

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1148

Chapter 147, Laws of 2011

62nd Legislature
2011 Regular Session

COMMERCIAL FISHERIES--LICENSES--SPOT SHRIMP

EFFECTIVE DATE: 07/22/11

Passed by the House March 1, 2011
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2011
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved April 22, 2011, 1:45 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 **SUBSTITUTE HOUSE BILL 1148** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 22, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1148

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Agriculture & Natural Resources (originally sponsored by
Representatives Blake and Kretz)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the establishment of a license limitation
2 program for the harvest and delivery of spot shrimp originating from
3 coastal or offshore waters into the state; amending RCW 77.65.210,
4 77.65.220, and 77.70.005; adding new sections to chapter 77.65 RCW;
5 adding a new section to chapter 77.70 RCW; prescribing penalties; and
6 providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.65 RCW
9 to read as follows:

10 (1) A Washington-coastal spot shrimp pot fishery license is
11 required to:

12 (a) Use spot shrimp pot gear to fish for spot shrimp;

13 (b) Possess spot shrimp; and

14 (c) Deliver spot shrimp.

15 (2) Washington-coastal spot shrimp pot fishery licenses require
16 vessel designation under RCW 77.65.100.

17 (3) A violation of this section is punishable under RCW 77.15.500.

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

3 (1) A Washington-coastal spot shrimp pot fishery license:

4 (a) May only be issued to a natural person who held a coastal spot
5 shrimp experimental emerging commercial fishery license and coastal
6 spot shrimp fishery permit in 2010 or had the license transferred to
7 him or her, under RCW 77.65.020 and 77.65.040, by a person who held a
8 coastal spot shrimp experimental emerging commercial fishery license
9 and coastal spot shrimp fishery permit in 2010;

10 (b) Must be renewed annually by December 31st of the calendar year
11 to remain active; and

12 (c) Subject to the restrictions of subsection (7) of this section
13 and to RCW 77.65.020 and 77.65.040, is transferable to a natural person
14 beginning January 1, 2012.

15 (2) When a person fails to obtain a Washington-coastal spot shrimp
16 pot fishery license during the previous year because of a license
17 suspension, the person may qualify for a license by establishing that
18 the person held such a license during the last year in which the
19 license was not suspended.

20 (3) The annual fee for a Washington-coastal spot shrimp pot fishery
21 license is as specified in RCW 77.65.220.

22 (4) Beginning in 2013, after taking into consideration the status
23 of the coastal spot shrimp population, the market for spot shrimp, and
24 the number of active fishers, both nontreaty and treaty, the director
25 may issue a Washington-coastal spot shrimp pot fishery license to a
26 natural person if the issuance would not raise the number of active
27 spot shrimp pot fishery licenses to more than eight.

28 (5) Beginning 2012, a Washington-coastal spot shrimp pot fishery
29 license holder is prohibited from designating, on the Washington-
30 coastal spot shrimp pot fishery license:

31 (a) A vessel whose surveyed length overall is more than ten feet
32 longer than the surveyed length overall of the vessel designated on the
33 licensee's coastal spot shrimp experimental emerging commercial fishery
34 license as of March 31, 2003; and

35 (b) A vessel whose surveyed length overall exceeds ninety feet.

36 (6) In the event the Washington-coastal spot shrimp pot fishery
37 license is transferred by sale, lease, inheritance, or lottery, and

1 pursuant to subsection (4) of this section, the vessel length
2 restriction associated with that license must remain attached to the
3 license.

4 (7) A natural person may not own or hold an ownership interest in
5 more than one Washington-coastal spot shrimp pot fishery license at a
6 time.

7 (8) Only a person who owns or is designated as an operator of the
8 vessel designated on the license may hold a Washington-coastal spot
9 shrimp pot fishery license.

10 (9) Nothing in this section:

11 (a) Requires the commission to open a commercial coastal spot
12 shrimp fishery in any given year;

13 (b) Prohibits the commission from closing or limiting an opened
14 commercial coastal spot shrimp fishery for any reason; or

15 (c) Confers any right of compensation to the holder of a
16 Washington-coastal spot shrimp pot fishery license if the license is
17 revoked, limited, or modified by the legislature.

18 (10) Issuance of a Washington-coastal spot shrimp pot fishery
19 license does not create, and may not be construed to create, any right,
20 title, or interest in the coastal spot shrimp resource.

21 (11) The legislature recognizes that Washington-coastal spot shrimp
22 pot fishery licenses may be revoked by future legislatures if the
23 fishery is found to have jeopardized the sustainability of the coastal
24 spot shrimp resource or the marine ecosystem.

25 **Sec. 3.** RCW 77.65.210 and 2007 c 442 s 4 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, coastal crab, coastal spot shrimp,
36 or fish or shellfish taken under an emerging commercial fisheries
37 license if taken from off-shore waters. The annual license fee for a

1 nonlimited entry delivery license is one hundred ten dollars for
 2 residents and two hundred dollars for nonresidents, and an additional
 3 thirty-five dollar surcharge for both residents and nonresidents to be
 4 deposited in the rockfish research account created in RCW 77.12.702.

5 (2) Holders of the following licenses may deliver food fish or
 6 shellfish taken in offshore waters without a nonlimited entry delivery
 7 license: Salmon troll fishery licenses issued under RCW
 8 77.65.160((~~τ~~)); salmon delivery licenses issued under RCW
 9 77.65.170((~~τ~~)); crab pot fishery licenses issued under RCW
 10 77.65.220((~~τ~~)); food fish trawl--Non-Puget Sound fishery licenses, and
 11 emerging commercial fishery licenses issued under RCW 77.65.200((~~τ~~));
 12 Dungeness crab--coastal fishery licenses((~~τ~~)); ocean pink shrimp
 13 delivery licenses((~~τ~~)); shrimp trawl--Non-Puget Sound fishery licenses,
 14 Washington coastal spot shrimp pot fishery licenses issued under
 15 chapter 77.70 RCW; and emerging commercial fishery licenses issued
 16 under RCW 77.65.220 (~~(may deliver food fish or shellfish taken in~~
 17 ~~offshore waters without a nonlimited entry delivery license)~~).

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

20 **Sec. 4.** RCW 77.65.220 and 2000 c 107 s 43 are each amended to read
 21 as follows:

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		
(a) Burrowing shrimp	\$185	\$295	Yes	No
(b) Crab ring net- Non-Puget Sound	\$130	\$185	Yes	No
(c) Crab ring net- Puget Sound	\$130	\$185	Yes	No
(d) Dungeness crab- coastal (RCW 77.70.280)	\$295	\$520	Yes	Yes

1	(e) Dungeness crab-	\$295	\$520	Yes	Yes
2	coastal, class B				
3	(RCW 77.70.280)				
4	(f) Dungeness crab-	\$130	\$185	Yes	Yes
5	Puget Sound				
6	(RCW 77.70.110)				
7	(g) Emerging	\$185	\$295	Determined	Determined
8	commercial fishery			by rule	by rule
9	(RCW 77.70.160				
	and 77.65.400)				
10	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
11	77.70.220)				
12	(i) Hardshell clam	\$530	\$985	Yes	No
13	mechanical				
14	harvester				
15	(RCW 77.65.250)				
16	(j) Oyster reserve	\$130	\$185	No	No
17	(RCW 77.65.260)				
18	(k) Razor clam	\$130	\$185	No	No
19	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
20	(RCW 77.70.190)				
21	(m) Sea urchin dive	\$130	\$185	Yes	Yes
22	(RCW 77.70.150)				
23	(n) Shellfish dive	\$130	\$185	Yes	No
24	(o) Shellfish pot	\$130	\$185	Yes	No
25	(p) Shrimp pot-	\$185	\$295	Yes	Yes
26	Puget Sound				
27	(RCW 77.70.410)				
28	(q) Shrimp trawl-	\$240	\$405	Yes	No
29	Non-Puget Sound				
30	(r) Shrimp trawl-	\$185	\$295	Yes	Yes
31	Puget Sound				
32	(RCW 77.70.420)				
33	(s) <u>Spot shrimp-coastal</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
34	<u>(t) Squid</u>	\$185	\$295	Yes	No

35 (2) The director may by rule determine the species of shellfish
36 that may be taken with the commercial fishery licenses established in
37 this section, the gear that may be used with the licenses, and the
38 areas or waters in which the licenses may be used. Where a fishery
39 license has been established for a particular species, gear,
40 geographical area, or combination thereof, a more general fishery
41 license may not be used to take shellfish in that fishery.

1 **Sec. 5.** RCW 77.70.005 and 2009 c 331 s 1 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter and
4 related rules adopted by the department unless the context clearly
5 requires otherwise.

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

9 (2) "Pacific sardine" and "pilchard" means the species *Sardinops*
10 *sagax*.

11 (3) "Spot shrimp" means the species *Pandalus platyceros*.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.65 RCW
13 to read as follows:

14 (1) The director shall provide a report to the legislature,
15 consistent with RCW 43.01.036, regarding the coastal spot shrimp
16 fishery. The report must include any recommended changes to the
17 licensing program created in section 1 of this act deemed appropriate
18 by the director. The report must take into consideration the status of
19 the coastal spot shrimp population, the impact of the removal of
20 coastal spot shrimp to the marine ecosystem, and the market for coastal
21 spot shrimp.

22 (2) The report required by this section must be delivered by
23 January 7, 2016.

24 (3) This section expires July 31, 2016.

Passed by the House March 1, 2011.

Passed by the Senate April 8, 2011.

Approved by the Governor April 22, 2011.

Filed in Office of Secretary of State April 22, 2011.