

# Decision: Coastal Dungeness Crab Fishery Whale Entanglements

*Fish and Wildlife Commission Meeting – January 17, 2020*



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Intergovernmental Ocean Policy**

# Overview

- Issue Summary
- WDFW Actions in 2019
- Review Proposed Regulatory Changes in Rulemaking Package
- Summary of Public Comments
- WDFW Recommendations



# Key Management Issues

## Whale Presence

- Shifting distribution of whales off the West Coast
- Varying environmental conditions influence distribution of prey



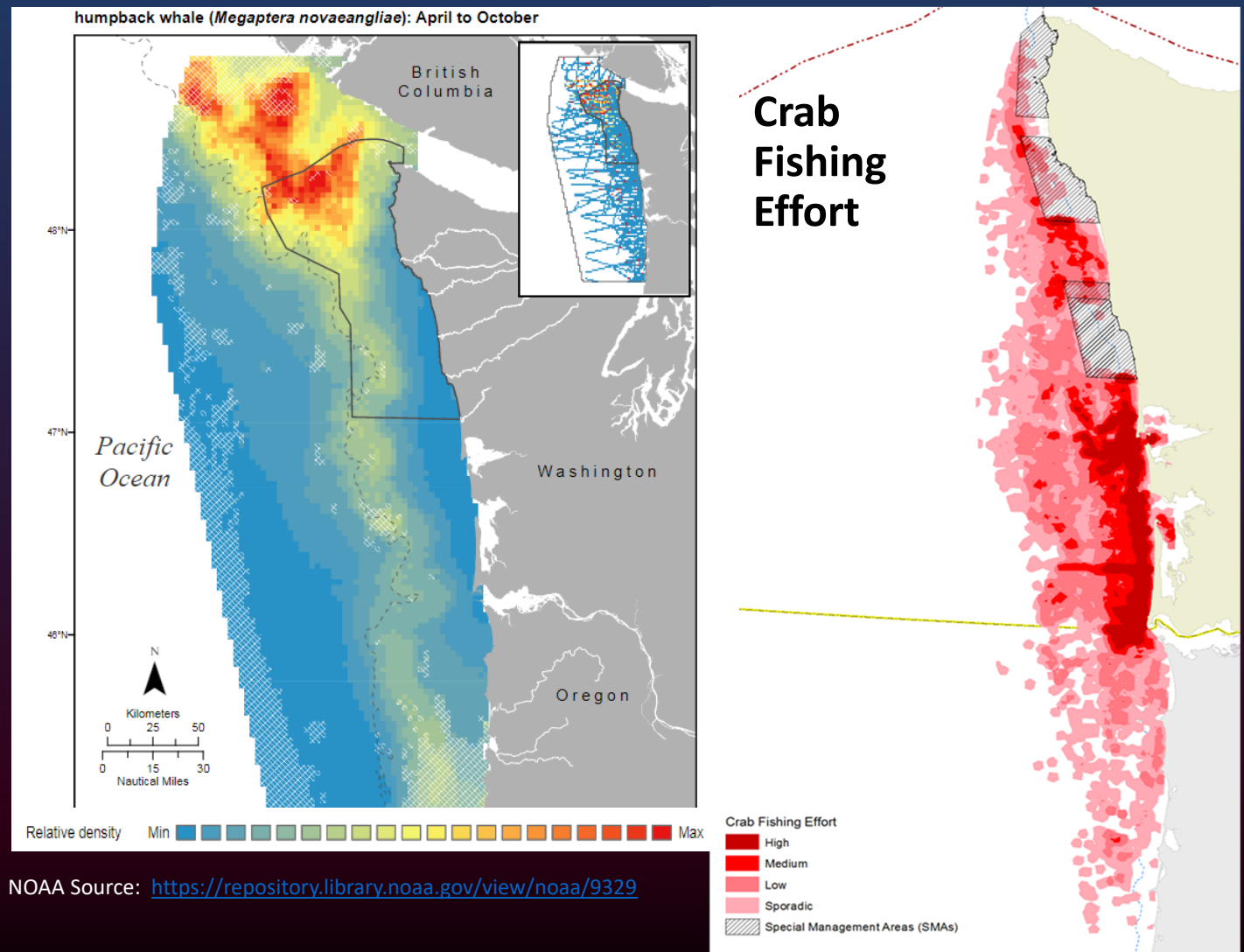
## Fisheries

- Whale interactions difficult to estimate and predict
- May not be “one size fits all” solution (e.g., gear regulations)

## Management Framework

- Reconciliation of MMPA and ESA standards

# Humpback Whale Distribution Overlap with WA Crab Fishery



# NOAA 2018 Update: West Coast Whale Entanglements

	2017	2018
<b>West Coast Total</b>	<b>31</b>	<b>46</b>
<b>Subset Attributed to Fishery</b>	<b>14</b>	<b>24</b>
<b>WA Coastal Crab Fishery</b>	<b>2 humpback, 1 gray</b>	<b>1 humpback, 3 gray</b>
<b>Tribal Coastal Crab Fishery</b>	<b>--</b>	<b>1 humpback</b>
<b>CA Coastal Crab Fishery</b>	<b>4 humpback, 1 blue, 1 gray</b>	<b>7 humpback</b>
<b>OR Coastal Crab Fishery</b>	<b>--</b>	<b>1 humpback, 1 gray</b>
<b>Crab Fishery – State Unknown</b>	<b>--</b>	<b>1 humpback</b>
<b>Sablefish Trap/Coonstripe Shrimp</b>	<b>1 humpback</b>	<b>--</b>
<b>CA Spot Prawn Trap Fishery</b>	<b>--</b>	<b>2 humpback</b>
<b>Gillnet Fisheries</b>	<b>4 gray</b>	<b>4 humpback, 3 gray</b>

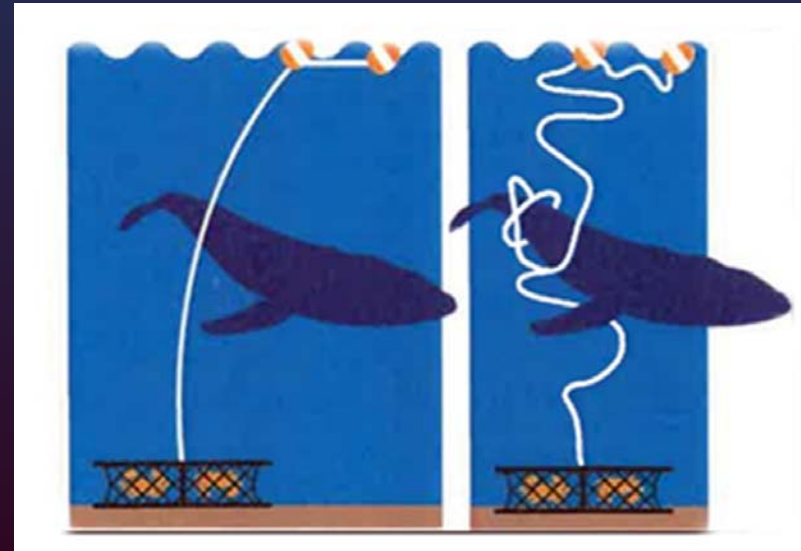
# WDFW Actions in 2019



- **Commission Briefings – January, May, October**
- **Stakeholder Workshops – March, April, September, and November**
  - Discuss whale entanglement issue
  - Status of West Coast humpback whale stocks and NOAA efforts
  - Review and discuss potential management measures
- **Rulemaking:**
  - July 1 – Implement emergency rule to reduce pot limits by about 1/3
  - August 15 – Crab Advisory Board meeting to develop proposed rules
  - Sept 18 – Filed proposed rule changes (CR-102)
  - Oct 2 – CR-102 published in state register, mailed to all license holders with explanatory letter and notice of public comment opportunities
  - Nov 6 – Public hearing on proposed rules

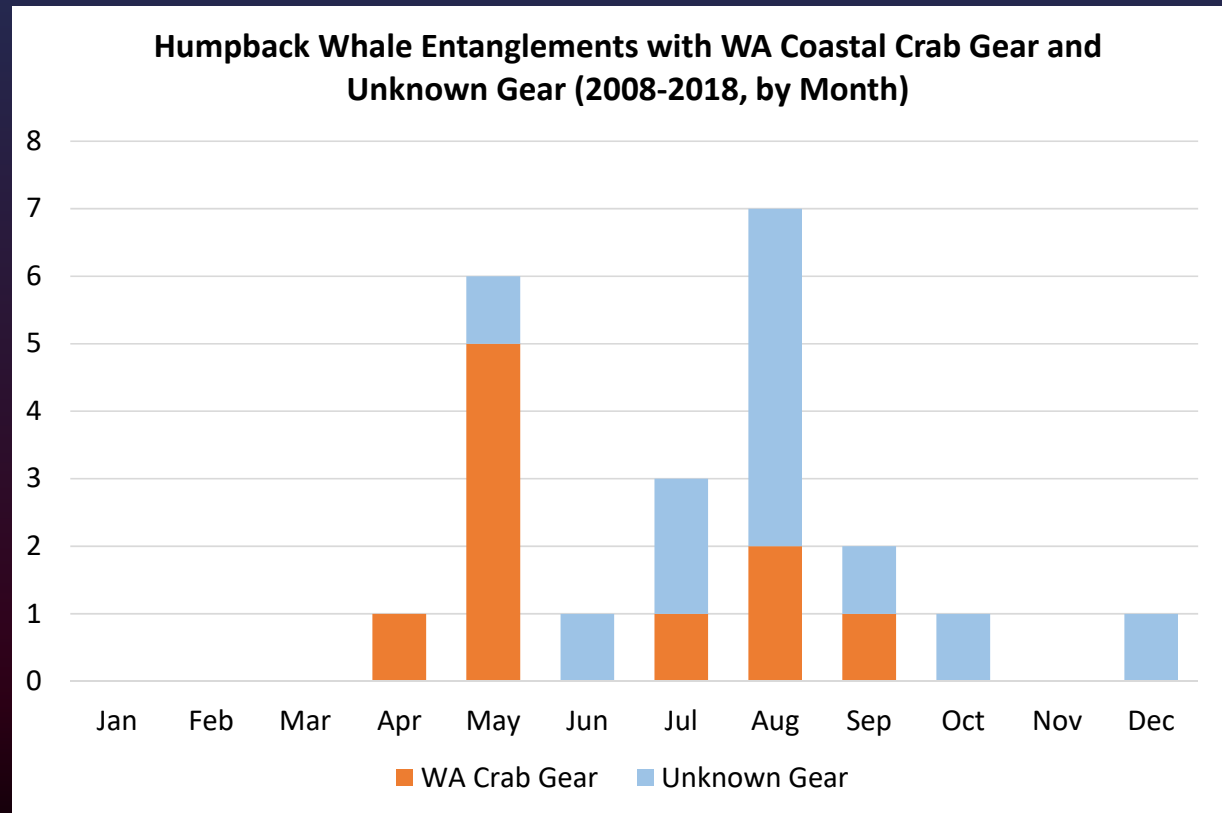
# Proposed Rule Change # 1: Require only the amount of line necessary

- Revises WAC 220-340-430(6)(a)
- Effective beginning effective date of the rule (30 days after adoption), and remain in place year-round after that



# Proposed Rule Change # 2: Reduce pot limit and require summer buoy tag

- Revises WAC 220-340-480(5)(a) and (b)
- Effective May 1, 2020; required annually from May 1 of each year



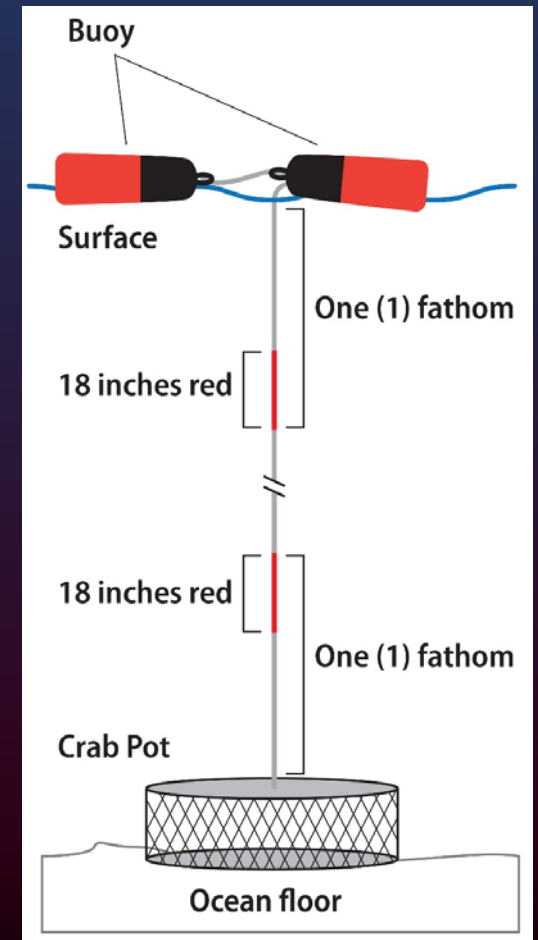


# Proposed Rule Change # 3: Replacement buoy tags

- Revises WAC 220-340-430
- Effective May 1, 2020; required annually from May 1 of each year

## Proposed Rule Change # 4: Require line marking specific to WA

- Revises WAC 220-340-430(6)(b)(i) and (ii)
- Currently, as written, this change would be implemented on the effective date of the rule
- In October, WDFW recommended delaying implementation until May 1, 2020
- In response to public comments, we have revised our recommendations:
  - Delay implementation until December 1, 2020, and
  - Reduce the line marking requirement to 12 inches (rather than 18)



## **Proposed Rule Change # 5: Remove reference to “ring nets” as commercial gear**

- **Revises WAC 220-340-435**
- **Effective beginning effective date of the rule, and remain in place year-round after that**

# Summary of Public Comments

- **General support for using only the amount of gear necessary**
- **Mostly support for pot limit reduction—some would like it in place year-round—and for summer buoy tag requirement**
- **One comment that there would be adverse economic impacts from the pot limit reduction without specificity**
- **Concern with 18-inch line marking requirement, but general support for reducing it to 12 inches**
- **Concern with implementing line marking mid-season, but general support for requirement for next season (2020-2021)**
- **General desire for more discussion on line marking configurations before finalizing**

# WDFW Staff Recommendations

**1. Adopt revisions as presented in CR-102 to:**

**WAC 220-340-430,**

**WAC 220-340-435,**

**WAC 220-340-480,**

**Except for WAC 220-340-430(6)(b)(i) and (ii), adopt a line marking requirement of 12 inches and include an effective date of December 1, 2020.**

**2. Delegate the rulemaking authority to the Director for coastal Dungeness crab fishery gear marking requirements.**

# Questions?