

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE HOUSE BILL 1326**

Chapter 331, Laws of 2009

61st Legislature  
2009 Regular Session

SARDINE DELIVERY AND HARVEST--LICENSES

EFFECTIVE DATE: 07/26/09

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

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

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

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved May 5, 2009, 2:04 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**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.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

May 8, 2009

**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.

Passed by the House April 18, 2009.

Passed by the Senate April 14, 2009.

Approved by the Governor May 5, 2009.

Filed in Office of Secretary of State May 8, 2009.