

**9. COMMERCIAL HAGFISH LOGBOOK SUBMISSION
SCHEDULE – BRIEFING & PUBLIC HEARING**

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“GREEN SHEET”

Meeting dates: June 5-6, 2009 (Rule Briefing and Public Hearing)

Agenda item #9: Commercial Hagfish Logbook Submission Schedule – Briefing & Public Hearing

Staff Contact: Lorna L Wargo, Coastal Marine Fish Biologist, Fish Program

Presenter(s): Lorna L Wargo, Coastal Marine Fish Biologist, Fish Program

Background:

In 2005 the commercial hagfish fishery was opened and designated a “trial” fishery under the Emerging Commercial Fishery Act in response to an industry request. As a trial fishery the number of participants is not capped.

Initial interest in the fishery was limited to just a few individuals. Establishing a market for hagfish is difficult, as are the challenges in handling and processing them for sale. However, the commercial hagfish fishery has experienced some growth. The number of permits issued has risen annually, going from two in 2005 to 19 in 2008. To date, 17 permits have been issued this year. However, only a few permits in any year have been actively fished. Annual catch has increased from 149,000 pounds in 2005 to 800,000 pounds in 2008.

Since the fishery’s inception, fishers have been required to submit logbooks on a quarterly basis. Logbooks allow managers to monitor a fishery and obtain data needed to support an assessment of the resource. In response to the increase in effort, and the need to more closely monitor the fishery, the Department is proposing to amend the logbook rule to require fishers to submit logbooks on a monthly basis. This action is also proposed as a precaution in the event speculative interest (unutilized permits) translates into active fishing.

Policy issue(s) you are bringing to the Commission for consideration:

The trial hagfish fishery is experiencing some growth and increasing interest; amending WAC 220-88E-040 to require logbooks on monthly rather than quarterly basis supports the need to more closely monitor the fishery.

Public involvement process used and what you learned:

This proposal has been shared through a mailing (see attached) to current permit holders, but to date we have not received comment.

Action requested:

Briefing and public hearing only at this time. Adoption consideration will be requested at the June 19, 2009 conference call.

Draft motion language:

N/A

Justification for Commission action:

Monthly submission of harvest logbooks is necessary to more closely monitor effort in the trial hagfish pot fishery and ensure conservation of the resource.

Communications Plan:

Hagfish permit holders and alternate operators will be informed of the outcome of this proposal in writing.

Form revised 10/16/2008 - sdy



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- | | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 09-05-041 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) WAC 220-88E-040, Hagfish pot trial fishery--Logbook required.

Hearing location(s):
 Natural Resources Building ~ First Floor, Room 172
 1111 Washington St. SE
 Olympia, Washington 98504

Date: June 5-6, 2009 Time: 8:45 a.m.

Submit written comments to:
 Name: Rules Coordinator
 Address: 600 Capitol Way No., Olympia, WA 98501-1091
 e-mail Lori.Preuss@dfw.wa.gov
 fax (360) 902-2155 by (date) May 22, 2009

Assistance for persons with disabilities: Contact
 Susan Yeager by May 22, 2009
 TTY (360) 902-2207 or (360) 902-2267

Date of intended adoption: June 19, 2009, via Conference Call
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The quarterly submission of hagfish harvest logbooks has been required of all participants in the emerging commercial hagfish fishery since the fishery's inception in 2005. In 2007, the submission requirement was increased from quarterly to monthly, but this rule was not amended to reflect the change. This proposal amends the rule. The reason for the increased logbook submissions is that the department is going to monitor the fishery more closely.

Reasons supporting proposal: WAC 220-88B-040 is not consistent with the hagfish logbook submission requirement listed on the permits for the hagfish pot trial fishery. Amending WAC 220-88B-040 eliminates the inconsistency.

Statutory authority for adoption: 77.12.047

Statute being implemented: 77.12.047

- Is rule necessary because of a:**
- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE
 April 17, 2009

NAME (type or print)
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: April 17, 2009

TIME: 12:02 PM

WSR 09-09-094

(COMPLETE REVERSE SIDE)

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

None.

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Lorna Wargo	1111 Washington Street, SE, Olympia, WA 98504	(360) 753-2600
Implementation Jim Scott	1111 Washington Street, SE, Olympia, WA 98504	(360) 902-2651
Enforcement.....Chief Bruce Bjork	1111 Washington Street, SE, Olympia, WA 98504	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared. The department already provides fishery participants with the harvest logbooks they need to record all of their hagfish fishery activities. Participants have been required to submit logbook information monthly since 2007. This proposal does not impose any additional requirements.

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 () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics.

AMENDATORY SECTION (Amending Order 05-245, filed 10/14/05, effective 11/14/05)

WAC 220-88E-040 Hagfish pot trial fishery--Logbook required.

It is unlawful for a participant in the hagfish pot trial fishery to fail to ~~((complete the department-supplied logbook with all indicated entries. Logbook information is required to be submitted quarterly, and it is unlawful to fail to remit the information by April 15, July 15, October 15 or January 15 for the previous quarter, whether or not fishing activity occurred during that quarter))~~ maintain and submit a legible, accurate, and complete harvest log for all hagfish fishing activity. Logs will be submitted such that the department receives them no later than the tenth day following the end of each calendar month. Participants in the hagfish pot trial fishery must use a Hagfish Harvest Logbook provided by the department to record all of their hagfish fishing activity. Failure to submit logbook information may result in revocation of ~~((the))~~ a participant's hagfish pot trial fishery permit.