

NEW SECTION. Sec. 402. The following are each decodified:

- (1) RCW 41.06.300;
- (2) RCW 41.06.320; and
- (3) RCW 41.06.330.

NEW SECTION. Sec. 403. 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.

Passed the House March 5, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 15, 1990.

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

CHAPTER 61

[House Bill No. 2291]

COMMERCIAL SEA CUCUMBER FISHING

AN ACT Relating to commercial sea cucumber fishing; amending RCW 75.30.050; adding a new section to chapter 75.30 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. 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.

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

(1) After April 30, 1990, it is unlawful to commercially take while using shellfish diver gear any species of sea cucumber without first obtaining a sea cucumber endorsement to accompany a shellfish diver license. A sea cucumber endorsement to a shellfish diver license issued under RCW 75.28.130(5) shall be limited to those vessels which:

(a) Held a commercial shellfish diver license (excluding clams), between January 1, 1989, and December 31, 1989, or had transferred to the vessel such a license, and held a permit for harvest of sea cucumbers in 1989;

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

(c) Can establish, by means of dated shellfish receiving documents issued by the department, that thirty landings of sea cucumbers were made under the license during the period of January 1, 1988, through December 31, 1989; and

(d) 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 cucumber endorsements to shellfish diver licenses issued under RCW 75.28.130(5) may be issued only to vessels which:

(a) Held a sea cucumber endorsement to a shellfish diver license during the previous two years or had transferred to the vessel such a license; and

(b) Can establish, by means of dated shellfish receiving documents issued by the department, that thirty landings of sea cucumbers totalling at least ten thousand pounds were made under the license during the previous two-year period ending December 31 of the odd-numbered year.

Where failure to obtain the license during either of the previous two years was the result of a license suspension by the department or the court, the vessel may qualify for a license by establishing that the vessel held such a license and a sea cucumber endorsement during the last year in which it was eligible.

(3) The director may reduce or waive any landing or poundage requirement established under 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 any landing or poundage requirement in individual cases if in the board's judgment, extenuating circumstances prevent achievement of the landing or poundage requirement. The director shall adopt rules governing the operation of the board of review and defining "extenuating circumstances."

(4) Sea cucumber endorsements issued under this section are not transferrable from one owner to another owner except from parent to child,

from spouse to spouse during marriage or as a result of marriage dissolution, or upon death of the owner. This restriction does not prevent changes in vessel operator or transfers between vessels when the vessel owner remains unchanged.

(5) If less than fifty vessels are eligible for sea cucumber endorsements, the director may accept applications for new endorsements from those persons who can demonstrate two years' experience in the Washington state sea cucumber diver fishery. 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 fifty vessels in the sea cucumber fishery. The director shall adopt rules governing the application, selection, and issuance procedure for new sea cucumber endorsements, based upon recommendations of a board of review established under RCW 75.30.050.

Sec. 3. Section 5, chapter 106, Laws of 1977 ex. sess. as last amended by section 3, chapter 37, Laws of 1989 and RCW 75.30.050 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The salmon charter boat fishing industry in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements;

(d) The commercial herring fishery in cases involving herring validations;

(e) The commercial Puget Sound whiting fishery in cases involving Puget Sound whiting license endorsements; ~~((and))~~

(f) The commercial sea urchin fishery in cases involving sea urchin endorsements to shellfish diver licenses; and

(g) The commercial sea cucumber fishery in cases involving sea cucumber endorsements to shellfish diver licenses.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 4. 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 6, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 15, 1990.

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