



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife (WDFW)

Subject of possible rule making:

Adding three species of King Crab to the current shellfish classification in the Washington Administrative Code

Statutes authorizing the agency to adopt rules on this subject: RCW 77.04.012, 77.04.013, 77.04.055, and 77.15.005.

Reasons why rules on this subject may be needed and what they might accomplish: See attachment.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

National Oceanic and Atmospheric Administration (NOAA). WDFW and NOAA coordinate on a variety of issues on the Pacific and North Pacific Fisheries Management Council, where WDFW participates as a policy member.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Enforcement Contact: Mike Cenci, WDFW Deputy Chief of Enforcement Program
600 Capitol Way North Olympia, WA 98501-1091 Phone: (360) 902-2938

Fisheries Contact: Rich Childers, WDFW Fish Division
600 Capitol Way North Olympia, WA 98501-1091 Phone: (360) 302-3030

Regulatory Contact: Scott Bird, WDFW Rules Coordinator
600 Capitol Way North Olympia, WA 98501-1091 Phone: (360) 902-2403

DATE
June 22, 2016

NAME (TYPE OR PRINT)
Scott Bird

SIGNATURE *Scott Bird*

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 22, 2016

TIME: 11:04 AM

WSR 16-13-149

Attachment:

WDFW regulatory authority is closely aligned with classification of species in the Washington Administrative Code. The current list of classified shellfish species by rule does not include three species of King Crab that make up a significant proportion of the Alaskan crab harvest, and are known to be involved in the illicit seafood trade. One of these species, Red King Crab, is designated by the National Oceanic and Atmospheric Administration (NOAA) as a “species at risk”, and anecdotal information from Washington crab fishermen suggests it also exists in Washington offshore waters.

Currently, illegal, unreported, or unregulated fisheries (IUU) are a global concern and negatively impact conservation and the legitimate market. The Russian king crab fishery is considered one of the most unsustainable fisheries on the globe, and directly competes with the Alaska fishery with respect to three King Crab species shared by fleets in both countries.

To remain viable, Washington commercial fishing vessels, fish processing operations, and seafood trade interests rely on a number of West Coast and Alaska fisheries, including the Alaska King Crab fishery. Failing to control the importation of illegally harvested crab from Russia directly and negatively affects conservation, the seafood market place, and the interests of the Washington commercial fishing industry. According to members of the Bering Sea Crab Association (BSCA), the IUU issue has resulted in an estimated \$600 million loss in crab related revenue and tax since 2000.

Investigation and past case work indicate that Washington state ports are receiving IUU Russian king crab. Of the \$255 million of the US' frozen crab imports from Russia in 2015, 79% are estimated to be imported through Washington State ports (Blaine, Seattle, Tacoma, and, to a lesser extent, Bellingham). Over the last 5 years, as much as 88% (2014) of all frozen (king and snow) crab from Russia entered through either the ports of Blaine, Seattle, or Tacoma.

By adding three species of King Crab to the current shellfish classification, brokers who currently conduct business in Washington state will be required to obtain a wholesale fish dealers license and maintain and produce records for inspection by Fish and Wildlife Police. Shippers and storage facilities will not be required to be licensed, but will be required to produce records associated with the origin of crab. These records are already maintained, however access to that information cannot be compelled for inspection purposes unless a classified species is identified. A number of the seafood brokers, shippers and cold storage facilities dealing in King Crab are already licensed due to their involvement in trading or storing classified species.