating
29 circumstances."

30 ~~((+4))~~ ~~(5)~~ Sea cucumber ~~((endorsements issued under this section))~~
31 dive fishery licenses are not ~~((transferrable))~~ transferable from one
32 ~~((owner))~~ license holder to another ~~((owner))~~ except from parent to
33 child, from spouse to spouse during marriage or as a result of marriage
34 dissolution, or upon death of the ~~((owner))~~ license holder. ~~((This~~
35 ~~restriction does not prevent changes in vessel operator or transfers~~
36 ~~between vessels when the vessel owner remains unchanged.~~

37 ~~(+5))~~ ~~(6)~~ If ~~((less))~~ fewer than fifty ~~((vessels))~~ persons are
38 eligible for sea cucumber ~~((endorsements))~~ dive fishery licenses, the
39 director may accept applications for new ~~((endorsements))~~ licenses from

1 those persons who can demonstrate two years' experience in the
2 Washington state sea cucumber (~~((diver))~~) dive fishery. The director
3 shall determine by random selection the successful applicants for the
4 additional (~~((endorsements))~~) licenses. The number of additional
5 (~~((endorsements))~~) licenses issued shall be sufficient to maintain up to
6 fifty (~~((vessels))~~) licenses in the sea cucumber dive fishery. The
7 director shall adopt rules governing the application, selection, and
8 issuance procedure for new sea cucumber (~~((endorsements))~~) dive fishery
9 licenses, based upon recommendations of a board of review established
10 under RCW 75.30.050.

11 NEW SECTION. Sec. 45. A new section is added to chapter 75.30 RCW
12 to read as follows:

13 VESSEL-TO-PERSON TRANSITION. (1) A person who on January 1, 1994,
14 owns a vessel that on December 31, 1993, qualifies for a salmon charter
15 boat license under section 141, chapter 46, Laws of 1983 1st ex. sess.
16 shall be deemed to qualify for a 1994 salmon charter license under
17 section 28(1) of this act.

18 (2) A person who on January 1, 1994, owns a vessel that on December
19 31, 1993, qualifies for a 1994 commercial salmon fishing license or
20 salmon delivery permit under section 146, chapter 46, Laws of 1983 1st
21 ex. sess. shall be deemed to qualify for a 1994 commercial salmon
22 fishery license or salmon delivery license under section 32(1) of this
23 act.

24 (3) A person who on January 1, 1994, owns a vessel that on December
25 31, 1993, qualifies for a 1994 Puget Sound crab license endorsement
26 under section 147, chapter 46, Laws of 1983 1st ex. sess. shall be
27 deemed to qualify for a 1994 dungeness crab--Puget Sound fishery
28 license under section 34(2) of this act.

29 (4) A person who on December 31, 1993, qualifies for a 1994 herring
30 validation under section 148, chapter 46, Laws of 1983 1st ex. sess.
31 shall be deemed to qualify for a 1994 herring fishery license under
32 section 35(2) of this act.

33 (5) A person who on December 31, 1993, qualifies for a 1994 Puget
34 Sound commercial whiting endorsement under section 5, chapter 198, Laws
35 of 1986 shall be deemed to qualify for a 1994 whiting--Puget Sound
36 fishery license under section 39(1) of this act.

37 (6) A person who on January 1, 1994, owns a vessel that on December
38 31, 1993, qualifies for a 1994 sea urchin endorsement to a shellfish

1 diver license under section 2, chapter 62, Laws of 1990 shall be deemed
2 to qualify for a 1994 sea urchin dive fishery license under section
3 41(2) of this act. Any sea urchin landings made from the vessel
4 between April 1, 1993, and December 31, 1993, shall be deemed to be
5 sales under section 41(2)(b) of this act.

6 (7) A person who on January 1, 1994, owns a vessel that on December
7 31, 1993, qualifies for a 1994 sea cucumber endorsement to a shellfish
8 diver license under section 2, chapter 61, Laws of 1990 shall be deemed
9 to qualify for a 1994 sea cucumber dive fishery license under section
10 44(2) of this act.

11 (8) This section shall expire January 1, 1995.

12 NEW SECTION. **Sec. 46.** A new section is added to chapter 75.30 RCW
13 to read as follows:

14 GEODUCK FISHERY LICENSES. (1) It is unlawful to harvest geoduck
15 clams commercially without a geoduck fishery license. This section
16 does not apply to the harvest of private sector cultured aquatic
17 products as defined in RCW 15.85.020.

18 (2) Only a person who has entered into a geoduck harvesting
19 agreement with the department of natural resources under RCW 79.96.080
20 may hold a geoduck fishery license.

21 (3) A geoduck fishery license authorizes no taking of geoducks
22 outside the boundaries of the public lands designated in the underlying
23 harvesting agreement, or beyond the harvest ceiling set in the
24 underlying harvesting agreement.

25 (4) A geoduck fishery license expires when the underlying geoduck
26 harvesting agreement terminates.

27 (5) The director shall determine the number of geoduck fishery
28 licenses that may be issued for each geoduck harvesting agreement, the
29 number of units of gear whose use the license authorizes, and the type
30 of gear that may be used, subject to RCW 75.24.100. In making those
31 determinations, the director shall seek to conserve the geoduck
32 resource and prevent damage to its habitat.

33 (6) The holder of a geoduck fishery license and the holder's agents
34 and representatives shall comply with all applicable commercial diving
35 safety regulations adopted by the federal occupational safety and
36 health administration established under the federal occupational safety
37 and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590
38 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations

1 is a violation of this subsection. For the purposes of this section,
2 persons who dive for geoducks are "employees" as defined by the federal
3 occupational safety and health act. A violation of this subsection is
4 grounds for suspension or revocation of a geoduck fishery license
5 following a hearing under the procedures of chapter 34.05 RCW. The
6 department shall not suspend or revoke a geoduck fishery license if the
7 violation has been corrected within ten days of the date the license
8 holder receives written notice of the violation. If there is a
9 substantial probability that a violation of the commercial diving
10 standards could result in death or serious physical harm to a person
11 engaged in harvesting geoduck clams, the department shall suspend the
12 license immediately until the violation has been corrected. If the
13 license holder is not the operator of the harvest vessel and has
14 contracted with another person for the harvesting of geoducks, the
15 department shall not suspend or revoke the license if the license
16 holder terminates its business relationship with that person until
17 compliance with this subsection is secured.

18 **Sec. 47.** RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are
19 each reenacted and amended to read as follows:

20 As used in this title or rules of the director, unless the context
21 clearly requires otherwise:

22 (1) "Director" means the director of fisheries.

23 (2) "Department" means the department of fisheries.

24 (3) "Person" means an individual or a public or private entity or
25 organization. The term "person" includes local, state, and federal
26 government agencies, and all business organizations, including
27 corporations and partnerships.

28 (4) "Fisheries patrol officer" means a person appointed and
29 commissioned by the director, with authority to enforce this title,
30 rules of the director, and other statutes as prescribed by the
31 legislature. Fisheries patrol officers are peace officers.

32 (5) "Ex officio fisheries patrol officer" means a commissioned
33 officer of a municipal, county, state, or federal agency having as its
34 primary function the enforcement of criminal laws in general, while the
35 officer is in the appropriate jurisdiction. The term "ex officio
36 fisheries patrol officer" also includes wildlife agents, special agents
37 of the national marine fisheries service, United States fish and
38 wildlife special agents, state parks commissioned officers, department

1 of natural resources enforcement officers, and United States forest
2 service officers, while the agents and officers are within their
3 respective jurisdictions.

4 (6) "To fish," "to harvest," and "to take" and their derivatives
5 mean an effort to kill, injure, harass, or catch food fish or
6 shellfish.

7 (7) "State waters" means all marine waters and fresh waters within
8 ordinary high water lines and within the territorial boundaries of the
9 state.

10 (8) "Offshore waters" means marine waters of the Pacific Ocean
11 outside the territorial boundaries of the state, including the marine
12 waters of other states and countries.

13 (9) "Concurrent waters of the Columbia river" means those waters of
14 the Columbia river that coincide with the Washington-Oregon state
15 boundary.

16 (10) "Resident" means a person who has for the preceding ninety
17 days maintained a permanent abode within the state, has established by
18 formal evidence an intent to continue residing within the state, and is
19 not licensed to fish as a resident in another state.

20 (11) "Nonresident" means a person who has not fulfilled the
21 qualifications of a resident.

22 (12) "Food fish" means those species of the classes Osteichthyes,
23 Agnatha, and Chondrichthyes that shall not be fished for except as
24 authorized by rule of the director. The term "food fish" includes all
25 stages of development and the bodily parts of food fish species.

26 (13) "Shellfish" means those species of marine and freshwater
27 invertebrates that shall not be taken except as authorized by rule of
28 the director. The term "shellfish" includes all stages of development
29 and the bodily parts of shellfish species.

30 (14) "Salmon" means all species of the genus *Oncorhynchus*, except
31 those classified as game fish in Title 77 RCW, and includes:

32	Scientific Name	Common Name
33	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
34	<i>Oncorhynchus kisutch</i>	Coho salmon
35	<i>Oncorhynchus keta</i>	Chum salmon
36	<i>Oncorhynchus gorbuscha</i>	Pink salmon
37	<i>Oncorhynchus nerka</i>	Sockeye salmon

1 (15) "Commercial" means related to or connected with buying,
2 selling, or bartering. Fishing for food fish or shellfish with gear
3 unlawful for fishing for personal use, or possessing food fish or
4 shellfish in excess of the limits permitted for personal use are
5 commercial activities.

6 (16) "To process" and its derivatives mean preparing or preserving
7 food fish or shellfish.

8 (17) "Personal use" means for the private use of the individual
9 taking the food fish or shellfish and not for sale or barter.

10 (18) "Angling gear" means a line attached to a rod and reel capable
11 of being held in hand while landing the fish or a hand-held line
12 operated without rod or reel to which are attached no more than two
13 single hooks or one artificial bait with no more than four multiple
14 hooks.

15 (19) "Open season" means those times, manners of taking, and places
16 or waters established by rule of the director for the lawful fishing,
17 taking, or possession of food fish or shellfish. "Open season"
18 includes the first and last days of the established time.

19 ~~(20) ("Emerging commercial fishery" means any commercial fishery:~~

20 ~~(a) For food fish or shellfish so designated by rule of the~~
21 ~~director, except that no species harvested under a license limitation~~
22 ~~program contained in chapter 75.30 RCW may be designated as a species~~
23 ~~in an emerging commercial fishery.~~

24 ~~(b) Which will include, subject to the limitation in (a) of this~~
25 ~~subsection, all species harvested for commercial purposes as of June 7,~~
26 ~~1990, and the future commercial harvest of all other species in the~~
27 ~~waters of the state of Washington.~~

28 ~~(21) "Experimental fishery permit" means a permit issued by the~~
29 ~~director to allow the recipient to engage in an emerging commercial))~~

30 "Fishery" means the taking of one or more particular species of food
31 fish or shellfish with particular gear in a particular geographical
32 area.

33 (21) "Limited-entry license" means a license subject to a license
34 limitation program established in chapter 75.30 RCW.

35 **Sec. 48.** RCW 75.08.230 and 1989 c 176 s 4 are each amended to read
36 as follows:

1 (1) Except as provided in this section, state and county officers
2 receiving the following moneys shall deposit them in the state general
3 fund:

4 (a) The sale of licenses required under this title;

5 (b) The sale of property seized or confiscated under this title;

6 (c) Fines and forfeitures collected under this title;

7 (d) The sale of real or personal property held for department
8 purposes;

9 (e) Rentals or concessions of the department;

10 (f) Moneys received for damages to food fish, shellfish or
11 department property; and

12 (g) Gifts.

13 (2) The director shall make weekly remittances to the state
14 treasurer of moneys collected by the department.

15 (3) All fines and forfeitures collected or assessed by a district
16 court for a violation of this title or rule of the director shall be
17 remitted as provided in chapter 3.62 RCW.

18 (4) Proceeds from the sale of food fish or shellfish taken in test
19 fishing conducted by the department, to the extent that these proceeds
20 exceed the estimates in the budget approved by the legislature, may be
21 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
22 the department for unanticipated costs for test fishing operations in
23 excess of the allowance in the budget approved by the legislature.

24 (5) Proceeds from the sale of salmon and salmon eggs by the
25 department, to the extent these proceeds exceed estimates in the budget
26 approved by the legislature, may be allocated as unanticipated receipts
27 under RCW 43.79.270. Allocations under this subsection shall be made
28 only for hatchery operations partially or wholly financed by sources
29 other than state general revenues or for purposes of processing human
30 consumable salmon for disposal.

31 (6) Moneys received by the director under RCW 75.08.045, to the
32 extent these moneys exceed estimates in the budget approved by the
33 legislature, may be allocated as unanticipated receipts under RCW
34 43.79.270. Allocations under this subsection shall be made only for
35 the specific purpose for which the moneys were received, unless the
36 moneys were received in settlement of a claim for damages to food fish
37 or shellfish, in which case the moneys may be expended for the
38 conservation of these resources.

1 (7) Proceeds from the sale of herring spawn on kelp (~~(permits)~~)
2 fishery licenses by the department, to the extent those proceeds exceed
3 estimates in the budget approved by the legislature, may be allocated
4 as unanticipated receipts under RCW 43.79.270. Allocations under this
5 subsection shall be made only for herring management, enhancement, and
6 enforcement.

7 NEW SECTION. **Sec. 49.** A new section is added to chapter 75.12 RCW
8 to read as follows:

9 It is unlawful to use a vessel in both charter or recreational
10 fishing and commercial fishing on the same day.

11 **Sec. 50.** RCW 75.28.134 and 1989 c 316 s 9 are each amended to read
12 as follows:

13 ~~((1) In addition to a shellfish pot license, a Hood Canal shrimp
14 endorsement is required to take shrimp commercially in that portion of
15 Hood Canal lying south of the Hood Canal floating bridge. Unless
16 adjusted by the director pursuant to the director's authority granted
17 in RCW 75.28.065, the annual endorsement fee is two hundred twenty five
18 dollars for a resident and four hundred fifty dollars for a
19 nonresident.~~

20 ~~(2) Not~~) It is unlawful to use more than fifty shrimp pots (~~(may~~
21 ~~be used)~~) while commercially fishing for shrimp in that portion of Hood
22 Canal lying south of the Hood Canal floating bridge.

23 **Sec. 51.** RCW 75.24.100 and 1984 c 80 s 2 are each amended to read
24 as follows:

25 (1) ~~((The director may issue licenses, with the approval of the
26 commissioner of public lands, for the commercial harvesting of geoduck
27 clams from specific tracts of beds of navigable waters for which
28 harvest rights have been granted by the department of natural
29 resources. The director shall not authorize commercial harvesting on))~~
30 It is unlawful to take geoduck clams for commercial purposes outside
31 the harvest area designated in a current department of natural
32 resources geoduck harvesting agreement issued under RCW 79.96.080. It
33 is unlawful to commercially harvest geoduck clams from bottoms
34 ~~((which))~~ that are shallower than eighteen feet below mean lower low
35 water (0.0. ft.), or ~~((which))~~ that lie in an area bounded by the line
36 of ordinary high tide (mean high tide) and a line two hundred yards

1 seaward from and parallel to the line of ordinary high tide. ((If the
2 director determines that the number of units of gear is sufficient to
3 harvest the known available crop and that additional units of gear
4 might prove damaging to the resource or its habitat, the director may
5 suspend the issuance of additional licenses until the director
6 determines there is need for additional units of gear to achieve a
7 sustained harvest.)) This section does not apply to the harvest of
8 private sector cultured aquatic products as defined in RCW 15.85.020.

9 (2) Commercial geoduck harvesting shall be done with a hand-held,
10 manually operated water jet or suction device guided and controlled
11 from under water by a diver. Periodically, the director shall
12 determine the effect of each type or unit of gear upon the geoduck
13 population or the substrate they inhabit. The director may require
14 modification of the gear or stop its use if it is being operated in a
15 wasteful or destructive manner or if its operation may cause permanent
16 damage to the bottom or adjacent shellfish populations.

17 ((3) A person, including the person's agents or representatives,
18 who holds a license under subsection (1) of this section shall comply
19 with all applicable commercial diving safety regulations adopted by the
20 federal occupational safety and health administration established under
21 the federal occupational safety and health act of 1970 as such law
22 exists on May 8, 1979 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et
23 seq.). A violation of these regulations is a violation of this
24 subsection. For the purposes of this section, persons who dive for
25 geoducks are "employees" as defined by the federal occupational safety
26 and health act. A violation of this subsection is grounds for
27 suspension or revocation of the license following a hearing as provided
28 for in chapter 34.05 RCW. A license shall not be suspended or revoked
29 if the violation has been corrected within ten days of receipt of
30 written notice of the violation. If there is a substantial probability
31 that a violation of the commercial diving standards could result in
32 death or serious physical harm to a person engaged in harvesting
33 geoduck clams, the department shall suspend the license immediately
34 until the violation has been corrected. If the licensee is the holder
35 of a tract license and contracts with another person for the harvesting
36 of geoducks, the license shall not be suspended or canceled if the
37 licensee terminates its business relationship with such entity until
38 compliance with this subsection is secured.))

1 **Sec. 52.** RCW 75.28.070 and 1983 1st ex.s. c 46 s 110 are each
2 amended to read as follows:

3 (~~Clam or oyster farm, oyster reserve, and~~) Wholesale fish dealer
4 licenses shall be displayed at the business premises of the licensee.

5 **Sec. 53.** RCW 75.50.100 and 1990 c 58 s 3 are each amended to read
6 as follows:

7 The dedicated regional fisheries enhancement group account is
8 created in the custody of the state treasurer. Only the director or
9 the director's designee may authorize expenditures from the account.
10 The account is subject to allotment procedures under chapter 43.88 RCW,
11 but no appropriation is required for expenditures.

12 A surcharge of one dollar shall be collected on each recreational
13 salmon license sold in the state. A surcharge of one hundred dollars
14 shall be collected on each commercial salmon (~~(fishing)~~) fishery
15 license, each salmon delivery license, and each salmon charter (~~(boat~~
16 ~~"salmon and other food fish"~~) license sold in the state. The
17 department shall study methods for collecting and making available, an
18 annual list, including names and addresses, of all persons who obtain
19 recreational and commercial salmon fishing licenses. This list may be
20 used to assist formation of the regional fisheries enhancement groups
21 and allow the broadest participation of license holders in enhancement
22 efforts. The results of the study shall be reported to the house of
23 representatives fisheries and wildlife committee and the senate
24 environment and natural resources committee by October 1, 1990. All
25 receipts shall be placed in the regional fisheries enhancement group
26 account and shall be used exclusively for regional fisheries
27 enhancement group projects for the purposes of RCW 75.50.110. Funds
28 from the regional fisheries enhancement group account shall not serve
29 as replacement funding for department operated salmon projects that
30 exist on January 1, 1991.

31 All revenue from the department's sale of salmon carcasses and eggs
32 that return to group facilities shall be deposited in the regional
33 fisheries enhancement group account for use by the regional fisheries
34 enhancement group that produced the surplus. The (~~(department)~~)
35 director shall adopt rules to implement this section pursuant to
36 chapter 34.05 RCW.

1 NEW SECTION. **Sec. 54.** (1) RCW 75.28.070 as amended by section 52
2 of this act is recodified within chapter 75.28 RCW to follow RCW
3 75.28.300.

4 (2) RCW 75.28.134 as amended by section 50 of this act is
5 recodified as a section in chapter 75.12 RCW.

6 (3) RCW 75.28.235 as amended by section 36 of this act is
7 recodified as a section in chapter 75.30 RCW.

8 (4) RCW 75.28.245 as amended by section 37 of this act is
9 recodified as a section in chapter 75.30 RCW.

10 (5) RCW 75.28.287 as amended by section 24 of this act is
11 recodified within chapter 75.28 RCW to follow RCW 75.28.710.

12 NEW SECTION. **Sec. 55.** RCW 75.30.150 is decodified.

13 NEW SECTION. **Sec. 56.** The following acts or parts of acts are
14 each repealed:

15 (1) RCW 75.28.012 and 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283
16 s 2, & 1957 c 171 s 1;

17 (2) RCW 75.28.035 and 1989 c 316 s 1, 1983 1st ex.s. c 46 s 107,
18 1959 c 309 s 9, & 1955 c 12 s 75.28.100;

19 (3) RCW 75.28.060 and 1983 1st ex.s. c 46 s 109, 1971 ex.s. c 283
20 s 4, 1965 ex.s. c 30 s 1, 1959 c 309 s 8, 1955 c 212 s 3, & 1955 c 12
21 s 75.28.060;

22 (4) RCW 75.28.140 and 1989 c 316 s 10, 1983 1st ex.s. c 46 s 121,
23 1977 ex.s. c 327 s 7, 1971 ex.s. c 283 s 8, 1965 ex.s. c 73 s 5, 1959
24 c 309 s 13, & 1955 c 12 s 75.28.140; and

25 (5) RCW 75.28.255 and 1989 c 316 s 11, 1983 1st ex.s. c 46 s 122,
26 & 1955 c 212 s 5.

27 NEW SECTION. **Sec. 57.** Section headings as used in this act do not
28 constitute any part of the law.

29 NEW SECTION. **Sec. 58.** This act shall take effect January 1, 1994.

30 NEW SECTION. **Sec. 59.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

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