
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 § 69; 1993 c 340 § 42; 1990 c 63 § 2. Formerly RCW 75.30.220.]

Notes:

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 § 1.]

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 § 3. Formerly RCW 75.30.230.]

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 § 3; 1993 c 340 § 43; 1990 c 63 § 4. Formerly RCW 75.30.240.]

Notes:

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

220-88-010

Emerging commercial fisheries—Definitions.

The following definitions apply to this chapter:

(1) "Experimental fishery permit" means a permit issued by the director for either:

(a) An "emerging commercial fishery" defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(b) An "expanding commercial fishery" defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(2) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species, or harvest of a previously classified species in a new area or by a new means. A trial commercial fishery permit will only be issued when the department has determined that there is no need to limit participation. The director may redesignate a trial commercial fishery as an emerging or expanding commercial fishery if the director finds that there is a need to limit participation in that fishery.

[Statutory Authority: RCW 75.08.080. WSR 92-19-012 (Order 92-89), § 220-88-010, filed 9/3/92, effective 10/4/92.]

220-88-020

Experimental fishery permits.

(1) The director will issue experimental fishery permits after the date the rules take effect designating a fishery as either an emerging commercial fishery or an expanding commercial fishery and establishing the number and qualifications of permit holders.

(2) Only persons meeting the following requirements may hold an experimental fishery permit:

(a) The person must hold a commercial fishing license under chapter 77.65 RCW for the gear that will be used with the experimental fishery permit, or the person must own a vessel that holds such a commercial fishing license. An experimental fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher or the fisher's vessel is currently licensed.

(b) No person ineligible to hold a commercial fishing license will be issued an experimental fishery permit. The person must meet the qualifications established for the experimental fishery permit that the person seeks.

(c) In the event an emerging or expanding commercial fishery arises from a trial commercial fishery, the director shall consider whether a fisher making application for an experimental fishery permit had previously held a trial commercial fishery permit for that fishery.

(3) An experimental fishery permit will not be issued for any species for which a license, endorsement, or validation limitation has been established pursuant to chapter 77.70 RCW, or for any fishery under the jurisdiction of the secretary of commerce.

(4) The director may at any time close an emerging or expanding commercial fishery for conservation reasons.

[Statutory Authority: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, and chapters 77.65 and 77.70 RCW. WSR 12-09-046 (Order 12-61), § 220-88-020, filed 4/13/12, effective 5/14/12. Statutory Authority: RCW 75.08.080. WSR 92-19-012 (Order 92-89), § 220-88-020, filed 9/3/92, effective 10/4/92.]

220-88-030

Experimental fishery permit advisory board.

The five-person advisory board that will review and make recommendations regarding number and qualifications of persons who will receive experimental fishery permits shall have knowledge of the commercial fishing industry.

[Statutory Authority: RCW 75.08.080. WSR 93-15-051, § 220-88-030, filed 7/14/93, effective 8/14/93; WSR 92-19-012 (Order 92-89), § 220-88-030, filed 9/3/92, effective 10/4/92.]

220-88-040

Trial commercial fishery permits.

(1) Applications for trial commercial fishery permits must specify the species, fishing area, and fishing method to be used.

(2) The department will respond to any request for a trial commercial fishery permit within sixty days of receiving the application.

(3) Only persons who hold a commercial fishing license under chapter 77.65 RCW for the gear that will be used with the trial commercial fishery permit, or persons who own a vessel that holds such a commercial fishing license, are eligible to hold a trial commercial fishery permit. A trial commercial fishery permit is supplemental to a commercial fishing license, and may not be used unless the fisher or the fisher's vessel is currently licensed.

(4) The director will issue a trial commercial fishery permit for a newly classified species only after the director has by rule classified the species as a food fish or shellfish in chapter 220-12 WAC. If emergency classification is required, the director will issue the trial commercial fishery permit only for the period of emergency classification, and will not renew the permit unless the department has received a request for permanent classification at least two weeks before the end of the permit period.

(5) The director may redesignate a trial commercial fishery as an emerging or expanding commercial fishery if the director finds that there is a need to limit participation. A trial commercial fishery permit for that fishery does not guarantee future eligibility for an experimental fishery permit.

(6) The director may at any time close a trial commercial fishery for conservation reasons. [Statutory Authority: RCW 34.05.353 (1)(b), (c), and (d), 77.12.047, 77.50.050, and chapters 77.65 and 77.70 RCW. WSR 12-09-046 (Order 12-61), § 220-88-040, filed 4/13/12, effective 5/14/12. Statutory Authority: RCW 75.08.080. WSR 92-19-012 (Order 92-89), § 220-88-040, filed 9/3/92, effective 10/4/92.]