

## Summary Sheet

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<b>Meeting dates:</b>	October 1, 2021 - Webinar
<b>Agenda item:</b>	Coastal Commercial Dungeness Crab Regulation Changes and Electronic Fish Ticket Reporting for Coastal and Puget Sound Shellfish – Decision
<b>Presenter(s):</b>	Heather Hall, Intergovernmental Ocean Policy Manager Aaron Dufault, Puget Sound Shellfish Manager

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### **Background summary:**

In September, staff briefed the Commission on proposed rules to implement electronic fish ticket reporting for several coastal and Puget Sound commercial shellfish fisheries and regulatory changes specific to the coastal commercial Dungeness crab fishery.

Changes to coastal commercial Dungeness crab regulations support measures already implemented and are directed at reducing the risk of marine life entanglements in coastal Dungeness crab gear pursuant to federal Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) requirements, including requirements for reporting landings using electronic fish tickets and minor changes that clarify existing rules.

The purpose of this agenda item is for WDFW staff to summarize the public comments we received and present our recommendations, and for the Commission to decide whether to adopt proposed rule changes.

### **Mandatory Electronic Fish Ticket Reporting – Coastal and Puget Sound Shellfish**

This proposed change would expand mandatory electronic fish ticket reporting to coastal Dungeness crab, pink shrimp, and spot shrimp; and to Puget Sound Dungeness crab, pink shrimp, spot shrimp, coonstripe shrimp, and sidestripe shrimp.

Coastal shellfish dealers have utilized electronic fish ticket reporting on a voluntary basis since 2018. Currently, approximately 80 percent of coastal Dungeness crab landings and 100 percent of coastal pink shrimp landings are reported using the voluntary electronic fish ticket program.

WDFW staff and commercial fishers are now field testing a new mobile platform that will allow small dealers without access to a computer at the time of delivery to complete an electronic fish ticket using a cell phone or tablet. WDFW is recommending an effective date for electronic fish ticket reporting of January 1, 2022 to allow time for testing of the mobile application and to ensure the mobile option will be available to all dealers.

In the Puget Sound region, the voluntary electronic reporting option has not been utilized as extensively as in coastal areas. To ease the transition for Puget Sound dealers, a focus on voluntary use of electronic reporting will begin on January 1, 2022, with the mandatory requirement delayed via emergency rule until May 1, 2022. This will give more time for Puget Sound shellfish dealers to become acquainted with electronic reporting tools and will align mandatory electronic reporting with the opening of the Puget Sound shrimp fisheries.

### **Coastal Dungeness Crab Rule Changes**

- Eliminate the replacement buoy tag program (WAC 220-340-430).
- Reduce the time that commercial Dungeness crab gear can be left unattended (WAC 220-340-480).
- Allow experimental gear testing (WAC 220-340-430, WAC 220-353-020).

- 73-hour gear pre-set period (WAC 220-340-420).
- Season delay due to biotoxin (WAC 220-340-450).
- Gear recovery program to include new in-season gear recovery (WAC 220-340-490).

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**Public involvement process used and what you learned:**

WDFW received public comment prior to, and during the September Commission meeting.

The following is a summary of public comments:

- General support for real time management
- Questions about the use of the mobile application where there is poor cellular reception
- Questions/concerns about record keeping compared to paper tickets

In addition, Fish Program staff consulted with Enforcement Program staff who provided additional changes that improve and clarify proposed rule language. See Attachment A.

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**Action requested and proposed next steps:**

WDFW staff requests that the Commission consider adopting the proposed rules, including the additional revisions proposed by Enforcement Program staff shown in Attachment A and a January 1, 2022, effective date for all proposed changes.

WDFW will send a letter to all coastal and Puget Sound dealers notifying them of the Commission's actions.

If the proposed regulations changes are adopted, Fish Program managers will work with the mobile application developers and conduct additional outreach to coastal and Puget Sound stakeholders this fall and in early 2022 to ensure electronic fish ticket reporting requirements and tools are understood prior to implementation whether that is on January 1, 2022 for coastal dealers or May 1, 2022 for Puget Sound dealers.

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**Draft motion language:****Motion 1:**

I move that the Commission adopt revisions as presented by staff in the CR-102, except for WAC 220-352-060 (1), (2), and (4) (a) and WAC 220-340-420 (5), adopt the revisions that are shown in Attachment A that are in addition to those already described in the CR-102.

**Motion 2:**

I move that the Commission adopt a January 1, 2022, effective date for all proposed changes.

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**Justification for Commission action:**

These proposed regulation changes streamline coastal and Puget Sound harvest reporting, improving the timeliness of fishery data that is necessary for effective management, including informing potential inseason changes needed to meet state-tribal harvest management requirements. Electronic fish ticket reporting in the Puget Sound region will reduce duplicative reporting requirements.

The proposed changes incorporate recommendations from the Enforcement Program which clarify and improve the regulatory language while remaining within the scope of the originally proposed changes.

Finally, changes specific to the coastal commercial Dungeness crab fishery continue to implement regulatory changes that reduce the entanglement risk with that fishery and marine

life in line with goals and objectives for management under a conservation plan. Proposed changes also remove regulatory barriers for testing experimental crab gear on the coast, allowing fishery participants to work with gear innovators to conduct testing in a manner that includes management and enforcement oversight.

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*Form revised 2-15-18*

**Proposed additional revisions (shown in red):**

**WAC 220-352-060 Completion, submission, distribution, and retention copies of nontreaty fish receiving tickets.**

- (1) Original receivers must complete state of Washington nontreaty fish receiving tickets by recording the delivery amount using the appropriate weight or quantity measure for all fish or shellfish at the conclusion of the offload and prior to the fish being processed or transported away from the delivery site.
- (2) Fish receiving tickets paper forms must be made out in quadruplicate (four copies) at the time of delivery of fish or shellfish.
- (4) Original receivers who submit fish receiving tickets using an electronic form must print and retain a copy of the completed electronic fish receiving ticket for three years unless:
  - (a) The fish receiving ticket is signed electronically under WAC 220-352-140 (4)(c) and an electronic copy of the signed and completed fish receiving ticket is available to the department including WDFW officers upon request for a minimum of three years; or

**WAC 220-340-420 Commercial crab fishery – Unlawful acts.**

- (5) **Area must be open to commercial crabbing.** It is unlawful for any person to set, maintain, or operate any baited or unbaited shellfish pots or ring-nets for taking crab for commercial purposes in any area or time that is not open for commercial crabbing by rule of the department, except when acting lawfully under the authority of a valid gear recovery permit as provided in WAC 220-340-450.