

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1326

61st Legislature
2009 Regular Session

Passed by the House April 18, 2009
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 14, 2009
Yeas 44 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1326** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1326

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Van De Wege, Kretz, and Nelson; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/17/09.

1 AN ACT Relating to the establishment of a license limitation
2 program for the harvest and delivery of Pacific sardines into the
3 state; amending RCW 77.65.200; and adding new sections to chapter 77.70
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.70 RCW
7 to read as follows:

8 The definitions in this section apply throughout this chapter and
9 related rules adopted by the department unless the context clearly
10 requires otherwise.

11 (1) "Deliver" or "delivery" means arrival at a place or port, and
12 includes arrivals from offshore waters to waters within the state and
13 arrivals ashore from offshore waters.

14 (2) "Pacific sardine" and "pilchard" means the species *Sardinops*
15 *sagax*.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.70 RCW
17 to read as follows:

18 (1) A Washington sardine purse seine fishery license or temporary

1 annual fishery permit is required to use purse seine gear to fish for
2 or possess Pacific sardines in offshore waters. This requirement does
3 not affect persons authorized to fish for or possess sardines in
4 offshore waters under a valid Oregon or California license or permit.

5 (2) A Washington sardine purse seine fishery license or temporary
6 annual fishery permit is required to deliver Pacific sardines into the
7 state.

8 (3) Washington sardine purse seine fishery licenses and temporary
9 annual fishery permits require vessel designation under RCW 77.65.100.

10 (4) Pacific sardines may not be taken or retained in state waters
11 except for incidental harvest authorized by rule of the department.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.70 RCW
13 to read as follows:

14 (1) A Washington Pacific sardine purse seine fishery license:

15 (a) May only be issued to a person that held a coastal pilchard
16 experimental fishery permit in 2008, except as otherwise provided in
17 this section;

18 (b) Must be renewed annually to remain active; and

19 (c) Subject to the restrictions of subsections (6) and (7) of this
20 section and RCW 77.65.040, is transferable.

21 (2) A Washington Pacific sardine purse seine fishery license may be
22 issued to any person that held a coastal pilchard experimental fishery
23 permit in 2005, 2006, or 2007 and is precluded from qualifying under
24 subsection (1) of this section because the vessel designated on the
25 permit sank prior to 2008.

26 (3) Beginning in 2010, after taking into consideration the status
27 of the Pacific sardine population, the impact of removal of sardines
28 and other forage fish to the marine ecosystem, including the effect on
29 endangered marine species, and the market for Pacific sardines in the
30 state, the director may issue:

31 (a) A Washington Pacific sardine purse seine fishery license to any
32 person provided that the issuance would not raise the number of
33 licenses beyond the number initially issued in 2009;

34 (b) A Washington Pacific sardine purse seine temporary annual
35 fishery permit to any person if the combined number of active
36 Washington Pacific sardine purse seine fishery licenses and annual

1 temporary permits already issued during the year is less than twenty-
2 five.

3 (4) The annual fee for a Washington Pacific sardine purse seine
4 fishery license is one hundred eighty-five dollars for residents and
5 two hundred ninety-five dollars for nonresidents.

6 (5) The fee for a Washington Pacific sardine purse seine temporary
7 annual fishery permit is one hundred eighty-five dollars for residents
8 and two hundred ninety-five dollars for nonresidents. A temporary
9 annual fishery permit expires at the end of the calendar year in which
10 the permit is issued.

11 (6) Only a person who owns or operates the vessel designated on the
12 license or permit may hold a Washington Pacific sardine purse seine
13 fishery license or temporary annual fishery permit.

14 (7) A person may not own or hold an ownership interest in more than
15 two Washington Pacific sardine purse seine fishery licenses.

16 (8) The director shall adopt rules that require a person fishing
17 under a Washington Pacific sardine purse seine fishery license or a
18 temporary annual permit to minimize by-catch, and to the extent
19 by-catch cannot be avoided, to minimize the mortality of such by-catch.

20 **Sec. 4.** RCW 77.65.200 and 2000 c 107 s 41 are each amended to read
21 as follows:

22 (1) This section establishes commercial fishery licenses required
23 for food fish fisheries and the annual fees for those licenses. As
24 used in this section, "food fish" does not include salmon. The
25 director may issue a limited-entry commercial fishery license only to
26 a person who meets the qualifications established in applicable
27 governing sections of this title.

	Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
		Resident	Nonresident		
28	(a) Baitfish Lampara	\$185	\$295	Yes	No
29	(b) Baitfish purse seine	\$530	\$985	Yes	No
30	(c) Bottom fish jig	\$130	\$185	Yes	No
31	(d) Bottom fish pot	\$130	\$185	Yes	No
32	(e) Bottom fish troll	\$130	\$185	Yes	No
33	(f) Carp	\$130	\$185	No	No

1	(g) Columbia river	\$380	\$685	No	No
2	smelt				
3	(h) Dog fish set net	\$130	\$185	Yes	No
4	(i) Emerging	\$185	\$295	Determined	Determined
5	commercial			by rule	by rule
6	fishery (RCW				
7	77.70.160 and				
8	77.65.400)				
9	(j) Food fish drag seine	\$130	\$185	Yes	No
10	(k) Food fish set line	\$130	\$185	Yes	No
11	(l) Food fish trawl-	\$240	\$405	Yes	No
12	Non-Puget Sound				
13	(m) Food fish trawl-	\$185	\$295	Yes	No
14	Puget Sound				
15	(n) Herring dip bag net	\$175	\$275	Yes	Yes
16	(RCW 77.70.120)				
17	(o) Herring drag seine	\$175	\$275	Yes	Yes
18	(RCW 77.70.120)				
19	(p) Herring gill net	\$175	\$275	Yes	Yes
20	(RCW 77.70.120)				
21	(q) Herring Lampara	\$175	\$275	Yes	Yes
22	(RCW 77.70.120)				
23	(r) Herring purse seine	\$175	\$275	Yes	Yes
24	(RCW 77.70.120)				
25	(s) Herring spawn-on-	N/A	N/A	Yes	Yes
26	kelp (RCW				
27	77.70.210)				
28	(t) <u>Sardine purse seine</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
29	<u>(section 2 of this</u>				
30	<u>act)</u>				
31	(u) <u>Sardine purse seine</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
32	<u>temporary</u>				
33	<u>(section 2 of this</u>				
34	<u>act)</u>				
35	(v) Smelt dip bag net	\$130	\$185	No	No
36	((+)) (w) Smelt gill	\$380	\$685	Yes	No
37	net				
38	((+)) (x) Whiting-Puget	\$295	\$520	Yes	Yes
39	Sound (RCW				
	77.70.130)				

40 (2) The director may by rule determine the species of food fish
41 that may be taken with the commercial fishery licenses established in
42 this section, the gear that may be used with the licenses, and the
43 areas or waters in which the licenses may be used. Where a fishery

1 license has been established for a particular species, gear,
2 geographical area, or combination thereof, a more general fishery
3 license may not be used to take food fish in that fishery.

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