

Fish and Wildlife Commission Fish Committee Briefing Coastal and Puget Sound Shellfish Rulemaking

Heather Hall, Intergovernmental Ocean Policy Manager
Aaron Dufault, Puget Sound Shellfish Manager

September 25, 2023



PRESENTATION OUTLINE

Background and Review: Marine Life Entanglements and WDFW's Conservation Plan

- Conservation plan background
- Review of actions to date

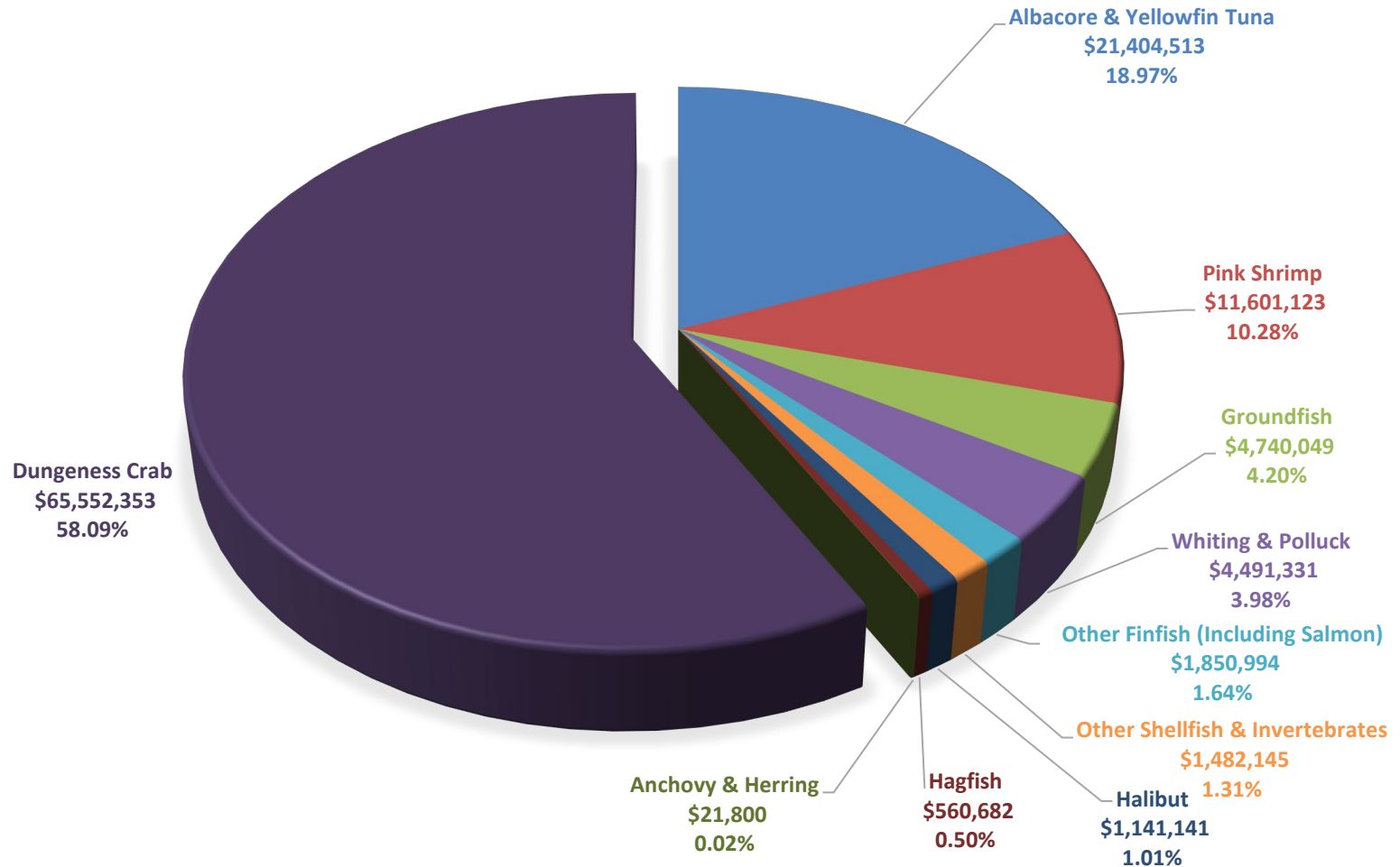
Overview of Coastal and Puget Sound Shellfish Rule Proposals

- Proposals
- EM and gear marking
- Stakeholder input
- Implementation plan

BACKGROUND AND REVIEW: MARINE LIFE ENTANGLEMENTS AND WDFW'S CONSERVATION PLAN

Background/Overview

2022 EX-VESSEL VALUE OF WA COASTAL FISHERIES



2022 West Coast Entanglement Summary

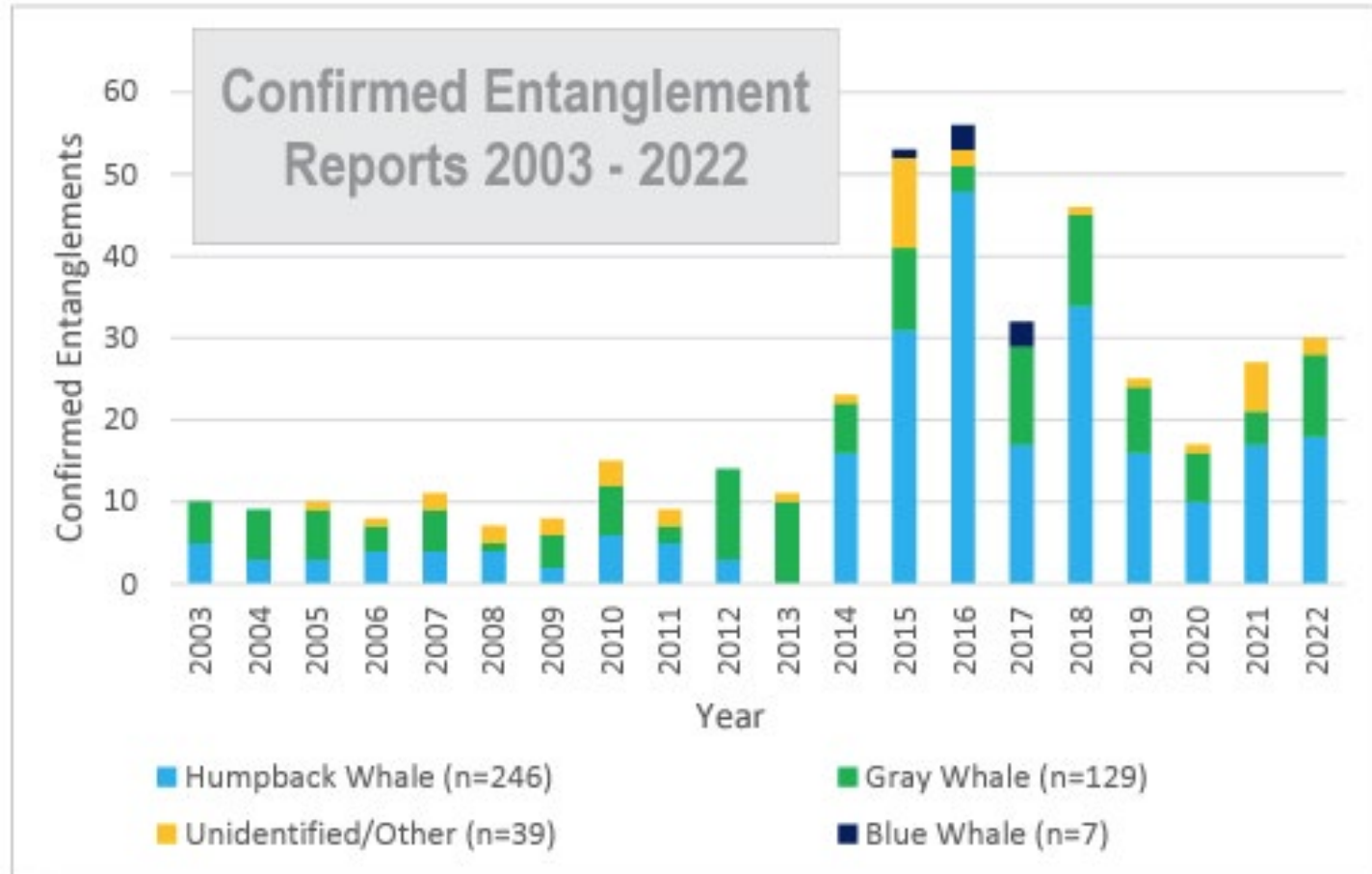


Figure 1: Number of confirmed entanglements by species reported to the West Coast Region each year from 2003 to 2022.

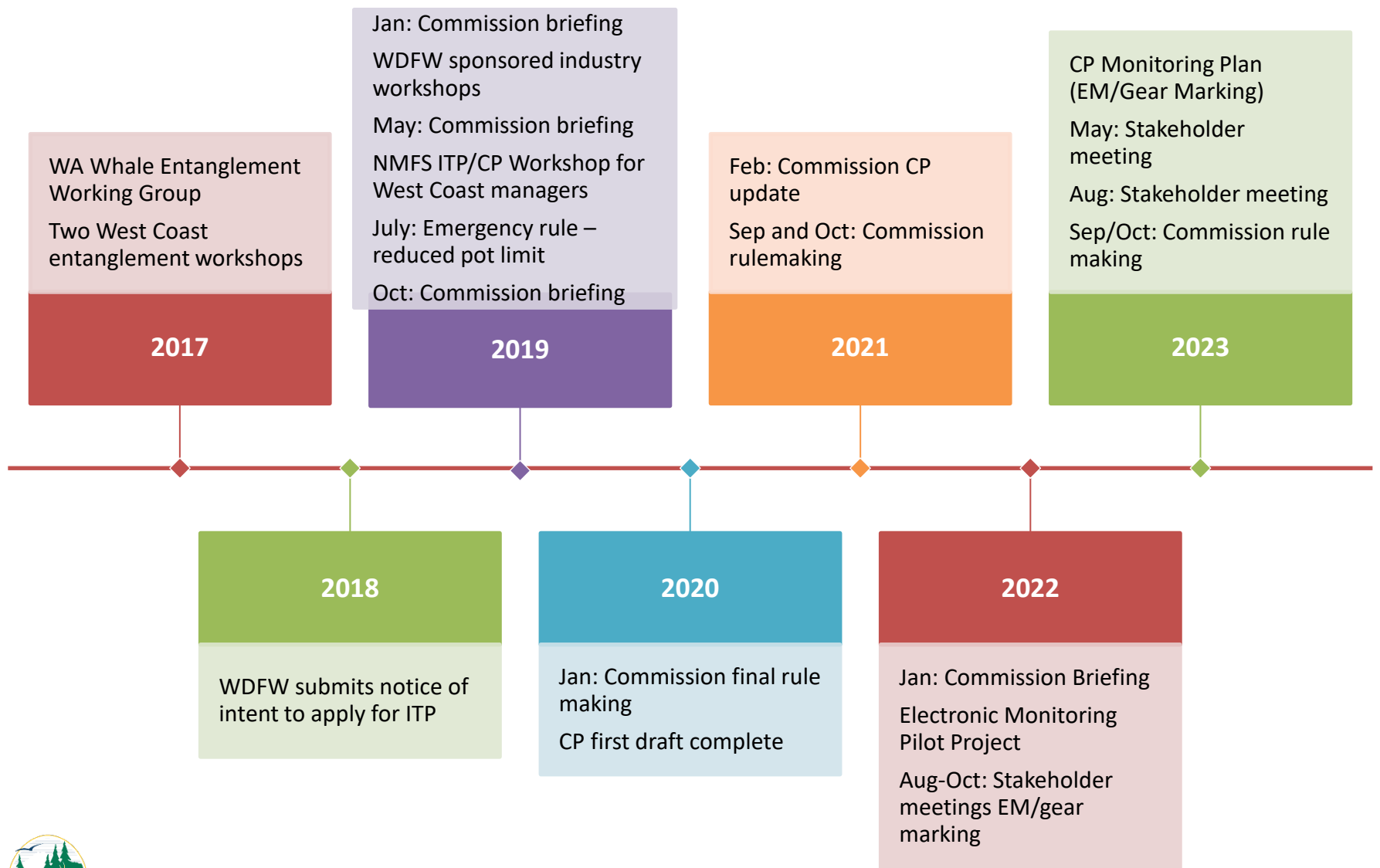


Background – Conservation Plan

- To bring the fishery into compliance with the Endangered Species Act, WDFW has begun to take steps to apply for an incidental take permit (ITP) under Section 10 of the ESA.
- A conservation plan (CP) is the required first step in the process.
- CP development and implementation is NOT a check-the-box exercise.



WDFW Actions To-Date



CP Status, Focused Efforts, and Timeline

To date:

- Primary management measures implemented, additional measures under development
- Research by NWFSC indicates success of primary management measures

Currently:

- Focused on Monitoring Program (EM/Gear Marking)

CP Timeline:

- CP drafting paused
- Conservation Plan staff hired!



OVERVIEW OF COASTAL AND PUGET SOUND SHELLFISH RULE PROPOSALS

Background/Overview

- Proposed regulations were initiated to build on measures already in place to monitor for and reduce the risk of whale entanglements with coastal commercial Dungeness crab gear
- In addition to new measures, we are proposing to expand some of the entanglement monitoring measures adopted for the coastal fishery to other pot gear fisheries including those in the Puget Sound
- For efficient use of the Commission's time, we have also included regulatory changes that clarify existing regulations



Overview - Coastal and PS Shellfish Rule Proposals

Entanglement Monitoring and Risk Reduction Measures

Installation and Use of Electronic Monitoring

- Coastal Commercial Crab Logbook – Not Required with Operational EM

Gear Marking and Entanglement Monitoring

- Line Marking in Coastal Dungeness Crab Fishery - Prohibit Line Marks or Colors Required in Another
- Crab and Shrimp Buoys
- Limit Line in Shellfish and Hagfish Fisheries to Amount Needed
- Standardize Crab and Shrimp Pot Buoy Colors
- Require Annual Registration of Commercial Crab Buoy Color Schemes



Overview – Coastal and PS Shellfish Rule Proposals

Clarifications to Existing Rules

- Define a New Management Category for Non-spot Shrimp Species
- Buoy Tags in Commercial Dungeness Crab Fisheries
- Puget Sound Commercial Pot Shrimp
- Puget Sound Commercial Crab and Shrimp Fishery Boundary Designations
- Shellfish Harvest Logs
- Fish Receiving, Transportation Ticket, and Quick Reporting Revisions)



Timeline and Public Engagement



What do we mean by entanglement monitoring?

Required part of the CP, must track:

- Compliance with permit terms and conditions
- Impacts the fishery has on species of concern
- Progress / achievement of CP goals and objectives



Required Elements of a Monitoring Program

- a) Improve the reporting and documentation of entanglements using standardized protocols. → Get more eyes on the water, improve reporting rate.
- b) Improve the ability of NMFS and the States to identify the origins of reported entanglements. → Improve gear identification.
- c) Estimate the number or level of takes that occur but are not observed or reported. → Develop co-occurrence models, scar accumulation rate info, and a statistically robust method for estimating unobserved take.



Improve Gear Identification

- Entanglement reports often involve photos taken under sub-optimal conditions; buoy tags not readable
- WAC 220-340-430 requirement to register unique buoy color/pattern
- Updating line marking requirements



Why Improve Gear Marking?

- ~50 percent of whale entanglements can't be attributed to a specific gear type or fishery
- Entanglement reports often involve photos taken under poor conditions; difficult to identify gear/fishery.
- Gear marking is critical to entanglement monitoring and the ability to either assign an entanglement to a specific fishery (**fishery attribution**) or to confirm with certainty that an entanglement isn't associated with a specific fishery (**negative attribution**)
- Understanding which fishery is associated with an entanglement is important to understanding how to reduce entanglement risk



Line Marking - proposed changes

Coastal crab clarification (WAC 220-340-460)

- Initiated by stakeholder input

Prohibit line marks required in other fisheries (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520; 220-360-220)

- Necessary for accurate fishery attribution
- Reflects coordination with West Coast states and federal fisheries management



Electronic Monitoring

What is EM?

- Determines vessel position
- Determines pot hauling activity with a hydraulic pressure sensor
- Transmits data to a service provider

Why is it needed?

- Supports effective fishery management
 - Improves enforcement of area management (closed areas and management boundaries)
 - **Spatial data necessary to understand whale/fishery co-occurrence**

Who will be required to have it?

- All vessels participating in the Coastal Dungeness Crab Fishery as defined by WAC 220-340-400



Electronic Monitoring (EM) Pilot Project

Allowed us to evaluate
different tools prior to
implementation

What is right for our needs?

- Unique management in WA
- Multiple boundaries
- Alternative to paper logbook
- Gear tampering
- Support whale conservation efforts



How will EM Benefit Crab Fishers?

- Level the playing field by improved enforcement of pot limits, closed areas, potentially gear tampering, etc.
- Potentially allow for more state/tribal fishing in common
- End the need for paper logbooks
- Support more flexible management when biotoxins are high
- Address derelict gear recovery concerns
- *Provides crab fishers data to confront and meet challenges with whale conservation, wind energy, state/tribal sharing, and biotoxin monitoring*



How will EM Benefit Managers?

How will EM benefit fishery managers?

- Access to accurate, real-time fishing location data
- Meet state/tribal commitments
- Improve enforcement of pot limits, closed areas, etc.
- Ability to be flexible during high biotoxin events
- Necessary for co-occurrence modeling needed for the CP/ITP
- *More flexible management relative to reducing entanglement risk and biotoxin events; improved fishing location data informing offshore wind energy and supporting co-management*



Stakeholder Input

Hydraulic Pressure Sensor

Current: Must be installed between the crab block and the first fitting from the crab block on the main line of a vessel that controls it such that recorded pressure readings are indicative of pot hauling activity

Alternative: Must be installed on the main high pressure supply line between the hydraulic pump and the crab block of a vessel that controls it such that recorded pressure readings show pressure increases during pot hauling activity



Stakeholder Input

System must be continuously powered

- Some small vessels don't have access to shore power

New technology and supply chain issues

- If a system fails will a technician be available, will replacement parts be readily available

Activation report

- The requirement to receive a confirmation from WDFW could slow down operations

Video

- Some industry members prefer a system with video capabilities

Cost

- EM systems add more costs associated with the crab fishery, cumulative impacts



Small Business Economic Impact Statement “SBEIS”

The rule proposal likely imposes more-than-minor cost to businesses

- WDFW determined the rule requirement of EM is the only element that would result in costs to businesses
- Likely cost of compliance ranges from \$1830-2045
- Analysis found the rule would have a disproportionate cost impact on small businesses

Mitigation options

Removing logbook requirements

Allow flexibility in type of EM unit purchased

Coordinate purchases to take advantage of bulk pricing

Allow fishers to use paper logbooks in cases of EM system failure



Potential Funding for EM

WDFW is working with partners to explore funding to offset the cost of EM systems

Pacific States Marine Fisheries Commission

- Waiting for final approval from NOAA
- If approved would be available for start of upcoming season
- Likely to support cost of systems for all fishery participants
- Vessel operators would still be responsible for costs associated with installing the system and activating a data plan

Saltonstall-Kennedy Grant

- Competitive grant application – pre-proposal submitted
- If approved, funds would allow for reimbursement of EM system costs



Additional Rulemaking Proposals

The coast and Puget Sound are proposing additional shellfish rulemaking changes ranging from reporting requirements to boundary designations.

Many of the proposed changes have been implemented via emergency regulation which we're looking to make permanent.



Additional Rulemaking Proposals Cont.

220-340-030 – Logbook reporting requirements

220-340-520 – PS commercial shrimp pot updates

220-320-120/140 & 220-340-455/530 – Crab and Shrimp Boundary Updates

220-352-060 – Electronic fish receiving ticket reporting

220-352-230 – Transportation ticket updates


220-352-340/420 – Stored crab and sale reporting requirements



Questions?



Stay up-to-date:



Washington Department of
Fish and Wildlife

Select Language ▼ Translation limitations and disclaimer

About WDFW News Get involved Civil Rights/Accessibility

Home Species & Habitats **Fishing & Shellfishing** Hunting Licenses & Permits Places to go


[Fishing & Shellfishing](#) / [Commercial fishing](#) / [Commercial Dungeness crab fishery](#) / [Coastal commercial Dungeness crab fishery](#) / **Marine life entanglement information and resources**

Fishing & Shellfishing

- Fishing regulations
- Shellfishing regulations
- Places to go fishing
- Fishing and stocking reports
- Fishing & shellfishing basics
- Managing fish populations
- Tribal fishing

Marine life entanglement information and resources

An increase in marine life entanglements has occurred in recent years along the U.S. West Coast relative to rates recorded prior to 2013. Commercial Dungeness crab fishing gear collectively makes up the largest portion of identifiable gear found in West Coast entanglement cases ([NOAA 2020](#)). Large whale and marine turtle species are among those most impacted by fishing gear entanglements off the West Coast, and these animals are federally protected under the Marine Mammal Protection Act and/or the Endangered Species Act. To bring the fishery into compliance with federal regulations and



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

