

Chapter 77.70 RCW
LICENSE LIMITATION PROGRAMS

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RCW 77.70.005 Definitions. The definitions in this section apply throughout this chapter and related rules adopted by the department unless the context clearly requires otherwise.

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

(2) "Nonspot shrimp" means a species complex composed of the following species of pandalid shrimp including Dock shrimp (*Pandalus danae*), coonstripe shrimp (*Pandalus hypsinotus*), humpy shrimp (*Pandalus goniurus*), ocean pink shrimp (*Pandalus jordani*), pink shrimp (*Pandalus eous*), and side stripe shrimp (*Pandalus (Pandalopsis) dispar*).

(3) "Pacific sardine" and "pilchard" means the species *Sardinops sagax*.

(4) "Spot shrimp" means the species *Pandalus platyceros*. [2025 c 118 s 1; 2011 c 147 s 5; 2009 c 331 s 1.]

RCW 77.70.010 License renewed subject to RCW 77.65.080. (1) A license renewed under the provisions of this chapter that has been suspended under RCW 77.65.080 shall be subject to the following provisions:

(a) A license renewal fee shall be paid as a condition of maintaining a current license; and

(b) The department shall waive any other license requirements, unless the department determines that the license holder has had sufficient opportunity to meet these requirements.

(2) The provisions of subsection (1) of this section shall apply only to a license that has been suspended under RCW 77.65.080 for a period of twelve months or less. A license holder shall forfeit a license subject to this chapter and may not recover any license renewal fees previously paid if the license holder does not meet the requirements of *RCW 74.20A.320(9) within twelve months of license suspension. [2001 c 253 s 57; 1997 c 58 s 884. Formerly RCW 75.30.015.]

***Reviser's note:** RCW 74.20A.320 was amended by 2009 c 408 s 1, changing subsection (9) to subsection (3).

Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58: See RCW 74.08A.900 through 74.08A.904.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

RCW 77.70.020 No harvest opportunity during year—License requirements waived—Effect on license limitation programs. (1) The director shall waive license requirements, including landing or poundage requirements, if, during the calendar year that a license issued pursuant to chapter 77.65 RCW is valid, no harvest opportunity occurs in the fishery corresponding to the license.

(2) For each license limitation program, where the person failed to hold the license and failed to make landing or poundage requirements because of a license waiver by the director during the

previous year, the person shall qualify for a license by establishing that the person held the license during the last year in which the license was not waived. [2000 c 107 s 56; 1995 c 227 s 2. Formerly RCW 75.30.021.]

RCW 77.70.040 Administrative review of department's decision—Hearing—Procedures. A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the director and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the review board's findings. Upon receipt of the review board's findings the director may order such relief as the director deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section. [2000 c 107 s 58; 1995 1st sp.s. c 2 s 32 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 s 139; 1977 ex.s. c 106 s 6. Formerly RCW 75.30.060.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

Legislative findings—Severability—1977 ex.s. c 106: See notes following RCW 77.70.050.

RCW 77.70.050 Salmon charter boats—Limitation on issuance of licenses—Renewal—Transfer. (1) After May 28, 1977, the director shall issue no new salmon charter licenses. A person may renew an existing salmon charter license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Salmon charter licenses may be renewed each year. A salmon charter license which is not renewed each year shall not be renewed further.

(3) Subject to the restrictions in RCW 77.65.020, salmon charter licenses are transferable from one license holder to another. [2000 c 107 s 59; 1993 c 340 s 28; 1983 1st ex.s. c 46 s 141; 1981 c 202 s 1; 1979 c 101 s 7; 1977 ex.s. c 106 s 2. Formerly RCW 75.30.065, 75.30.020.]

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Effective date—Intent—1979 c 101: See notes following RCW 77.70.060.

Legislative findings—1977 ex.s. c 106: "The legislature finds that the wise management and economic health of the state's salmon fishery are of continued importance to the people of the state and to the economy of the state as a whole. The legislature finds that charter boats licensed by the state for use by the state's charter boat fishing industry have increased in quantity. The legislature finds that limitations on the number of licensed charter boats will tend to improve the management of the charter boat fishery and the economic health of the charter boat industry. The state therefore must use its authority to regulate the number of licensed boats in use by the state's charter boat industry in a manner provided in this chapter so that management and economic health of the salmon fishery may be improved." [1977 ex.s. c 106 s 1. Formerly RCW 75.30.010.]

Severability—1977 ex.s. c 106: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 106 s 10.]

RCW 77.70.060 Salmon charter boats—Angler permit, when required. (1) Except as provided in subsection (3) of this section, a person shall not operate a vessel as a charter boat from which salmon are taken in salt water without an angler permit. The angler permit shall specify the maximum number of persons that may fish from the charter boat per trip. The angler permit expires if the salmon charter license is not renewed.

(2) Only a person who holds a salmon charter license issued under RCW 77.65.150 and 77.70.050 may hold an angler permit.

(3) An angler permit shall not be required for charter boats licensed in Oregon and fishing in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point under the same regulations as Washington charter boat operators, as long as the Oregon vessel does not land at any Washington port with the purpose of taking on or discharging passengers. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations. [2000 c 107 s 60; 1998 c 190 s 100; 1993 c 340 s 29; 1989 c 147 s 2; 1983 1st ex.s. c 46 s 142; 1979 c 101 s 2. Formerly RCW 75.30.070.]

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Effective date—1979 c 101: "This act shall take effect on January 1, 1980." [1979 c 101 s 10.]

Intent—1979 c 101: "The legislature finds that wise management of the state's salmon fishery is essential to the well-being of the state. The legislature recognizes that further restrictions on salmon fishing in the charter salmon industry are necessary and that a limitation on the number of persons fishing is preferable to

reductions in the fishing season or daily bag limits, or increases in size limits." [1979 c 101 s 1.]

RCW 77.70.070 Salmon charter boats—Angler permit—Number of anglers. A salmon charter boat may not carry more anglers than the number specified in the angler permit issued under RCW 77.70.060. Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time. [2000 c 107 s 61; 1993 c 340 s 30; 1983 1st ex.s. c 46 s 143; 1979 c 101 s 4. Formerly RCW 75.30.090.]

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

Effective date—Intent—1979 c 101: See notes following RCW 77.70.060.

RCW 77.70.080 Salmon charter boats—Angler permit—Total number of anglers limited—Permit transfer—Fees. (1) The total number of anglers authorized by the director shall not exceed the total number authorized for 1980.

(2) Angler permits issued under RCW 77.70.060 are transferable. All or a portion of the permit may be transferred to another salmon charter license holder.

(3) The angler permit holder and proposed transferee shall notify the department when transferring an angler permit, and the director shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the director shall issue a new angler permit certificate reflecting the decrease in angler capacity.

(4) The department shall collect a fee of ten dollars for each certificate issued under subsection (3) of this section, plus an application fee of one hundred five dollars. [2011 c 339 s 32; 2000 c 107 s 62; 1993 c 340 s 31; 1983 1st ex.s. c 46 s 144; 1979 c 101 s 5. Formerly RCW 75.30.100.]

Effective date—2011 c 339: See note following RCW 43.84.092.

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

Effective date—Intent—1979 c 101: See notes following RCW 77.70.060.

RCW 77.70.090 Commercial salmon fishing licenses and delivery licenses—Limitations—Transfer. (1) Except as provided in subsection (2) of this section, after May 6, 1974, the director shall issue no new commercial salmon fishery licenses or salmon delivery licenses. A person may renew an existing license only if the person held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(2) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 77.65.020, commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another. [2000 c 107 s 63; 1995 c 135 s 7. Prior: 1993 c 340 s 32; 1993 c 100 s 1; 1983 1st ex.s. c 46 s 146; 1979 c 135 s 1; 1977 ex.s. c 230 s 1; 1977 ex.s. c 106 s 7; 1974 ex.s. c 184 s 2. Formerly RCW 75.30.120, 75.28.455.]

Intent—1995 c 135: See note following RCW 29A.08.760.

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Legislative findings—Severability—1977 ex.s. c 106: See notes following RCW 77.70.050.

Legislative intent—1974 ex.s. c 184: "The legislature finds that the protection, welfare, and economic good of the commercial salmon fishing industry is of paramount importance to the people of this state. Scientific advancement has increased the efficiency of salmon fishing gear. There presently exists an overabundance of commercial salmon fishing gear in our state waters which causes great pressure on the salmon fishery resource. This situation results in great economic waste to the state and prohibits conservation programs from achieving their goals. The public welfare requires that the number of commercial salmon fishing licenses and salmon delivery permits issued by the state be limited to insure that sound conservation programs can be scientifically carried out. It is the intention of the legislature to preserve this valuable natural resource so that our food supplies from such resource can continue to meet the ever increasing demands placed on it by the people of this state." [1983 1st ex.s. c 46 s 136; 1974 ex.s. c 184 s 1. Formerly RCW 75.28.450.]

Severability—1974 ex.s. c 184: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1974 ex.s. c 184 s 11.]

RCW 77.70.100 Commercial salmon fishery license or salmon delivery license—Reversion to department following government confiscation of vessel. Any commercial salmon fishery license issued under RCW 77.65.160 or salmon delivery license issued under RCW 77.65.170 shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued. [2000 c 107 s 64; 1993 c 340 s 33; 1986 c 198 s 2. Formerly RCW 75.30.125.]

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.110 Dungeness crab—Puget Sound fishery license—
Limitations—Qualifications. (1) A person shall not commercially take Dungeness crab (Cancer magister) in Puget Sound without first obtaining a Dungeness crab—Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 77.65.160(5)(a). A Dungeness crab—Puget Sound fishery license is not required to take other species of crab, including red rock crab (Cancer productus).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab—Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab—Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.

(5) Dungeness crab—Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab—Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab—Puget Sound fishery licenses. [2000 c 107 s 65; 1999 c 151 s 1602; 1998 c 190 s 101. Prior: 1997 c 233 s 1; 1997 c 115 s 1; 1993 c 340 s 34; 1983 1st ex.s. c 46 s 147; 1982 c 157 s 1; 1980 c 133 s 4. Formerly RCW 75.30.130, 75.28.275.]

Part headings not law—Effective date—1999 c 151: See notes following RCW 18.28.010.

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

Severability—1980 c 133: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1980 c 133 s 8.]

Legislative findings—1980 c 133: "The legislature finds that a significant commercial crab fishery is developing within Puget Sound.

The legislature further finds that the crab fishery in Puget Sound represents a separate and distinct fishery from that of the coastal waters and is limited in quantity and is in need of conservation. The potential for depletion of the crab stocks in these waters is increasing, particularly as crab fishing becomes an attractive alternative to fishermen facing increasing restrictions on commercial salmon fishing.

The legislature finds that the number of commercial fishermen engaged in crab fishing has steadily increased. This factor, combined with advances in fishing and marketing techniques, has resulted in strong pressures on the supply of crab, unnecessary waste of an important natural resource, and economic loss to the citizens of the state.

The legislature finds that increased regulation of commercial crab fishing is necessary to preserve and efficiently manage the commercial crab fishery in the waters of Puget Sound." [1980 c 133 s 1.]

RCW 77.70.120 Herring fishery license—Limitations on issuance.

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial fishery licenses issued under RCW 77.65.200: Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 77.65.020, herring fishery licenses are transferable from one license holder to another. [2000 c 107 s 66; 1998 c 190 s 102; 1993 c 340 s 35; 1983 1st ex.s. c 46 s 148; 1974 ex.s. c 104 s 1; 1973 1st ex.s. c 173 s 4. Formerly RCW 75.30.140, 75.28.420.]

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Legislative findings—Purpose—1973 1st ex.s. c 173: "The legislature finds that a significant commercial herring fishing industry is presently developing in the state of Washington under the careful guidance of the department of fisheries. The legislature further finds that the stocks of herring within the waters of this state are limited in extent and are in need of strict preservation.

In addition, the legislature finds that the number of commercial fishermen engaged in fishing for herring has steadily increased. This factor, combined with advances made in fishing and marketing techniques, has resulted in strong pressures on the supply of herring, unnecessary waste in one of Washington's valuable resources, and

economic loss to the citizens of this state. Therefore, it is the purpose of RCW 75.30.140 to establish reasonable procedures for controlling the extent of commercial herring fishing." [1983 1st ex.s. c 46 s 135; 1973 1st ex.s. c 173 s 2. Formerly RCW 75.28.390 and 75.28.400.]

RCW 77.70.130 Whiting-Puget Sound fishery license—Limitation on issuance. (1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW 77.65.160(5)(a) without a whiting-Puget Sound fishery license.

(2) A whiting-Puget Sound fishery license may be issued only to an individual who:

(a) Delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985, as verified by fish delivery tickets;

(b) Possessed, on January 1, 1986, all equipment necessary to fish for whiting; and

(c) Held a whiting-Puget Sound fishery license during the previous year or acquired such a license by transfer from someone who held it during the previous year.

(3) After January 1, 1995, the director shall issue no new whiting-Puget Sound fishery licenses. After January 1, 1995, only an individual who meets the following qualifications may renew an existing license: The individual shall have held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(4) Whiting-Puget Sound fishery licenses may be renewed each year. A whiting-Puget Sound fishery license that is not renewed each year shall not be renewed further. [2000 c 107 s 67; 1993 c 340 s 39; 1986 c 198 s 5. Formerly RCW 75.30.170.]

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.140 Whiting-Puget Sound fishery license—Transferable to family members. A whiting-Puget Sound fishery license may be transferred through gift, devise, bequest, or descent to members of the license holder's immediate family which shall be limited to spouse, children, or stepchildren. The holder of a whiting-Puget Sound fishery license shall be present on any vessel taking whiting under the license. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement RCW 77.70.130 and 77.70.140. [2000 c 107 s 68; 1993 c 340 s 40; 1986 c 198 s 4. Formerly RCW 75.30.180.]

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.150 Sea urchin dive fishery license—Limitation on issuance—Transfer of license—Issuance of new licenses. (1) A sea urchin dive fishery license is required to take sea urchins for commercial purposes. A sea urchin dive fishery license authorizes the

use of only one diver in the water at any time during sea urchin harvest operations. If the same vessel has been designated on two sea urchin dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea urchin dive fishery licenses.

(2) Except as provided in subsection (5) of this section, the director shall issue no new sea urchin dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea urchin dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during the previous year because of a license suspension or revocation by the director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Sea urchin dive fishery licenses are transferable subject to the fees and restrictions in RCW 77.65.020(2).

(5) If fewer than twenty natural persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than twenty natural persons to be eligible for a sea urchin dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege. [2017 3rd sp.s. c 8 s 45; 2010 c 193 s 14; 2005 c 110 s 1; 2001 c 253 s 58; 1999 c 126 s 1; 1998 c 190 s 104; 1993 c 340 s 41; 1990 c 62 s 2; 1989 c 37 s 2. Formerly RCW 75.30.210.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Legislative finding—1990 c 62; 1989 c 37: "The legislature finds that a significant commercial sea urchin fishery is developing within state waters. The potential for depletion of the sea urchin stocks in these waters is increasing, particularly as the sea urchin fishery becomes an attractive alternative to fishermen facing increasing restrictions on other types of commercial fishery activities.

The legislature finds that the number of vessels engaged in commercial sea urchin fishing has steadily increased. This factor, combined with advances in marketing techniques, has resulted in strong pressures on the supply of sea urchins. The legislature desires to maintain the livelihood of those vessel owners who have historically and continuously participated in the sea urchin fishery. The legislature desires that the director have the authority to consider extenuating circumstances concerning failure to meet landing requirements for both initial endorsement issuance and endorsement renewal.

The legislature finds that increased regulation of commercial sea urchin fishing is necessary to preserve and efficiently manage the commercial sea urchin fishery in the waters of the state. The legislature is aware that the continuing license provisions of the administrative procedure act, RCW 34.05.422(3) provide procedural safeguards, but finds that the pressure on the sea urchin resource endangers both the resource and the economic well-being of the sea urchin fishery, and desires, therefore, to exempt sea urchin endorsements from the continuing license provision." [1990 c 62 s 1; 1989 c 37 s 1.]

RCW 77.70.160 Emerging commercial fishery designation—

Experimental fishery permits. (1) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery for which the director has determined there is a need to limit the number of participants. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. Only a person who holds an emerging commercial fishery license issued under RCW 77.65.400 and who meets the qualifications established in those rules may hold an experimental fishery permit. The director shall limit the number of these permits to prevent habitat damage, ensure conservation of the resource, and prevent overharvesting. In developing rules for limiting participation in an emerging or expanding commercial fishery, the director shall appoint a five-person advisory board representative of the affected fishery industry. The advisory board shall review and make recommendations to the director on rules relating to the number and qualifications of the participants for such experimental fishery permits.

(2) RCW 34.05.422(3) does not apply to applications for new experimental fishery permits.

(3) Experimental fishery permits are not transferable from the permit holder to any other person. [2000 c 107 s 69; 1993 c 340 s 42; 1990 c 63 s 2. Formerly RCW 75.30.220.]

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

Legislative finding—1990 c 63: "The legislature finds that:

(1) A number of commercial fisheries have emerged or expanded in the past decade;

(2) Scientific information is critical to the proper management of an emerging or expanding commercial fishery; and

(3) The scientific information necessary to manage an emerging or expanding commercial fishery can best be obtained through the use of limited experimental fishery permits allowing harvest levels that will preserve and protect the state's food fish and shellfish resource." [1990 c 63 s 1.]

RCW 77.70.170 Emerging commercial fishery designation—

Legislative review. Whenever the director promulgates a rule designating an emerging commercial fishery, the legislative standing committees of the house of representatives and senate dealing with fisheries issues shall be notified of the rule and its justification

thirty days prior to the effective date of the rule. [1990 c 63 s 3. Formerly RCW 75.30.230.]

RCW 77.70.180 Emerging commercial fishery—License status—Recommendations to legislature—Information included in report. (1)

Within five years after adopting rules to govern the number and qualifications of participants in an emerging commercial fishery, the director shall provide to the appropriate senate and house of representatives committees a report which outlines the status of the fishery and a recommendation as to whether a separate commercial fishery license, license fee, or limited harvest program should be established for that fishery.

(2) For any emerging commercial fishery designated under RCW 77.50.030, the report must also include:

(a) Information on the extent of the program, including to what degree mass marking and supplementation programs have been utilized in areas where emerging commercial fisheries using selective fishing gear have been authorized;

(b) Information on the benefit provided to commercial fishers including information on the effectiveness of emerging commercial fisheries using selective fishing gear in providing expanded fishing opportunity within mixed stocks of salmon;

(c) Information on the effectiveness of selective fishing gear in minimizing postrelease mortality for nontarget stocks, harvesting fish so that they are not damaged by the gear, and aiding the creation of niche markets; and

(d) Information on the department's efforts at operating hatcheries in an experimental fashion by managing wild and hatchery origin fish as a single run as an alternative to mass marking and the utilization of selective fishing gear. The department shall consult with commercial fishers, recreational fishers, federally recognized treaty tribes with a fishing right, regional fisheries enhancement groups, and other affected parties to obtain their input in preparing the report under this subsection (2). [2001 c 163 s 3; 1993 c 340 s 43; 1990 c 63 s 4. Formerly RCW 75.30.240.]

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.190 Sea cucumber dive fishery license—Limitation on issuance—Transfer of license—Fee—Issuance of new licenses. (1) A sea cucumber dive fishery license is required to take sea cucumbers for commercial purposes. A sea cucumber dive fishery license authorizes the use of only one diver in the water at any time during sea cucumber harvest operations. If the same vessel has been designated on two sea cucumber dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea cucumber dive fishery licenses.

(2) Except as provided in subsection (5) of this section, the director shall issue no new sea cucumber dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea cucumber dive fishery license is not held by a natural person as of December 31, 1999, it is

not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during either of the previous two years because of a license suspension by the director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Sea cucumber dive fishery licenses are transferable subject to the fees and restrictions in RCW 77.65.020(2).

(5) If fewer than twenty persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than twenty natural persons to be eligible for a sea cucumber dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege. [2017 3rd sp.s. c 8 s 46; 2011 c 339 s 33; 2010 c 193 s 15; 2005 c 110 s 2; 2001 c 253 s 59; 1999 c 126 s 2; 1998 c 190 s 105; 1993 c 340 s 44; 1990 c 61 s 2. Formerly RCW 75.30.250.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Effective date—2011 c 339: See note following RCW 43.84.092.

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Legislative findings—1990 c 61: "The legislature finds that a significant commercial sea cucumber fishery is developing within state waters. The potential for depletion of the sea cucumber stocks in these waters is increasing, particularly as the sea cucumber fishery becomes an attractive alternative to commercial fishers who face increasing restrictions on other types of commercial fishery activities.

The legislature finds that the number of commercial fishers engaged in commercially harvesting sea cucumbers has rapidly increased. This factor, combined with increases in market demand, has resulted in strong pressures on the supply of sea cucumbers.

The legislature finds that increased regulation of commercial sea cucumber fishing is necessary to preserve and efficiently manage the commercial sea cucumber fishery in the waters of the state.

The legislature finds that it is desirable in the long term to reduce the number of vessels participating in the commercial sea cucumber fishery to fifty vessels to preserve the sea cucumber resource, efficiently manage the commercial sea cucumber fishery in the waters of the state, and reduce conflict with upland owners.

The legislature finds that it is important to preserve the livelihood of those who have historically participated in the commercial sea cucumber fishery that began about 1970 and that the 1988 and 1989 seasons should be used to document historical participation." [1990 c 61 s 1.]

RCW 77.70.200 Herring spawn on kelp fishery licenses—Number limited. The legislature finds that the wise management of Washington state's herring resource is of paramount importance to the people of the state. The legislature finds that herring are an important part of the food chain for a number of the state's living marine resources. The legislature finds that both open and closed pond "spawn on kelp" harvesting techniques allow for an economic return to the state while at the same time providing for the proper management of the herring resource. The legislature finds that limitations on the number of herring harvesters tends to improve the management and economic health of the herring industry. The maximum number of herring spawn on kelp fishery licenses shall not exceed five annually. The state therefore must use its authority to regulate the number of herring spawn on kelp fishery licenses so that the management and economic health of the herring fishery may be improved. [1993 c 340 s 36; 1989 c 176 s 1. Formerly RCW 75.30.260, 75.28.235.]

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.210 Herring spawn on kelp fishery license—Auction.

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 77.65.200 and 77.70.120; and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. Kelp harvested from state-owned aquatic lands as defined in *RCW 79.90.465 requires the written consent of the department of natural resources. The department shall give all holders of herring fishery licenses thirty days' notice of the auction. [2000 c 107 s 70; 1993 c 340 s 37; 1989 c 176 s 2. Formerly RCW 75.30.270, 75.28.245.]

***Reviser's note:** RCW 79.90.465 was repealed by 2005 c 155 s 1013.

Finding, intent—Captions not law—Effective date—Severability—
1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.220 Geoduck fishery license—Fees—Conditions and limitations—OSHA regulations—Violations—Vessel identification number/fee. (1) A person shall not harvest geoduck clams commercially without a geoduck fishery license. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020. The geoduck fishery license fee and the application fee are specified in RCW 77.65.220.

(2) Only a person who has entered into a geoduck harvesting agreement with the department of natural resources under RCW 79.135.210 may hold a geoduck fishery license.

(3) A geoduck fishery license authorizes no taking of geoducks outside the boundaries of the public lands designated in the underlying harvesting agreement, or beyond the harvest ceiling set in the underlying harvesting agreement.

(4) A geoduck fishery license expires when the underlying geoduck harvesting agreement terminates.

(5) The director shall determine the number of geoduck fishery licenses that may be issued for each geoduck harvesting agreement, the number of units of gear whose use the license authorizes, and the type of gear that may be used, subject to RCW 77.60.070. In making those determinations, the director shall seek to conserve the geoduck resource and prevent damage to its habitat.

(6) The holder of a geoduck fishery license and the holder's agents and representatives shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of a geoduck fishery license following a hearing under the procedures of chapter 34.05 RCW. The director shall not suspend or revoke a geoduck fishery license if the violation has been corrected within ten days of the date the license holder receives written notice of the violation. If there is a substantial probability that a violation of the commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the director shall suspend the license immediately until the violation has been corrected. If the license holder is not the operator of the harvest vessel and has contracted with another person for the harvesting of geoducks, the director shall not suspend or revoke the license if the license holder terminates its business relationship with that person until compliance with this subsection is secured.

(7) A person using a vessel in the geoduck fishery is required to apply for and obtain a vessel identification number from the department. The application fee for the vessel identification number is one hundred five dollars. [2017 3rd sp.s. c 8 s 47; 2011 c 339 s 34; 2000 c 107 s 71; 1998 c 190 s 106; 1993 c 340 s 46. Formerly RCW 75.30.280.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Effective date—2011 c 339: See note following RCW 43.84.092.

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

RCW 77.70.230 Ocean pink shrimp—Delivery license—Requirements and criteria—Continuous participation. A person shall not commercially deliver into any Washington state port ocean pink shrimp caught in offshore waters without an ocean pink shrimp delivery license issued under RCW 77.65.390, or an ocean pink shrimp single

delivery license issued under RCW 77.70.260. An ocean pink shrimp delivery license shall be issued to a vessel that:

(1) Landed a total of at least five thousand pounds of ocean pink shrimp in Washington in any single calendar year between January 1, 1983, and December 31, 1992, as documented by a valid shellfish receiving ticket; and

(2) Can show continuous participation in the Washington, Oregon, or California ocean pink shrimp fishery by being eligible to land ocean pink shrimp in either Washington, Oregon, or California each year since the landing made under subsection (1) of this section. Evidence of such eligibility shall be a certified statement from the relevant state licensing agency that the applicant for a Washington ocean pink shrimp delivery license held at least one of the following permits:

(a) For Washington: Possession of a delivery permit or delivery license issued under RCW 77.65.210;

(b) For Oregon: Possession of a vessel permit issued under Oregon Revised Statute 508.880; or

(c) For California: A trawl permit issued under California Fish and Game Code sec. 8842. [2000 c 107 s 72; 1998 c 190 s 107; 1993 c 376 s 5. Formerly RCW 75.30.290.]

Findings—Effective date—1993 c 376: See notes following RCW 77.65.380.

RCW 77.70.240 Ocean pink shrimp—Delivery license—Requirements and criteria—Historical participation. An applicant who can show historical participation under RCW 77.70.230(1) but does not satisfy the continuous participation requirement of RCW 77.70.230(2) shall be issued an ocean pink shrimp delivery license if:

(1) The owner can prove that the owner was in the process on December 31, 1992, of constructing a vessel for the purpose of ocean pink shrimp harvest. For purposes of this section, "construction" means having the keel laid, and "for the purpose of ocean pink shrimp harvest" means the vessel is designed as a trawl vessel. An ocean pink shrimp delivery license issued to a vessel under construction is not renewable after December 31, 1994, unless the vessel lands a total of at least five thousand pounds of ocean pink shrimp into a Washington state port before December 31, 1994; or

(2) The applicant's vessel is a replacement for a vessel that is otherwise eligible for an ocean pink shrimp delivery license. [2000 c 107 s 73; 1993 c 376 s 6. Formerly RCW 75.30.300.]

Findings—Effective date—1993 c 376: See notes following RCW 77.65.380.

RCW 77.70.250 Ocean pink shrimp—Delivery license—License transfer—License suspension. After December 31, 1994, an ocean pink shrimp delivery license may only be issued to a vessel that held an ocean pink shrimp delivery license in 1994, and each year thereafter. If the license is transferred to another vessel, the license history shall also be transferred to the transferee vessel.

Where the failure to hold the license in any given year was the result of a license suspension, the vessel may qualify if the vessel

held an ocean pink shrimp delivery license in the year immediately preceding the year of the license suspension. [1993 c 376 s 7. Formerly RCW 75.30.310.]

Findings—Effective date—1993 c 376: See notes following RCW 77.65.380.

RCW 77.70.260 Ocean pink shrimp—Single delivery license—Fees.

The owner of an ocean pink shrimp fishing vessel that does not qualify for an ocean pink shrimp delivery license issued under RCW 77.65.390 shall obtain an ocean pink shrimp single delivery license in order to make a landing into a state port of ocean pink shrimp taken in offshore waters. The director shall not issue an ocean pink shrimp single delivery license unless, as determined by the director, a bona fide emergency exists. A maximum of six ocean pink shrimp single delivery licenses may be issued annually to any vessel. The fee for an ocean pink shrimp single delivery license is one hundred dollars. The application fee is one hundred five dollars. [2011 c 339 s 35; 2000 c 107 s 74; 1993 c 376 s 8. Formerly RCW 75.30.320.]

Effective date—2011 c 339: See note following RCW 43.84.092.

Findings—Effective date—1993 c 376: See notes following RCW 77.65.380.

RCW 77.70.280 Crab fishery—License required—Dungeness crab—coastal fishery license—Coastal crab and replacement vessel defined—Federal fleet reduction program. (1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab—coastal fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab—coastal fishery license is transferable. Except as provided in subsections (3) and (7) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (4) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot—Non-Puget Sound license, issued under *RCW 77.65.220(1)(b);

(ii) Nonsalmon delivery license, issued under RCW 77.65.210;

(iii) Salmon troll license, issued under RCW 77.65.160;

(iv) Salmon delivery license, issued under RCW 77.65.170;

(v) Food fish trawl license, issued under RCW 77.65.200; or

(vi) Shrimp trawl license, issued under RCW 77.65.220; or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have been designated on the qualifying license of the person making the landings; or

(c) Made any number of coastal crab landings totaling a minimum of twenty thousand pounds per season in at least two of the four qualifying seasons identified in subsection (4) of this section, as documented by valid Washington state shellfish receiving tickets, showed historical and continuous participation in the coastal crab fishery by having held one of the qualifying licenses each calendar year beginning 1990 through 1993, and the vessel was designated on the qualifying license of the person who held that license in 1994.

(3) A Dungeness crab-coastal fishery license shall be issued to a person who had a new vessel under construction between December 1, 1988, and September 15, 1992, if the vessel made coastal crab landings totaling a minimum of five thousand pounds by September 15, 1993, and the new vessel was designated on the qualifying license of the person who held that license in 1994. All landings shall be documented by valid Washington state shellfish receiving tickets. License applications under this subsection may be subject to review by the advisory review board in accordance with **RCW 77.70.030. For purposes of this subsection, "under construction" means either:

(a) (i) A contract for any part of the work was signed before September 15, 1992; and

(ii) The contract for the vessel under construction was not transferred or otherwise alienated from the contract holder between the date of the contract and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988; or

(b) (i) The keel was laid before September 15, 1992; and

(ii) Vessel ownership was not transferred or otherwise alienated from the owner between the time the keel was laid and the issuance of the Dungeness crab-coastal fishery license; and

(iii) Construction had not been completed before December 1, 1988.

(4) The four qualifying seasons for purposes of this section are:

(a) December 1, 1988, through September 15, 1989;

(b) December 1, 1989, through September 15, 1990;

(c) December 1, 1990, through September 15, 1991; and

(d) December 1, 1991, through September 15, 1992.

(5) For purposes of this section and RCW 77.70.340, "coastal crab" means Dungeness crab (cancer magister) taken in all Washington territorial and offshore waters south of the United States-Canada boundary and west of the Bonilla-Tatoosh line (a line from the western end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

(6) For purposes of this section, "replacement vessel" means a vessel used in the coastal crab fishery in 1994, and that replaces a vessel used in the coastal crab fishery during any period from 1988 through 1993, and which vessel's licensing and catch history, together

with the licensing and catch history of the vessel it replaces, qualifies a single applicant for a Dungeness crab—coastal license. A Dungeness crab—coastal license may only be issued to a person who designated a vessel in the 1994 coastal crab fishery and who designated the same vessel in 1995.

(7) A Dungeness crab—coastal fishery license may not be issued to a person who participates in the federal fleet reduction program created in RCW 77.70.460 within ten years of that person's participation in the federal program, if reciprocal restrictions are imposed by the states of Oregon and California on persons participating in the federal fleet reduction program. [2017 3rd sp.s. c 8 s 48; 2003 c 174 s 5; 2000 c 107 s 76; 1998 c 190 s 108; 1995 c 252 s 1; 1994 c 260 s 2. Formerly RCW 75.30.350.]

Reviser's note: *(1) RCW 77.65.220 was amended by 2017 3rd sp.s. c 8 s 27, removing subsection (1)(b), effective January 1, 2018.

** (2) RCW 77.70.030 was repealed by 2001 c 291 s 501, effective July 1, 2001.

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Finding—1994 c 260: "The legislature finds that the commercial crab fishery in coastal and offshore waters is overcapitalized. The legislature further finds that this overcapitalization has led to the economic destabilization of the coastal crab industry, and can cause excessive harvesting pressures on the coastal crab resources of Washington state. In order to provide for the economic well-being of the Washington crab industry and to protect the livelihood of Washington crab fishers who have historically and continuously participated in the coastal crab fishery, the legislature finds that it is in the best interests of the economic well-being of the coastal crab industry to reduce the number of fishers taking crab in coastal waters, to reduce the number of vessels landing crab taken in offshore waters, to limit the number of future licenses, and to limit fleet capacity by limiting vessel size." [1994 c 260 s 1.]

Severability—1994 c 260: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 260 s 24.]

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: "Sections 1 through 5, 9 through 19, and 21 through 24 of this act shall take effect January 1, 1995." [1994 c 260 s 25.]

RCW 77.70.290 Crab taken in offshore waters—Criteria for landing in Washington state—Limitations. (1) The director shall allow the landing into Washington state of crab taken in offshore waters only if:

(a) The crab are legally caught and landed by fishers with a valid Washington state Dungeness crab-coastal fishery license; or

(b) (i) The director determines that the landing of offshore Dungeness crab by fishers without a Washington state Dungeness crab-coastal fishery license is in the best interest of the coastal crab

processing industry; (ii) the director has been requested to allow such landings by at least three Dungeness crab processors; (iii) the landings are permitted only between the dates of December 1st to February 15th inclusively; (iv) only crab fishers commercially licensed to fish by Oregon or California are permitted to land, if the crab was taken with gear that consisted of one buoy attached to each crab pot, and each crab pot was fished individually; (v) the fisher landing the crab has obtained a valid delivery license; and (vi) the decision is made on a case-by-case basis for the sole reason of improving the economic stability of the commercial crab fishery.

(2) Nothing in this section allows the commercial fishing of Dungeness crab in waters within three miles of Washington state by fishers who do not possess a valid Dungeness crab-coastal fishery license. Landings of offshore Dungeness crab by fishers without a valid Dungeness crab-coastal fishery license do not qualify the fisher for such licenses. [2017 3rd sp.s. c 8 s 49; 1997 c 418 s 2; 1994 c 260 s 3. Formerly RCW 75.30.360.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note following RCW 77.70.280.

RCW 77.70.300 Crab taken in offshore waters—Dungeness crab offshore delivery license—Fee. A person commercially fishing for Dungeness crab in offshore waters outside of Washington state jurisdiction shall obtain a Dungeness crab offshore delivery license from the director if the person does not possess a valid Dungeness crab-coastal fishery license and the person wishes to land Dungeness crab into a place or a port in the state. The annual fee for a Dungeness crab offshore delivery license is two hundred fifty dollars. The director may specify restrictions on landings of offshore Dungeness crab in Washington state as authorized in RCW 77.70.290.

Fees from the offshore Dungeness crab delivery license shall be placed in the coastal crab account created in RCW 77.70.320. [2017 3rd sp.s. c 8 s 50; 2000 c 107 s 77; 1994 c 260 s 4. Formerly RCW 75.30.370.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note following RCW 77.70.280.

RCW 77.70.310 Transfer of Dungeness crab-coastal fishery licenses—Fee. Dungeness crab-coastal fishery licenses are freely transferable on a willing seller-willing buyer basis after paying the

transfer fee in RCW 77.65.020. [2000 c 107 s 78; 1997 c 418 s 3; 1994 c 260 s 5. Formerly RCW 75.30.380.]

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note following RCW 77.70.280.

RCW 77.70.320 Coastal crab account—Created—Revenues—Expenditures. The coastal crab account is created in the custody of the state treasurer. The account shall consist of revenues from fees from the transfer of each Dungeness crab-coastal fishery license assessed under RCW 77.65.020, delivery fees assessed under RCW 77.70.300, and the license surcharge under RCW 77.65.240. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. Funds may be used for coastal crab management activities as provided in RCW 77.70.330. [2000 c 107 s 79; 1997 c 418 s 4; 1994 c 260 s 6. Formerly RCW 75.30.390.]

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

RCW 77.70.330 Coastal crab account expenditures—Management of coastal crab resource. Expenditures from the coastal crab account may be made by the department for management of the coastal crab resource. Management activities may include studies of resource viability, interstate negotiations concerning regulation of the offshore crab resource, resource enhancement projects, or other activities as determined by the department. [1994 c 260 s 8. Formerly RCW 75.30.410.]

Effective date—1994 c 260 s 8: "Section 8 of this act shall take effect January 1, 1997." [1994 c 260 s 26.]

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

RCW 77.70.340 Criteria for nonresident Dungeness crab-coastal fishery license for Oregon residents—Section effective contingent upon reciprocal statutory authority in Oregon. (1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 77.65.220 each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in *RCW 77.70.280(5) as evidenced by valid Oregon fish-receiving tickets, shall be issued a nonresident Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such

license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river. [2000 c 107 s 80; 1994 c 260 s 9. Formerly RCW 75.30.420.]

***Reviser's note:** RCW 77.70.280 was amended by 2017 3rd sp.s. c 8 s 48, changing subsection (5) to subsection (4), effective January 1, 2018.

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note following RCW 77.70.280.

RCW 77.70.350 Restrictions on vessel designations and substitutions on Dungeness crab-coastal fishery licenses. (1) The following restrictions apply to vessel designations and substitutions on Dungeness crab-coastal fishery licenses:

(a) The holder of the license may not:

(i) Designate on the license a vessel the hull length of which exceeds ninety-nine feet; or

(ii) Change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length designated on the license on June 7, 2006, by more than ten feet. However, if such vessel designation is the result of an emergency transfer, the applicable vessel length would be the most recent permanent vessel designation on the license prior to June 7, 2006;

(b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any one-year period, measured from September 15th to September 15th of the following year, unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;

(c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the designated vessel on June 7, 2006, the department may change the vessel designation no more than once on or after June 7, 2006, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

(2) For the purposes of this section, "hull length" means the length overall of a vessel's hull as shown by marine survey or by manufacturer's specifications.

(3) By December 31, 2010, the department must, in cooperation with the coastal crab fishing industry, evaluate the effectiveness of this section and, if necessary, recommend any statutory changes to the

appropriate committees of the senate and house of representatives.
[2010 c 193 s 13; 2006 c 159 s 1; 1994 c 260 s 10. Formerly RCW
75.30.430.]

Finding—Severability—1994 c 260: See notes following RCW
77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note
following RCW 77.70.280.

**RCW 77.70.360 Dungeness crab-coastal fishery licenses—
Limitation on new licenses—Requirements for renewal.** Except as
provided under *RCW 77.70.380, the director shall issue no new
Dungeness crab-coastal fishery licenses after December 31, 1995. A
person may renew an existing license only if the person held the
license sought to be renewed during the previous year or acquired the
license by transfer from someone who held it during the previous year,
and if the person has not subsequently transferred the license to
another person. Where the person failed to obtain the license during
the previous year because of a license suspension, the person may
qualify for a license by establishing that the person held such a
license during the last year in which the license was not suspended.
[2000 c 107 s 81; 1994 c 260 s 13. Formerly RCW 75.30.440.]

***Reviser's note:** RCW 77.70.380 was repealed by 2003 c 174 s 6.

Finding—Severability—1994 c 260: See notes following RCW
77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note
following RCW 77.70.280.

**RCW 77.70.370 Limitation on taking crab in the exclusive
economic zone of Oregon or California—Section effective contingent
upon reciprocal legislation by both Oregon and California.** (1) A
Dungeness crab—coastal fishery licensee shall not take Dungeness crab
in the waters of the exclusive economic zone westward of the states of
Oregon or California and land crab taken in those waters into
Washington state unless the licensee also holds the licenses, permits,
or endorsements, required by Oregon or California to land crab into
Oregon or California, respectively.

(2) This section becomes effective only upon reciprocal
legislation being enacted by both the states of Oregon and California.
For purposes of this section, "exclusive economic zone" means that
zone defined in the federal fishery conservation and management act
(16 U.S.C. Sec. 1802) as of January 1, 1995, or as of a subsequent
date adopted by rule of the director. [1998 c 190 s 109; 1994 c 260 s
16. Formerly RCW 75.30.450.]

Finding—Severability—1994 c 260: See notes following RCW
77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note
following RCW 77.70.280.

RCW 77.70.390 Reduction of landing requirements under RCW 77.70.280—Procedure. The director may reduce the landing requirements established under RCW 77.70.280 upon the recommendation of an advisory review board established under *RCW 77.70.030, but the director may not entirely waive the landing requirement. The advisory review board may recommend a reduction of the landing requirement in individual cases if in the advisory review board's judgment, extenuating circumstances prevented achievement of the landing requirement. The director shall adopt rules governing the operation of the advisory review board and defining "extenuating circumstances." Extenuating circumstances may include situations in which a person had a vessel under construction such that qualifying landings could not be made. In defining extenuating circumstances, special consideration shall be given to individuals who can provide evidence of lack of access to capital based on past discrimination due to race, creed, color, sex, national origin, or disability. [2000 c 107 s 83; 1994 c 260 s 19. Formerly RCW 75.30.470.]

***Reviser's note:** RCW 77.70.030 was repealed by 2001 c 291 s 501, effective July 1, 2001.

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

Effective date—1994 c 260 ss 1-5, 9-19, and 21-24: See note following RCW 77.70.280.

RCW 77.70.400 Coastal Dungeness crab resource plan. The department, with input from Dungeness crab—coastal fishery licensees and processors, shall prepare a resource plan to achieve even-flow harvesting and long-term stability of the coastal Dungeness crab resource. The plan may include pot limits, further reduction in the number of vessels, individual quotas, trip limits, area quotas, or other measures as determined by the department. The provisions of such a resource plan that are designed to effect a gear reduction or effort reduction based upon historical landing criteria are subject to the provisions of RCW 77.70.390 with respect to the consideration of extenuating circumstances. [2001 c 228 s 1; 1998 c 245 s 154; 1994 c 260 s 20. Formerly RCW 75.30.480.]

Finding—Severability—1994 c 260: See notes following RCW 77.70.280.

RCW 77.70.410 Shrimp pot-Puget Sound fishery—Limited entry fishery—License analogous to personal property—Transferability—Alternate operator designation. (1) The shrimp pot-Puget Sound fishery is a limited entry fishery and a person shall not fish for spot shrimp or nonspot shrimp taken from Puget Sound for commercial purposes with shrimp pot gear except under the provisions of a shrimp pot-Puget Sound fishery license issued under RCW 77.65.220.

(2) A shrimp pot-Puget Sound fishery license shall only be issued to a natural person who held a shrimp pot-Puget Sound fishery license during the previous year, except upon the death of the licensee the

license shall be treated as analogous to personal property for purposes of inheritance and intestacy.

(3) No more than two shrimp pot-Puget Sound fishery licenses may be owned by a licensee. The licensee must transfer the second license into the licensee's name, and designate on the second license the same vessel as is designated on the first license at the time of the transfer. Licensees who hold two shrimp pot-Puget Sound fishery licenses may not transfer one of the two licenses for a 12-month period beginning on the date the second license is transferred to the licensee, but the licensee may transfer both licenses to another natural person. The nontransferability provisions of this subsection start anew for the receiver of the two licenses. Licensees who hold two shrimp pot-Puget sound fishery licenses may fish one and one-half times the maximum number of pots allowed for Puget Sound shrimp, and may retain and land one and one-half times the maximum catch limits established for Puget Sound shrimp taken with shellfish pot gear.

(4) Through December 31, 2001, shrimp pot-Puget Sound fishery licenses are transferable only to a current shrimp pot-Puget Sound fishery licensee, or upon death of the licensee. Beginning January 1, 2002, shrimp pot-Puget Sound commercial fishery licenses are transferable, except holders of two shrimp pot-Puget Sound licenses are subject to nontransferability provisions as provided for in this section.

(5) Through December 31, 2001, a shrimp pot-Puget Sound licensee may designate any natural person as the alternate operator for the license. Beginning January 1, 2002, a shrimp pot-Puget Sound licensee may designate only an immediate family member, as defined in RCW 77.12.047, or the immediate family member of a shrimp pot-Puget Sound licensee's spouse as the alternate operator with the following exceptions: A licensee with a bona fide medical emergency may designate a person other than an immediate family member as the alternate operator for a period not to exceed two years, provided the licensee documents the medical emergency with letters from two medical doctors describing the illness or condition that prevents the licensee from participating in the fishery. The two-year period may be extended by the director upon recommendation of a department-appointed Puget Sound shrimp pot advisory board. A licensee may designate any natural person as the alternate operator by requesting the Puget Sound shrimp pot advisory board to designate an alternate operator who is not an immediate family member, and upon recommendation of the Puget Sound shrimp pot advisory board, the director may allow designation of an alternate operator who is not an immediate family member. [2025 c 118 s 2; 2001 c 105 s 1; 2000 c 107 s 84; 1999 c 239 s 3. Formerly RCW 75.30.490.]

Finding—Purpose—Intent—1999 c 239: See note following RCW 77.65.220.

RCW 77.70.420 Shrimp trawl-Puget Sound fishery—Limited entry fishery—License analogous to personal property—Transferability—Alternate operator. (1) The shrimp trawl-Puget Sound fishery is a limited entry fishery and a person shall not fish for nonspot shrimp taken from Puget Sound for commercial purposes with shrimp trawl gear except under the provisions of a shrimp trawl-Puget Sound fishery license issued under RCW 77.65.220.

(2) A shrimp trawl-Puget Sound fishery license shall only be issued to a natural person who held a shrimp trawl-Puget Sound fishery license during the previous licensing year, except upon the death of the licensee the license shall be treated as analogous to personal property for purposes of inheritance and intestacy. Upon the death of the licensee, the shrimp trawl-Puget Sound fishery license is converted to a nonspot shrimp pot-Puget Sound fishery license for purposes of inheritance and intestacy.

(3) No more than one shrimp trawl-Puget Sound fishery license may be owned by a licensee.

(4) Through December 31, 2001, shrimp trawl-Puget Sound fishery licenses are nontransferable, except upon death of the licensee. Beginning January 1, 2002, through July 31, 2025, shrimp trawl-Puget Sound licenses are transferable. Beginning August 1, 2025, shrimp trawl-Puget Sound fishery licenses are only transferable if the license is converted to a nonspot shrimp pot-Puget Sound fishery license.

(5) Through December 31, 2001, a shrimp trawl-Puget Sound licensee may designate any natural person as the alternate operator for the license. Beginning January 1, 2002, a shrimp trawl-Puget Sound licensee may designate only an immediate family member, as defined in RCW 77.12.047, or an immediate family member of a shrimp trawl-Puget Sound licensee's spouse as the alternate operator with the following exceptions: A licensee with a bona fide medical emergency may designate a person other than an immediate family member as the alternate operator for a period not to exceed two years, provided the licensee documents the medical emergency with letters from two medical doctors describing the illness or condition that prevents the immediate family member from participating in the fishery. The two-year period may be extended by the director upon recommendation of a department-appointed Puget Sound shrimp trawl advisory board. A licensee may designate any natural person as the alternate operator by requesting the Puget Sound shrimp trawl advisory board to designate an alternate operator who is not an immediate family member, and upon recommendation of the Puget Sound shrimp trawl advisory board, the director may allow designation of an alternate operator who is not an immediate family member.

(6) A holder of a shrimp trawl-Puget Sound fishery license issued under RCW 77.65.220 may harvest members of the nonspot shrimp species within the waters of Puget Sound.

(7) No more than one shrimp trawl-Puget Sound fishery license or nonspot shrimp pot-Puget Sound fishery license may be owned by a licensee.

(8) The combined number of shrimp trawl-Puget Sound fishery licenses and nonspot shrimp pot-Puget Sound fishery licenses issued under RCW 77.65.220 is limited to five licenses in total. [2025 c 118 s 3; 2001 c 105 s 2; 2000 c 107 s 85; 1999 c 239 s 4. Formerly RCW 75.30.500.]

Finding—Purpose—Intent—1999 c 239: See note following RCW 77.65.220.

RCW 77.70.425 Nonspot shrimp pot-Puget Sound fishery—Limited entry fishery—License analogous to personal property—Transferability—Alternate operator. (1) The nonspot shrimp pot-Puget Sound fishery

is a limited entry fishery and a person may not fish for nonspot shrimp for commercial purposes with nonspot shrimp pot gear except under the provisions of a nonspot shrimp pot-Puget Sound fishery license or a shrimp pot-Puget Sound fishery license issued under RCW 77.65.220.

(2) A nonspot shrimp pot-Puget Sound fishery license may designate only an immediate family member, as defined in RCW 77.12.047, or an immediate family member of a nonspot shrimp pot-Puget Sound licensee's spouse as the alternate operator with the following exceptions: A licensee with a bona fide medical emergency may designate a person other than an immediate family member as the alternate operator for a period not to exceed two years, provided the licensee documents the medical emergency with letters from two medical doctors describing the illness or condition that prevents the immediate family member from participating in the fishery. The two-year period may be extended by the director upon recommendation of a department-appointed Puget Sound shrimp trawl advisory board. A licensee may designate any natural person as the alternate operator by requesting the Puget Sound shrimp trawl advisory board to designate an alternate operator who is not an immediate family member, and upon recommendation of the Puget Sound shrimp trawl advisory board, the director may allow designation of an alternate operator who is not an immediate family member.

(3) A holder of a nonspot shrimp pot-Puget Sound fishery license issued under RCW 77.65.220 may harvest members of the nonspot shrimp species within the waters of Puget Sound.

(4) The combined number of shrimp trawl-Puget Sound fishery licenses and nonpot shrimp pot-Puget Sound fishery licenses issued under RCW 77.65.220 is limited to five licenses in total.

(5) A nonspot shrimp pot-Puget Sound fishery license may only be issued to a natural person who held a nonspot shrimp pot-Puget Sound fishery license or a shrimp trawl-Puget Sound fishery license issued during the previous licensing year, except upon the death of the licensee the license must be treated as analogous to personal property for purposes of inheritance and intestacy.

(6) No more than one shrimp trawl-Puget Sound fishery license or nonspot shrimp pot-Puget Sound fishery license may be owned by a licensee.

(7) A shrimp trawl-Puget Sound fishery license may be converted to a limited entry nonspot shrimp pot-Puget Sound fishery license by any holder of a shrimp trawl-Puget Sound fishery license. A shrimp trawl-Puget Sound fishery license that is converted to a limited entry nonspot shrimp pot-Puget Sound fishery license is permanently retired as a shrimp trawl license.

(8) A converted limited entry nonspot shrimp pot-Puget Sound fishery license may only fish on nonspot shrimp resources previously allocated to shrimp trawl-Puget Sound fishery license holders. If all shrimp trawl-Puget Sound fishery licenses convert to nonspot shrimp pot-Puget Sound fishery licenses, the department shall work with stakeholders to review the allocation of the commercial nonspot shrimp resources and develop recommendations for future allocations.

(9) Nonspot shrimp pot-Puget Sound fishery license holders reserve the right to cooperatively modify and design gear with the department via a director's issued permit to efficiently and economically harvest *Pandalus eous*, *Pandalus jordani*, and *Pandalus dispar*. The process to modify and design gear is intended to develop

the fishery to ensure a means to harvest all nonspot shrimp species for these license holders. [2025 c 118 s 4.]

RCW 77.70.430 Puget Sound crab pot buoy tag program—Fee—Coastal crab pot buoy tag program—Fee—Review. (1) In order to administer a Puget Sound crab pot buoy tag program, the department may charge a fee to holders of a Dungeness crab—Puget Sound fishery license to reimburse the department for the production of Puget Sound crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program.

(2) In order to administer a Washington coastal Dungeness crab pot buoy tag program, the department may charge a fee to holders of a Dungeness crab—coastal fishery license and to holders of out-of-state licenses who are issued a pot certificate by the department to reimburse the department for the production of Washington coastal crab pot buoy tags and the administration of a Washington coastal crab pot buoy tag program.

(3) The department shall annually review the costs of crab pot buoy tag production under this section with the goal of minimizing the per tag production costs. Any savings in production costs shall be passed on to the fishers required to purchase crab pot buoy tags under this section in the form of a lower tag fee. [2017 3rd sp.s. c 8 s 51; 2006 c 143 s 1; 2005 c 395 s 1; 2001 c 234 s 1.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Effective date—2001 c 234: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 9, 2001]." [2001 c 234 s 3.]

RCW 77.70.440 Puget Sound crab pot buoy tag account. The Puget Sound crab pot buoy tag account is created in the custody of the state treasurer. All revenues from fees from RCW 77.70.430(1) must be deposited into the account. Expenditures from this account may be used for the production of crab pot buoy tags and the administration of a Puget Sound crab pot buoy tag program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW but no appropriation is required for expenditures. [2005 c 395 s 2; 2001 c 234 s 2.]

Effective date—2001 c 234: See note following RCW 77.70.430.

RCW 77.70.442 Washington coastal crab pot buoy tag account. The Washington coastal crab pot buoy tag account is created in the custody of the state treasurer. All revenues from fees from RCW 77.70.430(2) must be deposited into the account. Expenditures from this account may be used for the production of crab pot buoy tags and the administration of a Washington coastal crab pot buoy tag program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under

chapter 43.88 RCW but no appropriation is required for expenditures.
[2005 c 395 s 3.]

RCW 77.70.450 Commercial fisheries buyback account. The commercial fisheries buyback account is created in the custody of the state treasurer. All receipts from money collected by the commission under RCW 77.70.460, moneys appropriated for the purposes of this section, and other gifts, grants, or donations specifically made to the fund must be deposited into the account. Expenditures from the account may be used only for the purpose of repaying moneys advanced by the federal government under a groundfish fleet reduction program established by the federal government, or for other fleet reduction efforts, commercial fishing license buyback programs, or similar programs designed to reduce the harvest capacity in a commercial fishery. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2003 c 174 s 1.]

RCW 77.70.460 Collection of fee—Fee schedule—Deposit of moneys. (Contingent expiration date.) (1) The commission shall collect a fee upon all deliveries of fish or shellfish from persons holding: (a) A federal pacific groundfish limited entry permit with a trawl endorsement; (b) an ocean pink shrimp delivery license issued under RCW 77.65.390; (c) a Dungeness crab—coastal fishery license issued under RCW 77.70.280; (d) a food fish delivery license issued under RCW 77.65.200; or (e) a shrimp trawl license under RCW 77.65.220, to repay the federal government for moneys advanced by the federal government under a groundfish fleet reduction program established by the federal government.

(2) The commission shall adopt a fee schedule by rule for the collection of the fee required by subsection (1) of this section. The fee schedule adopted shall limit the total amount of moneys collected through the fee to the minimum amount necessary to repay the moneys advanced by the federal government, but be sufficient to repay the debt obligation of each fishery. The fee charged to the holders of a Dungeness crab—coastal fishery license may not exceed two percent of the total ex-vessel value of annual landings, and the fee charged to all other eligible license holders may not exceed five percent of the total ex-vessel value of annual landings. The commission may adjust the fee schedule as necessary to ensure that the funds collected are adequate to repay the debt obligation of each fishery.

(3) The commission shall deposit moneys collected under this section in the commercial fisheries buyback account created in RCW 77.70.450. [2003 c 174 s 2.]

Contingent expiration date—2003 c 174 ss 2 and 3: "Sections 2 and 3 of this act expire January 1, 2033, or when the groundfish fleet reduction program referenced in section 2 of this act is completed, whichever is sooner." [2003 c 174 s 4.]

RCW 77.70.470 Ban on assessing fee under RCW 77.70.460. (Contingent expiration date.) The commission may not assess the fee

specified under RCW 77.70.460 until after the federal government creates a groundfish fleet reduction program. [2003 c 174 s 3.]

Contingent expiration date—2003 c 174 ss 2 and 3: See note following RCW 77.70.460.

RCW 77.70.480 Pacific sardines—Purse seine fishery license or temporary annual fishery permit required. (1) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to use purse seine gear to fish for or possess Pacific sardines in offshore waters. This requirement does not affect persons authorized to fish for or possess sardines in offshore waters under a valid Oregon or California license or permit.

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

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

(4) Pacific sardines may not be taken or retained in state waters except for incidental harvest authorized by rule of the department. [2009 c 331 s 2.]

RCW 77.70.490 Pacific sardine purse seine fishery license—Fees—Temporary annual fishery permit—Fees—Adoption of rules regarding bycatch. (1) A Washington Pacific sardine purse seine fishery license:

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

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

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

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

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

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

(b) A Washington Pacific sardine purse seine temporary annual fishery permit to any person if the combined number of active Washington Pacific sardine purse seine fishery licenses and annual temporary permits already issued during the year is less than twenty-five.

(4) The annual fee for a Washington Pacific sardine purse seine fishery license and the application fee are specified in RCW 77.65.200.

(5) The fee for a Washington Pacific sardine purse seine temporary annual fishery permit and the application fee are specified in RCW 77.65.200. A temporary annual fishery permit expires at the end of the calendar year in which the permit is issued.

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

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

(8) The director shall adopt rules that require a person fishing under a Washington Pacific sardine purse seine fishery license or a temporary annual permit to minimize bycatch, and to the extent bycatch cannot be avoided, to minimize the mortality of such bycatch. [2017 3rd sp.s. c 8 s 52; 2011 c 339 s 36; 2009 c 331 s 3.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Effective date—2011 c 339: See note following RCW 43.84.092.

RCW 77.70.500 Crab pot removal permit—Shellfish pot removal permit—Rules—Penalty. (1)(a) As part of a coastal commercial Dungeness crab pot removal program, the department shall issue a crab pot removal permit that allows the participants in the Dungeness crab-coastal fishery created in RCW 77.70.280 to remove crab pots belonging to state commercial licensed crab fisheries from coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season, regardless of whether the crab pot was originally set by the participant or not.

(b) Beginning fifteen days after the close of the primary commercial Dungeness crab-coastal harvest season, any individual with a current commercial Dungeness crab-coastal license and a valid crab pot removal permit issued by the department may remove a crab pot or crab pots used to harvest Dungeness crabs remaining in coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season.

(c) In cooperation with individuals with a current commercial Dungeness crab-coastal license, the department may expand the coastal commercial Dungeness crab pot removal program to those areas closed to commercial Dungeness crab harvest prior to the end of the primary season and during that portion of the coastal Dungeness crab fishery that occurs from May 1st through September 15th.

(d) Nothing in this section prohibits the department from exempting certain crab pots from the coastal commercial Dungeness crab pot removal program or from restricting crab pot removal activities to specific geographic areas.

(2)(a) The department may expand the crab pot removal program to allow for the removal of shellfish pots belonging to state commercial or recreational licensed shellfish fisheries from Puget Sound waters during shellfish harvest closures, regardless of whether the shellfish pot was originally set by the permittee or not.

(b) If the department expands the program to Puget Sound waters, the department shall limit the program as necessary to streamline implementation, minimize the oversight burden on fish and wildlife enforcement officers, minimize interference with lawful fisheries and

other user groups, minimize administrative overhead cost, and avoid the collection of shellfish pots that are not abandoned. The program may be limited as deemed appropriate by the department, including limitations on:

- (i) The number of participants;
- (ii) The eligible geographic areas in Puget Sound where shellfish pots may be recovered;
- (iii) The types of shellfish pots that may be recovered;
- (iv) The maximum or minimum depth where a shellfish pot must be located to be eligible for recovery; and
- (v) The ports through which the vessels collecting the abandoned shellfish pots may operate.

(3) The department may adopt rules to implement subsections (1) and (2) of this section.

(4)(a) The following are exempt from complying with the lost and found property provisions in chapter 63.21 RCW:

(i) An individual participating in permitted crab pot removal activities in coastal marine waters who has a valid crab pot removal permit, and who adheres to the provisions of the permit as they relate to crab pot removal; and

(ii) An individual participating in permitted shellfish pot removal activities in Puget Sound waters who has a valid shellfish pot removal permit and who adheres to the provisions of the permit as they relate to shellfish pot removal.

(b) The individual who removes a shellfish pot under a valid crab pot removal permit or a valid shellfish pot removal permit takes the property free and clear of all claims of the owner or previous holder and free and clear of all individuals claiming ownership under the previous owner.

(5) A violation of this section, or any rules or permit conditions provided under this section, is punishable as provided in RCW 77.15.750.

(6) Individuals who remove shellfish pots under a valid crab pot removal permit or a valid shellfish pot removal permit in accordance with this section are not subject to permitting under RCW 77.55.021. [2020 c 172 s 1; 2010 c 193 s 3; 2009 c 355 s 1.]

RCW 77.70.510 Washington-coastal spot shrimp pot fishery license. (1) A Washington-coastal spot shrimp pot fishery license:

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

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

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

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

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

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

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

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

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

(6) In the event the Washington-coastal spot shrimp pot fishery license is transferred by sale, lease, inheritance, or lottery, and pursuant to subsection (4) of this section, the vessel length restriction associated with that license must remain attached to the license.

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

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

(9) Nothing in this section:

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

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

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

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

(11) The legislature recognizes that Washington-coastal spot shrimp pot fishery licenses may be revoked by future legislatures if the fishery is found to have jeopardized the sustainability of the coastal spot shrimp resource or the marine ecosystem. [2011 c 147 s 2.]