

## Summary

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<b>Meeting dates:</b>	January 14, 2022 – Webinar
<b>Agenda item:</b>	Whale Entanglements in the Coastal Commercial Dungeness Crab Fishery, WDFW Response and Commission Engagement – Briefing
<b>Presenter(s):</b>	Heather Hall, Intergovernmental Ocean Policy Manager

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### Background summary:

This briefing provides an overview of the whale entanglement issue, history of engagement with industry members and the Commission, and progress on the development of a Conservation Plan for the coastal Dungeness crab fishery that includes measures to reduce the risk of marine life entanglements with Washington coastal commercial Dungeness crab gear.

The coastal Dungeness crab fishery is one of the most valuable fisheries in Washington with an average ex-vessel value of \$47 million in the most recent five seasons (2016-17 through 2020-21, with a high of \$52 million in 2020-21) and is critically important to vulnerable and fishery dependent coastal communities. West Coast Dungeness crab has a unique management structure in that Washington, Oregon, and California have authority to manage the fishery in federal waters of the U.S. Exclusive Economic Zone (EEZ) adjacent to each state through the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Pacific States Marine Fisheries Commission (PSMFC) facilitates management coordination for three West Coast States.

Whale entanglements with Dungeness crab gear increased on the West Coast starting in 2015, primarily off California and was largely driven by a marine heat wave. At the time, the Washington Department of Fish and Wildlife (WDFW) took note of the increased entanglements, discussed the issue with managers in at the Oregon and California Departments of Fish and Wildlife (ODFW and CDFW) and began raising awareness with the Washington coastal crab industry. In 2018, WDFW discussed the whale entanglement issue with the Center for Biological Diversity (CBD) when CBD expressed concerns with the uptick in whale entanglements off the West Coast and interest in collaborating with WDFW to identify common sense solutions to eliminate entanglements in Washington State fisheries. At the time, WDFW summarized the work to-date to address increased entanglements with CBD including the efforts of a Washington Whale Entanglement Working Group that had been established in 2017. In December of 2018, WDFW sent a notice of intent to apply for an Endangered Species Act Section 10 Incidental Take Permit (ITP) for the Washington Coastal commercial Dungeness crab fishery to the National Marine Fisheries Service.

WDFW staff first briefed the Fish and Wildlife Commission (Commission) in [January of 2019](#) to provide an overview of the entanglement issue, the intent to apply for an ITP, and plans to engage coastal Dungeness crab fishery participants and industry members in discussions on options for reducing the entanglement risk. A Conservation Plan (CP), which is required to apply for and ITP, describes the risk the covered fishery poses to marine life and the actions that will be taken to keep mortality of covered species below negligible impact thresholds. In May 2019, WDFW provided the Commission with another update ([Summary Sheet](#), [other materials](#)) on the entanglement issue and hired a biologist to work full time drafting a CP for the coastal Dungeness crab fishery.

Although drafting the CP didn't begin until the fall of 2019 and is still underway, WDFW immediately began taking action to reduce the risk of entanglements in the coastal commercial

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Dungeness crab fishery. In July 2019, WDFW implemented emergency rules to reduce the permanent pot limits in place for all coastal Dungeness crab license owners through the end of the 2019 season. Reduced pot limits can reduce the entanglement risk by decreasing the number of lines in the water during the time when humpback whales are more common off the Washington coast. In October of 2019, WDFW briefed the Commission on permanent rule changes to reduce entanglement risk which included a pot limit reduction every year from May 1 through September 15<sup>th</sup>, line marking requirements, and an expanded derelict gear recovery program ([Briefing](#) and [Summary Sheet](#)). In January 2020, the Commission approved the regulatory changes ([Briefing and Decision](#), [Summary Sheet](#)) which are the foundation of the risk reduction measures described in the coastal Dungeness crab CP.

A rough first draft of the CP was completed at the end of 2020 with work pending on a few sections. WDFW staff provided the Commission with a progress report on the CP, outlining each section of the CP in February 2021 ([Summary Sheet](#), [CP Update](#)). WDFW staff expect to have a public review draft complete by this summer and a final draft by the end of 2022. ODFW and CDFW have just recently released public review drafts of their CPs and are in the process of taking public comment while they await review by the National Marine Fisheries Service (NMFS).

In September ([Summary Sheet](#), [Presentation](#)) and October ([Summary Sheet](#), [Rulemaking](#)) 2021, the Commission considered and approved another regulatory package which built on the measures adopted in 2020 and included eliminating the replacement buoy tag program, implementing mandatory electronic fish ticket reporting, and removing regulatory barriers to experimental gear testing and will become effective in 2022.

Since 2018, in addition to drafting the CP, WDFW staff and members of the crab industry have participated in two West Coast entanglement workshops and developed a Best Practices Guide for the coastal Dungeness crab fishery. WDFW along with ODFW and CDFW staff attended training sponsored by NMFS on the requirements of CPs to aid us in the development of our CPs. WDFW staff have continually met with the Coastal Dungeness Crab Advisory Board and sponsored multiple industry workshops to engage industry during the consideration of risk reduction management measures and gear marking. WDFW staff are working with the NMFS Northwest Fisheries Science Center through a data sharing agreement that uses fishery logbook data and whale distribution data to develop co-occurrence models to help understand entanglement risk into the future.

More information is available on WDFW's web page at this link:

<https://wdfw.wa.gov/fishing/commercial/crab/coastal/marine-entanglements#resources>

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

A summary of WDFW action and Commission engagement from 2018 to 2022 focused on efforts to develop a CP and reduce the risk of marine life interactions with coastal commercial Dungeness crab gear.

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

WDFW staff have worked closely with the coastal Dungeness crab industry to understand entanglements and develop and implement tools to reduce the risk of entanglements. WDFW staff have also worked closely with managers at Oregon Department of Fish and Wildlife, California Department of Fish and Wildlife and National Marine Fisheries Service to coordinate management and development of CPs in each of the three West Coast states.

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**Action requested:**

No action, briefing only.

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**Draft motion language:**

N/A

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**Justification for Commission action:**

N/A

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**Communications Plan:**

WDFW will continue to provide the Commission with briefings and updates as needed on the entanglement issue.

Information will be posted to WDFW's Marine Live Entanglement Information and Resources webpage: <https://wdfw.wa.gov/fishing/commercial/crab/coastal/marine-entanglements>

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*Form revised 12/5/12*