
SUBSTITUTE SENATE BILL 5233

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senators Doumit and Oke)

READ FIRST TIME 02/24/05.

1 AN ACT Relating to food fish and shellfish commercial licenses;
2 amending RCW 77.65.010, 77.65.170, 77.65.190, 77.65.210, and 77.65.390;
3 providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 77.65.010 and 1998 c 190 s 93 are each amended to read
6 as follows:

7 (1) Except as otherwise provided by this title, a person may not
8 engage in any of the following activities without a license or permit
9 issued by the director:

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

11 (b) Deliver from a commercial fishing vessel food fish or shellfish
12 taken for commercial purposes in offshore waters. As used in this
13 subsection, "deliver" means arrival at a place or port, and includes
14 arrivals from offshore waters to waters within the state and arrivals
15 from state or offshore waters;

16 (c) Operate a charter boat or commercial fishing vessel engaged in
17 a fishery;

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

1 (e) Act as a guide for salmon for personal use in freshwater rivers
2 and streams, other than that part of the Columbia river below the
3 bridge at Longview.

4 (2) No person may engage in the activities described in subsection
5 (1) of this section unless the licenses or permits required by this
6 title are in the person's possession, and the person is the named
7 license holder or an alternate operator designated on the license and
8 the person's license is not suspended.

9 (3) A valid Oregon license that is equivalent to a license under
10 this title is valid in the concurrent waters of the Columbia river if
11 the state of Oregon recognizes as valid the equivalent Washington
12 license. The director may identify by rule what Oregon licenses are
13 equivalent.

14 (4) No license or permit is required for the production or
15 harvesting of private sector cultured aquatic products as defined in
16 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
17 aquatic products. However, if a means of identifying such products is
18 required by rules adopted under RCW 15.85.060, the exemption from
19 licensing or permit requirements established by this subsection applies
20 only if the aquatic products are identified in conformance with those
21 rules.

22 **Sec. 2.** RCW 77.65.170 and 2000 c 107 s 38 are each amended to read
23 as follows:

24 (1) A salmon delivery license is required for a commercial fishing
25 vessel to deliver salmon taken for commercial purposes in offshore
26 waters to a place or port in the state. As used in this section,
27 "deliver" and "delivery" mean arrival at a place or port, and include
28 arrivals from offshore waters to waters within the state and arrivals
29 ashore from offshore waters. The annual fee for a salmon delivery
30 license is three hundred eighty dollars for residents and six hundred
31 eighty-five dollars for nonresidents. The annual surcharge under RCW
32 77.95.090 is one hundred dollars for each license. Holders of
33 nonlimited entry delivery licenses issued under RCW 77.65.210 may apply
34 the nonlimited entry delivery license fee against the salmon delivery
35 license fee.

36 (2) Only a person who meets the qualifications established in RCW
37 77.70.090 may hold a salmon delivery license issued under this section.

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

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

8 **Sec. 3.** RCW 77.65.190 and 2000 c 107 s 40 are each amended to read
9 as follows:

10 A person who does not qualify for a license under RCW 77.70.090
11 shall obtain a nontransferable emergency salmon delivery license to
12 make one delivery from a commercial fishing vessel of salmon taken for
13 commercial purposes in offshore waters. As used in this section,
14 "delivery" means arrival at a place or port, and include arrivals from
15 offshore waters to waters within the state and arrivals ashore from
16 offshore waters. The director shall not issue an emergency salmon
17 delivery license unless, as determined by the director, a bona fide
18 emergency exists. The license fee is two hundred twenty-five dollars
19 for residents and four hundred seventy-five dollars for nonresidents.
20 An applicant for an emergency salmon delivery license shall designate
21 no more than one vessel that will be used with the license. Alternate
22 operator licenses are not required of persons delivering salmon under
23 an emergency salmon delivery license. Emergency salmon delivery
24 licenses are not renewable.

25 **Sec. 4.** RCW 77.65.210 and 2000 c 107 s 42 are each amended to read
26 as follows:

27 (1) Except as provided in subsection (2) of this section, a person
28 may not use a commercial fishing vessel to deliver food fish or
29 shellfish taken for commercial purposes in offshore waters to a port in
30 the state without a nonlimited entry delivery license. As used in this
31 section, "deliver" and "delivery" mean arrival at a place or port, and
32 include arrivals from offshore waters to waters within the state and
33 arrivals ashore from offshore waters. As used in this section, "food
34 fish" does not include salmon. As used in this section, "shellfish"
35 does not include ocean pink shrimp (~~(o₂)~~), coastal crab, or fish or
36 shellfish taken under an emerging commercial fisheries license if taken

1 from off-shore waters. The annual license fee for a nonlimited entry
2 delivery license is one hundred ten dollars for residents and two
3 hundred dollars for nonresidents.

4 (2) Holders of salmon troll fishery licenses issued under RCW
5 77.65.160, salmon delivery licenses issued under RCW 77.65.170, crab
6 pot fishery licenses issued under RCW 77.65.220, food fish trawl--Non-
7 Puget Sound fishery licenses, and emerging commercial fishery licenses
8 issued under RCW 77.65.200, Dungeness crab--coastal fishery licenses,
9 ocean pink shrimp delivery licenses, ((and)) shrimp trawl--Non-Puget
10 Sound fishery licenses, and emerging commercial fishery licenses issued
11 under RCW 77.65.220 may deliver food fish or shellfish taken in
12 offshore waters without a nonlimited entry delivery license.

13 (3) A nonlimited entry delivery license authorizes no taking of
14 food fish or shellfish from state waters.

15 **Sec. 5.** RCW 77.65.390 and 2000 c 107 s 51 are each amended to read
16 as follows:

17 An ocean pink shrimp delivery license is required for a commercial
18 fishing vessel to deliver ocean pink shrimp taken for commercial
19 purposes in offshore waters and delivered to a port in the state. As
20 used in this section, "deliver" and "delivery" mean arrival at a place
21 or port, and include arrivals from offshore waters to waters within the
22 state and arrivals from state or offshore waters. The annual license
23 fee is one hundred fifty dollars for residents and three hundred
24 dollars for nonresidents. Ocean pink shrimp delivery licenses are
25 transferable.

26 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 ninety days after this act is signed by the governor.

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