



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

October 2, 2019

Dear Coastal Commercial Dungeness Crab License Owner:

The purpose of this letter is to provide you with information regarding proposed changes to regulations affecting Washington's coastal commercial Dungeness crab fishery.

The National Marine Fisheries Service (NMFS) has confirmed increases in large whale entanglements along the West Coast in recent years. These include increases in humpback whale entanglements in the coastal Dungeness crab fishery, some of which are listed under the Endangered Species Act (ESA). In response, the Washington Department of Fish and Wildlife (WDFW) held a couple of industry workshops to identify and develop proposed revisions to coastal commercial Dungeness crab regulations designed to reduce the risk of whale entanglements in Dungeness crab gear. The proposed changes are summarized below. A copy of the CR-102 and the proposed regulatory language is available on the WDFW webpage under the Rules Information Center here: <https://wdfw.wa.gov/about/regulations/development#19-10-059>

Please note that some of these changes would be implemented from the effective date of the final rule (estimated to be around mid-February), and would remain in place year-round after that. Other changes are seasonal and have specific annual start dates to reduce the amount of crab gear in the water during the time when humpback whales are more common off the Washington coast, and for ease of implementation during this first year. For each proposed change, we have indicated our proposed effective dates.

Require only the amount of line necessary (required beginning effective date of the rule, and remain in place year-round after that). Slack line at the surface can increase the risk of entangling whales and this proposed rule change would implement that best practices recommendation through regulation. Washington coastal Dungeness crab industry members, and others, as part of the Washington Whale Entanglement Working Group, developed the "Best Practices Guidelines" that outline some practical ways to reduce the risk of entangling whales. One of those guidelines recommends using only the amount of line necessary to compensate for tides, currents and weather. Given the extreme fishing conditions off the Washington coast, including strong tides and currents, and seasonal variability, specifying the exact amount of line allowed would be challenging if not dangerous. This proposed rule change would simply implement this "Best Practice" recommendation through regulation.

Require line marking specific for Washington (WDFW will recommend an effective date of May 1, 2020, to remain in place year-round after that). Data collected by the National Ocean and Atmospheric Administration's (NOAA) whale entanglement responders show that

approximately half of the confirmed entanglements cannot be attributed to a specific fishery or state because the buoy or pot is missing or the buoy tag is not sufficiently visible. This makes it difficult to assess whether regulatory changes are effective, identify additional tools to reduce the risk of entanglements, and monitor compliance with state-specific incidental take permits. This proposed rule change would require that line be marked with red in at least two places – at the top near the buoy and at the bottom near the pot – to identify it as gear from the Washington coastal commercial Dungeness crab fishery. WDFW is coordinating the line-marking requirement with the states of Oregon and California to ensure it is unique to Washington, which will help NOAA, and WDFW assess the effectiveness of our management tools.

WDFW staff will recommend an effective date of May 1, 2020, to the Fish and Wildlife Commission. We believe that this will provide notice to license owners and operators in time to modify their gear pre-season if they intend to fish after May 1 this season. For others who do not intend to fish after May 1 this season, this delay provides certainty relative to their gear being in compliance prior to May 1.

Reduced pot limit and summer buoy tag (required annually from May 1 of each year, beginning May 1, 2020). The intent of this rule change is to reduce the risk of whales becoming entangled in commercial crab gear by reducing the number of lines in the water during the peak time when humpback whales are abundant off the Washington coast. The rule changes include a pot limit reduction coupled with a new buoy tag requirement to ensure compliance with the reduced pot limit. Beginning May 1, license owners with a permanent 500- pot limit would be allowed to use 330 pots and license owners with a 300-pot limit would be allowed to use 200 pots. Currently, license owners are issued buoy tags at the start of the season and untagged gear is unlawful. License owners who want to continue to fish after May 1 will need to purchase summer buoy tags, which will be different from the winter buoy tag, and deploying gear that has tags other than the summer buoy tag will be unlawful.

Replacement buoy tags (effective annually from May 1 each year). This rule change will remove the second period for replacement tags, which will not be needed with the new requirement for summer buoy tags in place beginning May 1. Replacement buoy tags would be available for all coastal commercial crab license holders March 1 through April 30. During this period, license holders with a 500-pot limit may replace up to 15 tags, and license holders with a 300-pot limit may replace up to 10 tags. No replacement tags would be issued after May 1.

The Commission will be briefed on the proposed rule changes at their October 18, 2019 meeting at the Natural Resources Building in Olympia. Public comment will be taken as part of the October Commission meeting and at a public hearing November 6, 2019 at the Montesano City Hall. More information on the November 6 public hearing will be provided in a subsequent notice. Interested parties can also provide public comment through November 6, 2019 by email to Heather Hall at Heather.Hall@dfw.wa.gov or, by mail to Post Office Box 43152 Olympia, WA 98501. Scheduled times and the agenda are subject to change. Revisions, updates, and additional information are posted on the Commission web page:

<http://wdfw.wa.gov/commission/meetings.html>. Contact the Commission office with questions and to identify special accommodation needs at (360) 902-226, TDD (360) 902-2207.

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If you have any questions about this notice please contact me at 360-902-2487 or Heather.Hall@dfw.wa.gov

Sincerely,

A handwritten signature in black ink that reads "Heather Hall". The signature is written in a cursive style with a large, looping initial 'H'.

Heather Hall
Intergovernmental Ocean Policy Coordinator

cc: Michele Culver, Dan Chadwick, Dan Ayres, Victoria Knorr