



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

7/15/2022

Agenda item:

Crew Member License – rule making proposal – decision

Presenter(s):

Kirt Hughes, Fish Management Division Manager

Captain Dan Chadwick, Region 6 Enforcement Captain

Background summary:

In June 2022 department staff briefed the Commission on a proposed rule-making which will add a new section to Washington Administration Code (WAC), WAC 220-351-100 Commercial Fisheries Permits/licensing. This rule making proposes to allow four unspecified commercial crewmember licenses instead of the current allowance (of two) which can be held by a commercial fishing license holder for specific fishing licenses. This proposed amendment would not apply to non-salmon landing licensees fishing for albacore tuna.

Large fishing vessels often have four or more crew-members on board in order to safely operate and need to replace crewmembers during the fishing season. The proposed rule would provide flexibility to a commercial license holder to rotate crewmembers on larger vessels during the season.

Staff recommendation:

Adopt rule as proposed in the CR102.

Policy issue(s) and expected outcome:

The proposed rule would increase the number of unspecified crew-member licenses the holder of a commercial fishing license can obtain to four.

Fiscal impacts of agency implementation:

na

Public involvement process used and what you learned:

Commercial Fishing License holders were queried during various meetings hosted by the Department as well as by email during the past year. Responses were supportive of an increase from the current two to a total of four unspecified crew-member licenses.

The public was notified via WDFW website and in Washington State Register. Three comments were received during the comment period which ran from March 22, 2022 through Jun 28, 2022.

One commentor testified during the June Commission meeting.

Action requested and/or proposed next steps:

Consider adoption of proposed rule.

Draft motion language:

I move that the Commission adopt the proposed rule as presented in the CR102.

Post decision communications plan:

Notice to commercial fishing license holders of the change when licenses are obtained.



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 23, 2022

TIME: 10:25 AM

WSR 22-07-109

Agency: Washington Department of Fish and Wildlife (P2021-12)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-18-119 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

Crewmember licenses: the proposed new section, WAC 220-351-100, increases the numbers of unspecified commercial crewmember licenses allowed to be held by holders of certain commercial fishing licenses.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
June 23-25, 2022	8:00am	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at http://wdfw.wa.gov/about/commission/meetings or contact the Commission office at (360) 902-2267

Date of intended adoption: July 15, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: WDFW Fish Program

Address: n/a

Email: CrewmemberLicenses102@PublicInput.com

Fax: Voicemail Comments: 855-925-2801 Project code 2263

Other: Website Comment Portal: <https://publicinput.com/CrewmemberLicenses102>

By (date) June 28, 2022

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator

Phone: 360-902-2349, TTY (711)

Fax: n/a

TTY: 711

Email: title6@dfw.wa.gov

Other: Website: <https://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) June 28, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

WDFW proposes to add a new section to Washington Administration Code (WAC) 220-351-Commercial Fisheries-Permits/licensing. This rule making proposes to allow four unspecified commercial crewmember licenses instead of the current allowance (of two) which can be held by a commercial fishing license holder for specific fishing licenses. This proposed amendment would not apply to non-salmon landing licensees fishing for albacore tuna.

Reasons supporting proposal:

Large fishing vessels often have four or more crewmembers on board in order to safely operate and need to replace crewmembers during the fishing season. The proposed rule would provide flexibility to a commercial license holder to rotate crewmembers on larger vessels during the season.

Statutory authority for adoption: RCW 77.65.610(3)(a), RCW 77.12.047, RCW 77.04.012, RCW 77.04.055

Statute being implemented: RCW 77.65.610(3)(a)

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: n/a

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kirt Hughes	Kirt.hughes@dfw.wa.gov	360 480-2421
Implementation:	Kelly Cunningham	Kelly.cunningham@dfw.wa.gov	360 902-2325
Enforcement:	Chief Steve Bear	Steve.bear@dfw.wa.gov	360 902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135?

- Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 - Name:
 - Address:
 - Phone:
 - Fax:

TTY:
Email:
Other:

No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328(5)(i)

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary: **The proposal involves a change to the license process requirements to obtain commercial crewmember licenses.**

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 3/23/22

Name: Annie Szvetecz

Title: Agency Rules Coordinator

Signature:



NEW SECTION

WAC 220-351-100 Crewmember license. Consistent with RCW 77.65.610 (3)(a), commercial fishing license holders, except for non-salmon landing licensees fishing for albacore tuna, may obtain a total of four crewmember licenses for use by individuals working on the vessel named in the commercial fishing license if the individuals are not prohibited from obtaining a crewmember license under RCW 77.65.610.