

WSR 22-07-109  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 21-12—Filed March 23, 2022, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-18-119.

Title of Rule and Other Identifying Information: **Crewmember licenses:** The proposed new 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): On June 23-25, 2022, at 8:00 a.m., 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.

Submit Written Comments to: Washington Department of Fish and Wildlife (WDFW) Fish Program, email [CrewmemberLicenses102@PublicInput.com](mailto:CrewmemberLicenses102@PublicInput.com), voicemail comments 855-925-2801, project code 2263, website comment portal <https://publicinput.com/CrewmemberLicenses102>, by June 28, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email [title6@dfw.wa.gov](mailto:title6@dfw.wa.gov), website <https://wdfw.wa.gov/accessibility/requests-accommodation>, by 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 chapter 220-351 WAC, 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 nonsalmon 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), 77.12.047, 77.04.012, and 77.04.055.

Statute Being Implemented: RCW 77.65.610 (3) (a).

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kirt Hughes, [Kirt.hughes@dfw.wa.gov](mailto:Kirt.hughes@dfw.wa.gov), 360-480-2421; Implementation: Kelly Cunningham, [Kelly.cunningham@dfw.wa.gov](mailto:Kelly.cunningham@dfw.wa.gov), 360-902-2325; and Enforcement: Chief Steve Bear, [Steve.bear@dfw.wa.gov](mailto:Steve.bear@dfw.wa.gov), 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not require a cost-benefit analysis under RCW 34.05.328 (5) [(a)] (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

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

March 23, 2022  
Annie Szvetecz  
Rules Coordinator

### OTS-3699.1

#### 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.

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