

CHAPTER 62

[House Bill No. 2868]

COMMERCIAL SEA URCHIN FISHING

AN ACT Relating to commercial sea urchin fishing; amending RCW 75.30.210; amending section 1, chapter 37, Laws of 1989 (uncodified); and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 37, Laws of 1989 (uncodified) is amended to read as follows:

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 ((fishermen engaged in)) 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.

Sec. 2. Section 2, chapter 37, Laws of 1989 and RCW 75.30.210 are each amended to read as follows:

(1) After October 1, ~~((1989))~~ 1990, it is unlawful to commercially take any species of sea urchin using shellfish diver gear without first obtaining a sea urchin endorsement to accompany a shellfish diver license. A sea urchin endorsement to a shellfish diver license issued under RCW ~~((75.28.130(4)))~~ 75.28.130(5) shall be limited to those vessels which:

(a) Held a commercial shellfish diver license, excluding clams, ~~((between January 1,))~~ during calendar years 1988((, and December 31, 1988;)) and 1989 or had transferred to the vessel such a license;

(b) Have not transferred the license to another vessel; and

(c) Can establish, by means of dated shellfish receiving documents issued by the department, that twenty thousand pounds of sea urchins were caught and landed under the license during the period of April 1, 1986, through March 31, 1988.

Endorsements issued under this section are a new licensing condition, and the continuing license provisions of RCW 34.05.422(3) are not applicable.

(2) In addition to the requirements of subsection (1) of this section, after December 31, 1991, sea urchin endorsements to shellfish diver licenses issued under RCW ~~((75.28.130(4)))~~ 75.28.130(5) may be issued only to vessels:

(a) Which held a sea urchin endorsement to a shellfish diver license during the previous year or had transferred to the vessel such a license; and

(b) From which twenty thousand pounds of sea urchins were caught and landed in this state during the two-year period ending March 31 of an odd-numbered year, as documented by valid shellfish receiving documents issued by the department.

Where failure to obtain the license during the previous year was the result of a license suspension or revocation by the department, the vessel may qualify for a license by establishing that the vessel held such a license during the last year in which it was eligible.

(3) The director may reduce or waive ~~((the))~~ any landing requirement established under ~~((subsection (2)(b) of))~~ this section upon the recommendation of a board of review established under RCW 75.30.050. The board of review may recommend a reduction or waiver of the landing requirement in individual cases if in the board's judgment, extenuating circumstances prevent achievement of the landing requirement. The director shall adopt rules governing the operation of the board of review and defining "extenuating circumstances."

(4) Sea urchin endorsements issued under this section are not transferable from one owner to another owner, except from parent to child, or from spouse to spouse during marriage or as a result of marriage dissolution, or upon the death of the owner. This restriction applies to all changes in the vessel owner's name on the license, including (a) changes during the license year, and (b) changes during the license renewal process between years. This restriction does not prevent changes in vessel operator or transfers between vessels when the vessel owner remains unchanged. Upon request of a vessel owner, the director may issue a temporary permit to allow the vessel owner to use the license endorsement on a leased or rented vessel.

(5) If less than forty-five vessels are eligible for sea urchin endorsements, the director may accept applications for new endorsements. The director shall determine by random selection the successful applicants for the additional endorsements. The number of additional endorsements issued

shall be sufficient to maintain up to forty-five vessels in the sea urchin fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea urchin endorsements, based upon recommendations of a board of review established under RCW 75.30.050.

NEW SECTION. Sec. 3. 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 shall take effect immediately.

Passed the House February 13, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 15, 1990.

Filed in Office of Secretary of State March 15, 1990.

CHAPTER 63

[House Bill No. 2290]

EMERGING COMMERCIAL FISHERIES—ESTABLISHMENT

AN ACT Relating to the establishment of emerging commercial fisheries through a special harvest permit process; amending RCW 75.08.011; adding new sections to chapter 75.30 RCW; adding a new section to chapter 75.10 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. 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.

NEW SECTION. Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

(1) The director may by rule designate a fishery as an emerging commercial fishery.

(2) The director may issue experimental fishery permits for commercial harvest in an emerging commercial fishery. The director shall determine by rule the number and qualifications of participants for such experimental fishery permits. 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