

Coastal and Puget Sound Shellfish Rulemaking

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



PRESENTATION OUTLINE

Background/Overview

Timeline and public outreach

Proposals:

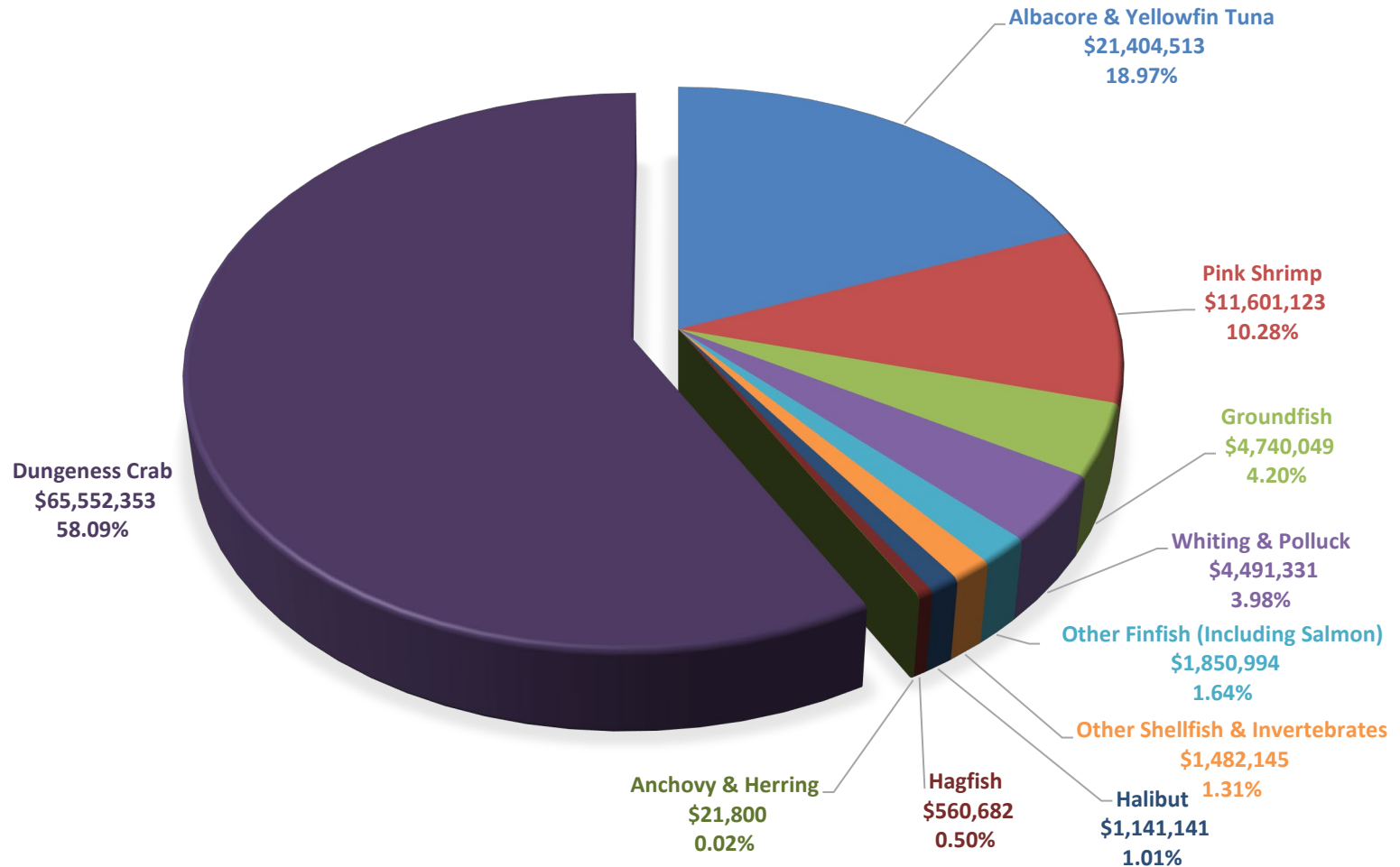
- **Entanglement monitoring and risk reduction measures**
 - Coastal crab electronic monitoring
 - Gear marking (coast and Puget Sound)
- **Clarifications to existing shellfish rules**

Questions

Public Comment

Background/Overview

2022 EX-VESSEL VALUE OF WA COASTAL FISHERIES



Background/Overview

- This regulatory package was initiated to propose new regulations that 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, proposals would expand some entanglement monitoring measures to other pot gear fisheries, including those in the Puget Sound
- For efficient use of the Commission's time, we have included regulatory changes that clarify existing regulations



Timeline and Public Engagement



RULE PROPOSALS – ENTANGLEMENT MONITORING AND RISK REDUCTION MEASURES

Electronic Monitoring

Gear Marking

- Line Marking – coastal crab clarification
- Prohibit Line Marks Required in Another Fishery
- Crab and Shrimp Buoys – allow testing of alternative gear
- Limit Line Used – implement best practices recommendations
- Standardize crab and shrimp buoy requirements
- Annual Buoy Color Registration

Monitoring - Overview

Required part of the CP and must track:

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



Monitoring Program Required Elements

- 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.



**ELECTRONIC MONITORING FOR
COASTAL COMMERCIAL DUNGENESS
CRAB**

Electronic Monitoring (EM)

What is EM?

- A tool used to collect fishing data
- As proposed here, it would collect vessel position and individual pot hauling activity with a hydraulic pressure sensor
- Transmits the 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
 - Paper logbooks are not effectively collecting this information



With EM We Can:

Verify catch area on fish tickets

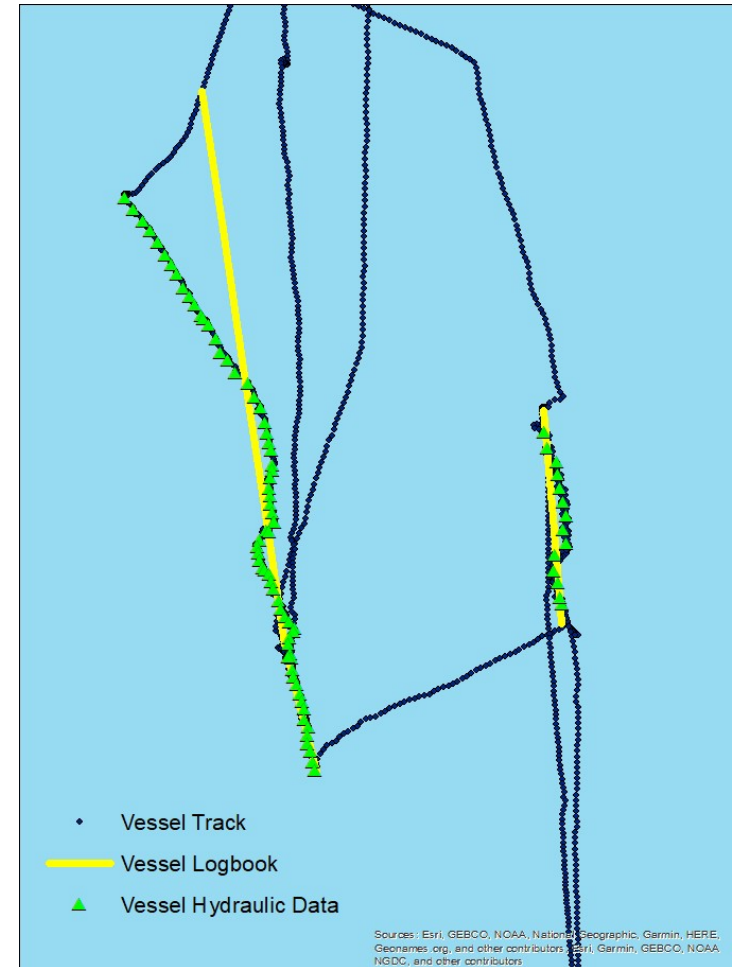
Enforce area closures

- SMAs
- Fair start boundaries

Enforce pot limits

Improve ability to identify gear tampering

Eliminate need for logbooks



WAC 220-340-420 – New Section!

(12) **Electronic monitoring system (EM system)** is defined as a vessel monitoring system that automatically determines a vessel's position, records individual pot retrieval via a hydraulic pressure reading, and transmits this information to an EM system service provider. The service provider receives the transmission and provides automated data access to the Pacific States Marine Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications where it is available to WDFW for management and enforcement.



EM is New for Coastal Crab

(12) (a) Compliance Guide

- Developed to provide additional information to help comply with proposed rules:
 - What components are needed
 - How to install and ensure the EM system is operational
 - How to request and submit a report or permit
 - Who to contact



Who will be required to have it?

(12) (b) ...operator of a vessel designated to a coastal Dungeness crab license that is used to commercial fish for coastal Dungeness crab as defined by WAC 220-340-400

- WAC 220-340-400 Commercial crab fishing" means any taking, fishing, use, or operation of gear to fish for crab for commercial purposes and includes the possession of crab on the water for commercial purposes, and the landing or initial delivery of crab for commercial purposes.



System Requirements

(12)(b)(i) The EM operating system must:

- (A) Record vessel position at least once per minute
- (C) Install the pressure sensor in a specific location
- (D) Record hydraulic pressure at least once every 10 seconds
- (B) (E) Transmit (location and pressure) data to PSMFC at least once per hour
- (F) Data transmission can be reduced when the vessel is moored
- (G) Be able to store data when out of coverage and transmit when coverage is restored
- (H) Feedback mechanism



Service Provider

(12)(b)(ii) Arrange for a service provider to receive and relay transmissions to PSMFC

- (A) Provide specific data to PSMFC to link the EM system to the vessel necessary for tracking
- (B) Record specific data: date, time, location, unique system number



Activation Report

(12) (b) (iii) Activate the system and submit an activation report


Needed to:

- Determine if the system is active
- Link the EM system to an active license

Must be submitted, when:

- (A) Annually before each season start
- (B) An EM system is activated following reinstallation
- (C) There is a change in service provider
- (D) There is a change to any information required in the activation report (vessel, license, EM system ID)
- (E) After operating under a temporary EM exemption permit or submitting a departure report




State of Washington
Department of Fish and Wildlife
48 Devonshire Road, Montesano, Washington 98563-9618 (360) 249-4628

WASHINGTON COASTAL CRAB ELECTRONIC MONITORING ACTIVATION REPORT

Under the authority of WAC 220-XXX-XXX, all vessels intending to participate in the Washington coastal Dungeness crab fishery must have an approved electronic monitoring device installed prior to the start of the fishery. All devices must follow the specifications outlined in WAC 220-XXX-XXX and the EM Compliance Guide. A list of EM system providers, provider contact information, and the EM compliance guide can be found at: <https://wdfw.wa.gov/fishing/commercial/crab/coastal>

Please complete, sign, and return this form once an approved device has been installed on your vessel or anytime changes are made to the following information:

LICENSE NO. _____

VESSEL NAME: _____

ELECTRONIC MONITORING SYSTEM PROVIDER:

ELECTRONIC MONITORING DEVICE IDENTIFIER:

I certify that the above electronic monitoring device is installed and properly functioning to the best of my knowledge.

Vessel Owner/Primary Operator Signature _____ Date _____

Vessel Owner/Primary Operator Printed Name _____

Email reports to:
Coastal.Crab.EM@dfw.wa.gov

Mail reports to:
WDFW EM Program Team
48 Devonshire Rd, Montesano WA 98563

Continual Operation

(12) (b) (iv) Operate the system 24 hours a day while fishing

- Requires continuous power to the system



What if the EM System Breaks?

(12) (b) (v) Temporary exemption permits allow fishing to continue when there is an interruption to the EM system.

- (A) System Failure - The EM system is not working properly
- (B) Haul Out - The vessel will be out of the water and the system will need to be disconnected from power
- (C) Emergency - Emergency (fire, flooding, etc.) renders the EM system inoperable
- (D) Request an exemption permit by contacting WDFW and submit an activation report before returning to fishery



End of Season

(12) (b) (vi) Notify EM team that you are no longer participating in the fishery

Required when:

- (A) Done fishing and all gear is removed from the water
- (B) Emergency and vessel will not resume fishing for the remainder of the season



Other Requirements

(12) (b)

(vii) Contact WDFW if there is a system interruption

(viii) System must be available for inspection

(ix) Ensure system or signal is not interfered with, disabled or destroyed

(x) Pay all charges

(13) Violations gross misdemeanor



Outreach

- WDFW has been operating a pilot project since 2020
- Commercial crab fishers have tested EM systems that meet the same requirements proposed here
- Held three industry meetings in summer/fall 2022
- Industry meeting May 11, 2023
- Industry meeting August 17, 2023
- We've had some good input and are thinking carefully about it



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 want 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 likely 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



GEAR MARKING

- Line Marking – coastal crab clarification
- Prohibit Line Marks Required in Another Fishery
- Crab and Shrimp Buoys – allow testing of alternative gear
- Limit Line Used – implement best practices recommendations
- Standardize crab and shrimp buoy requirements
- Annual Buoy Color Registration

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



Crab and Shrimp Buoys – proposed changes

Allow alternative gear testing in recreational fisheries (WAC 220-330-020)

- Alternative gear includes pop up or ropeless gear intended to reduce lines in the water
- Aligns with rules already in place for commercial fisheries
- Removes regulatory barrier to testing innovative gears in a way that includes consideration on a case by case basis and close oversight by WDFW managers and enforcement



Standardize Crab and Shrimp Buoy Colors – proposed changes

Clarifies the different requirements for buoy colors in recreational and commercial crab and shrimp gear (WAC 220-330-020; 220-340-430; 220-340-520)

- Supports fishery attribution/negative attribution for entanglement monitoring



Buoy Color Registration- proposed changes

Requires annual registration of buoy color scheme (WAC 220-340-430)

- Current rules require buoy color registration but don't specify frequency
- Aligns requirements for coastal and Puget Sound commercial crab participants
- Supports fishery attribution/negative attribution for entanglement monitoring



Limit Line Used – proposed changes

Requires that participants in commercial and recreational fisheries use only the amount of line needed to compensate for tides, currents, and weather (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520)

- Standardizes and implements best fishing practices intended to reduce gear entanglements with marine mammals
- Entanglement risk increases with slack line



CLARIFICATIONS TO EXISTING RULES

Shellfish Harvest Logs

Proposed rule changes would correct and update logbook reporting requirements for Puget Sound and coastal commercial shellfish fisheries where logs are required. (WAC 220-340-030)

- Changes include defining some rule elements separately by fishery or region (i.e., Puget Sound or coast), deleting unnecessary requirements, and aligning the rule with revised electronic fish ticket rules.

Public comment: no comments



Puget Sound Commercial Pot Shrimp

The proposed rule changes would clarify and update rules for commercial shrimp pot fisheries in Puget Sound.

- Changes include updated depth restrictions in some areas, clarifying pot limits, removing outdated provisions, and aligning the rule with revised electronic fish ticket rules. (WAC 220-340-520)

Public Comment: no comments



PS Commercial Crab and Shrimp Fishery Boundary Designations

Proposed rule changes would update Puget Sound commercial crab and shrimp fishery boundary designations.

- Changes include correcting and clarifying outdated geographic management units and special management area boundaries, and updating closed areas and depth restrictions. (WAC 220-320-120; 220-320-140; 220-340-455; 220-340-530)

Public Comment: no comments



New Management Category for Nonspot Shrimp Species Complex

Proposed rule changes would define a new management “non-spot shrimp” or pandalid complex to include shrimp species other than spot shrimp. (220-320-015)

- This rule proposal simplifies regulatory language, supporting improved compliance and enforcement.

Public Comment: no comments



UPDATES TO REPORTING REQUIREMENTS

Updates to Reporting Requirements

- **Electronic Fish Receiving Tickets** – Proposed rule changes would clarify when and where electronic fish tickets must be submitted to the department. (ensure fish ticket submitted at location of sale). (WAC 220-352-060)
- **Transportation Tickets** – Proposed rule changes would clarify transportation ticket requirements (E.G. date of harvest and vessel ID). (WAC 220-352-230)
- **Additional Reporting Requirements** – Proposed rule changes would clarify stored crab reporting and timeframe, and sale reporting for stored crab. (WAC 220-352-340, 220-340-420)

Public Comments: no comments



Questions?

EXTRA SLIDES

Stay up-to-date:



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

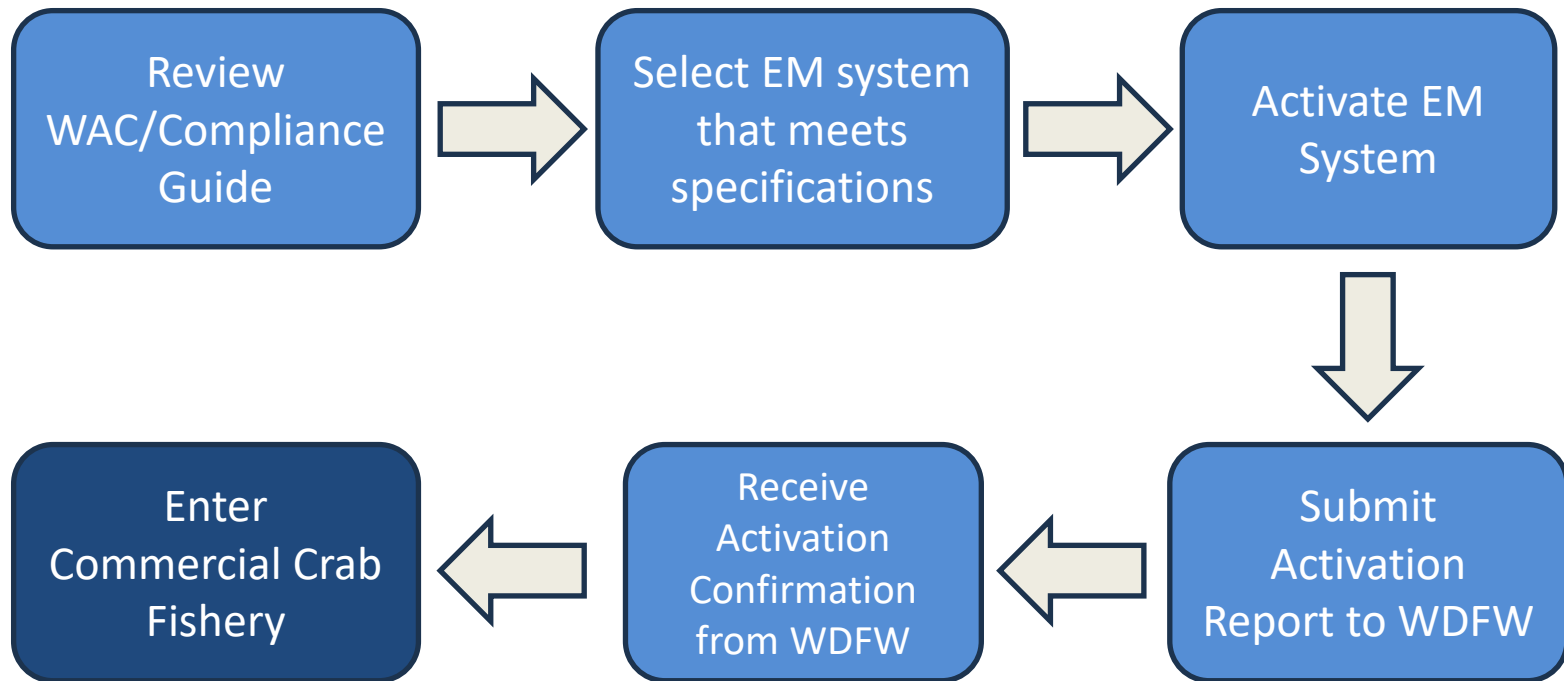
An increase in marine life entanglements has occurred in recent years along the U.S. West Coast relative to rates recorded prior to 2013. Commercial Dungeness crab fishing gear collectively makes up the largest portion of identifiable gear found in West Coast entanglement cases ([NOAA 2020](#)). Large 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



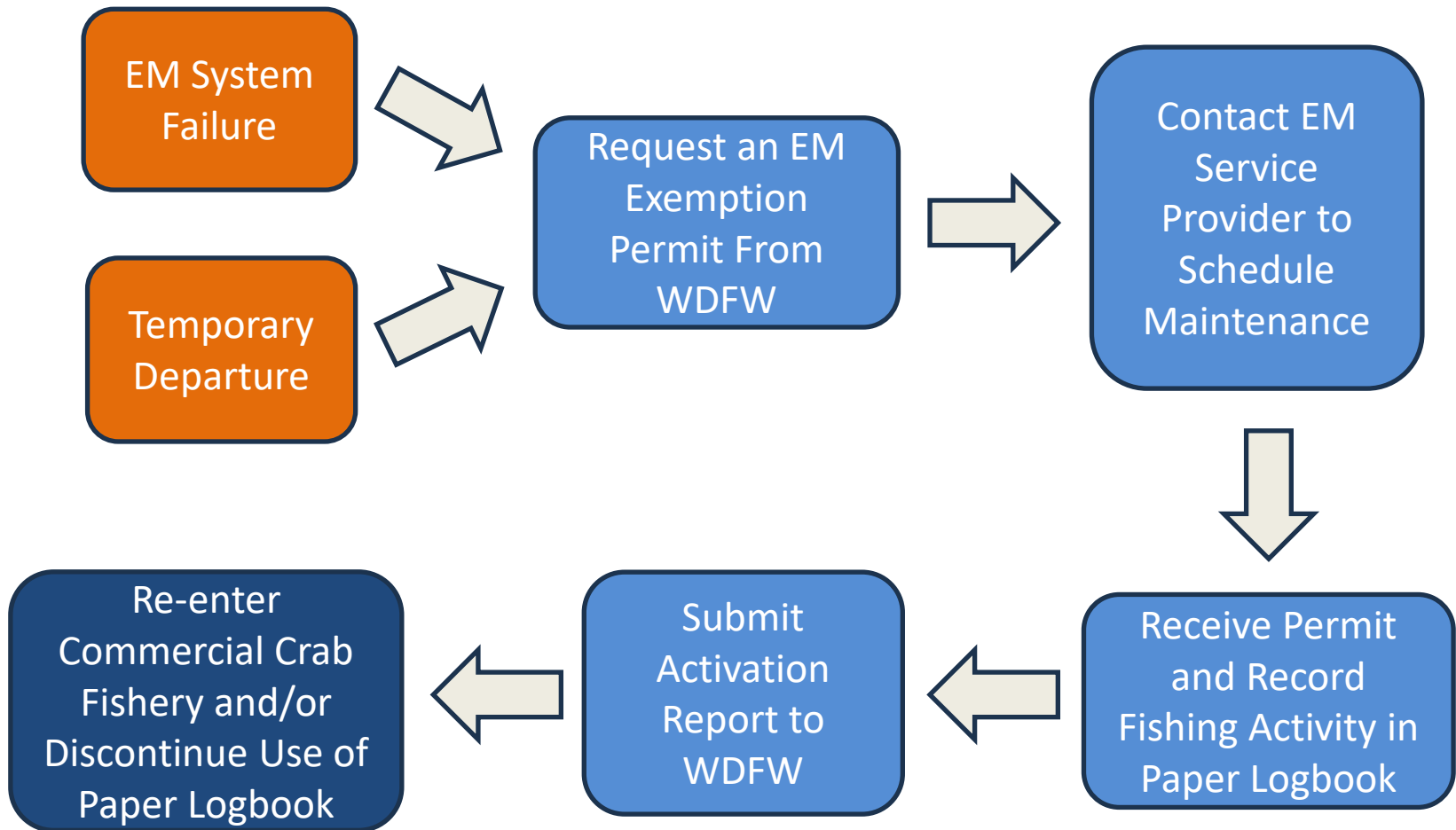
url: <https://wdfw.wa.gov/fishing/commercial/crab/coastal/marine-entanglements>



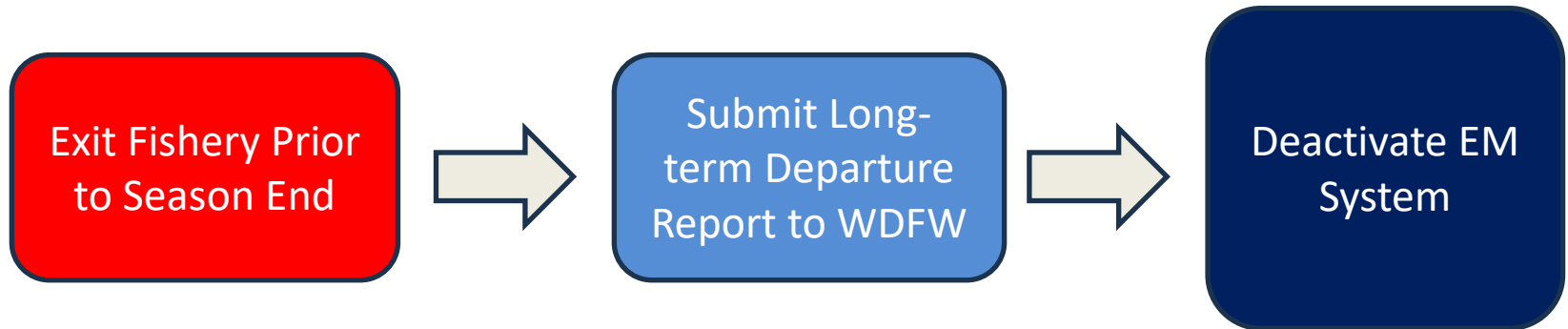
Preseason EM Setup Procedure



In-season EM Exemptions



In-season EM Exemptions



Must submit an **Activation Report** to resume commercial crab fishing



Current Rules – Line Marking

