
**Agriculture & Natural Resources
Committee**

HB 2593

Brief Description: Concerning the department of fish and wildlife's ability to manage shellfish resources.

Sponsors: Representatives Rolfes, Morris, Upthegrove, Williams, Lias, White and Nelson.

Brief Summary of Bill

- Directs the Department of Fish and Wildlife to solicit donations from fishing license purchasers to fund a grant program aimed at removing derelict shrimp and crab pots.
- Extends the scope of the coastal commercial Dungeness crab pot removal permit to include Puget Sound waters and recreational crab pots.
- Creates a new enforcement mechanism that allows individuals showing intent to use unlawful shellfish pots to be prosecuted.

Hearing Date: 1/19/10

Staff: Jason Callahan (786-7117).

Background:

Enforcement of Shellfish Pot Escapement Design Specifications.

The Fish and Wildlife Commission has adopted an administrative rule that requires all shellfish pots to be designed in a manner that allows for the escapement of any captured animals after a period of time [WAC 220-52-035 and 220-56-320]. This rule applies to both the commercial and recreational crab, shrimp, and crawfish fisheries.

A person who violates the agency rule on shellfish pot design in a recreational fishery can be charged with a misdemeanor. A person who violated the rule in a commercial fishery can be charged with a gross misdemeanor [RCW 77.15.250 and 77.15.380]. For both fisheries, an

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enforcement officer may only cite the possessor of an out-of-compliance shellfish pot if the fisher is witnessed actually taking shellfish, or actively fishing, with the non-compliant pot.

A misdemeanor is punishable by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than \$1,000, or both imprisonment and fine. A gross misdemeanor is punishable by imprisonment in the county jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$5,000, or by both imprisonment and fine.

Coastal Dungeness Crab Pot Removal Permit.

A licensed fisher in the coastal commercial Dungeness crab fishery may apply to the Washington Department of Fish and Wildlife (WDFW) for a crab pot removal permit. This permit allows the holder to lawfully enter the fishing grounds after the close of the season and retrieve any crab pots that were left behind. [RCW 77.70.500].

This permit was first authorized during the 2009 Legislative session and is not available in any geographic region of the state other than the area covered by the coastal Dungeness crab commercial fishery. The permit only authorizes the removal of commercial crab pots and not crab pots set for recreational purposes.

Derelict Fishing Gear.

The WDFW, in partnership with the Northwest Straits Commission and the Department of Natural Resources, maintains guidelines for the safe removal and disposal of derelict fishing gear and a database of known locations of derelict fishing gear. Any person who loses or abandons fishing gear is encouraged to report the loss to the WDFW within 48 hours [RCW 77.12.865 and 77.12.870].

Summary of Bill:

Enforcement of Shellfish Pot Escapement Design Specifications.

A new gross misdemeanor is created for individuals using shellfish pots that do not allow for escapement. The new penalty may be cited and prosecuted if a person is found to have used a non-compliant pot while both actively using the pot or when showing an intent to use the pot. It is considered to be presumptive evidence of intent to use a non-compliant shellfish pot if a person is found in possession of the pot while on a vessel located on the waters of the state.

A shellfish pot is considered to satisfy escapement requirements if it is designed in accordance to one of two methods. One method of lawful construction requires the use of specified tie down straps or pot lid hooks that allows the lid of the pot to open freely when broken. The second lawful construction method relies on specified mesh to be used in the opening of the pot that is sewn shut with fibers that will release in the water over time.

Coastal Dungeness Crab Pot Removal Permit.

The coastal commercial Dungeness crab pot removal permit is expanded both in geography and scope. Licensed crap fishers would be able to obtain pot removal permits for the Puget Sound as well as the coastal fishery area. In addition to taking possession of commercial crab pots, the holders of a crap pot removal permit would also have the lawful ability to remove crab pots set by recreational fishers.

Derelict Fishing Gear.

The WDFW is instructed to collect voluntary shellfish pot removal donations in an amount no less than two dollars from the purchasers of personal use fishing or shellfish licenses during the 2011, 2012, and 2013 license years. All donations collected must be used for the administration of a competitive grant program that provides funding to non-profit, non-governmental organizations for the removal and disposal of derelict crab and shrimp pots. Up to ten percent of the money donated may be retained by the WDFW to administer the grant program and conduct a marketing campaign.

After the three year period is over, the WDFW must produce a report to the Legislature regarding the successes and difficulties of the grant program. The report must also summarize the amount of money donated, information about the grant recipients, and a recommendation as to whether the grant program should be extended.

Appropriation: None.

Fiscal Note: Requested on 1/11/10.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.