

# Washington Coastal Dungeness Crab Fishery Policy C-3604 Update

## Consolidated Public Comment and Department Response

November 2024

In summer 2024, WDFW initiated a review and update of the Fish and Wildlife Commission policy – C3604 – that serves as the framework for coastal Dungeness crab management. The policy was last updated in 1999. Proposed changes were shared with fishery stakeholders and their feedback solicited through a series of meetings and a mailing. At its September 25, 2024 meeting, the Fish and Wildlife Commission adopted draft policy language for public review. The public was provided opportunity to formally comment on the draft language via an online portal and townhall which were announced via a news release. This report includes the public comment received during the comment period, October 2 – 15, 2024.

### Town Hall

The town hall was held on October 15, 2024, during which several public comments were shared. One public comment echoed written feedback (detailed below), advocating for the policy to explicitly include the “3-S” management strategy. A comment also raised concern with the use of “marine life” as being too broad and suggested instead “ESA listed marine mammals because we aren’t concerned with impacts to other marine life such as kelp.” No change to the climate-resilient management measures guideline language was offered, but one commenter qualified the guidance, saying in these early research stages it’s premature to imply we can meaningfully impact the resource or address climate impacts. Another asked if the new research scientist was dedicated to only coastal crab. A recreational crabber asked whether or how the sport fishery would be affected by the Incidental Take Permit. Department responses were given during the townhall.

### Written Comments

Written comments were submitted via the online portal specific to this action and by email. Comments are copied here as submitted except for formatting for this document. A total of 17 comments were received and are grouped by theme: Policy Related, Coastal Crab, and Other but are otherwise unranked. Comments either spoke to the policy directly or elements within the proposed policy (numbers 1-8), others generally addressed issues related to coastal Dungeness fishery management (number 9-15), and two (numbers 16-17) were not related to the coastal Dungeness crab policy or fishery. Comments were received from three associations and 14 individuals. Department responses, either by topic or by specific point are offered below.

#### Policy Related

##### **1. Andy Mitby, Coastal Crab Advisor** Commission and Director,

The proposed policy achieves the intended goals of the State Coastal Crab Fishery (consisting of Coastal waters, Grays Harbor, Willapa Bay and Columbia River). It allows the department to manage the fishery for both Commercial and Recreational opportunity. Also, it addresses the need for an ITP for marine life

entanglement. Compared to other fishery policies this one seems fairly simple, yet specific to the Dungeness Crab fishery. The Coastal Dungeness Crab fishery is the pinnacle of our coastal communities for economic revenue. It is imperative to maximize the commercial fishery to sustain our local fishing communities, while perpetuating the conservation of a resource.

## **2. Anonymous**

I am neither for nor against this policy update

## **3. Washington Dungeness Crab Fishermen's Association**

**Larry Thevik, President**

October 14, 2024

My name is Larry Thevik. I am president of the Washington Dungeness Crab Fishermen's Association WDCFA, headquartered in Westport. The Dungeness Crab fishery is the most valuable single species fishery on the West Coast. Preserving the health and access to our crab resource is synonymous with preserving the economic viability and culture of our coastal fishing communities.

It should be noted at the outset that the management measures and policies that have been in place for decades have served and continue to serve the fishery and the resource well. The use of the three S's (size, sex and season) has proved successful for the fishery and the resource. The 2021-2022 season provided the highest ex-vessel value for Washington Coastal Crab with combined tribal and non-tribal landing value estimated in excess of \$100,000,000. Last year's 2022-2023 season produced the largest catch volume ever recorded.

Although cyclical the Dungeness Crab resource is healthy and robust. This success relies on the resilience and fecundity of the species, (males are expected to mate at least twice before achieving commercial harvestable size and females can produce 1-2 million eggs and hold viable sperm for more than a year). Species success further relies on positive ocean conditions, early life stage survival and eluding marine species predation.

Fishers and managers met several times in good faith on the proposed Crab Draft Policy language and discussions. Fisheries representatives continued to express faith and expect managers to recognize the continuing efficacy of the primary harvest management tools (three S's) used successfully in this fishery for most of a century. The Draft Policy language should not obscure that truth.

Under the Draft Policy the recreational fishery is more explicitly recognized and provides for increased management participation and accountability within that sector. It should be recognized that the recreational coastal fishing opportunity is year around and also benefits from a reduced size limit such that the potential removal of crab that achieve commercially harvestable size does not prevent recreational harvest opportunities.

While it is a legitimate concern to research potential climate change effects it should also be recognized that impacts from climate change on the ocean environment and potentially the crab resource will not be resolved or mitigated by harvest management measures

One new area of management the Draft Policy speaks to is the issue of potential gear entanglement with ESA listed marine species and protected species under the MMPA. The specific language references: "The management intent is to provide for the economic viability of the coastal Dungeness crab resource, implement measures consistent with addressing entanglement risks to marine life pursuant to the

Endangered Species Act (ESA) and the Marine Mammal Protection Act and for the Department to work collaboratively with partner state and federal agencies and fishery stakeholders to promote shared stewardship." I am supportive of this language and fully recognize that in order to conduct a Dungeness crab fishery the fishery needs to secure an incidental take Permit ITP. That process is ongoing and must include compliance with ESA and MMPA regulations.

No one wants to entangle a whale. While any entanglement is bad for both fishers and whales it is expected that an ITP will allow a take greater than zero once granted. The goal is to ensure if takes do occur, (despite efforts to reduce them), those takes do not do not impact the growth and recovery of listed species under the ESA or the protection of species under the MMPA. It is welcome news that the Humpback species listed under ESA off of the West Coast are growing at a collective rate of 8.2% annually. It is paramount that research on Humpback population growth and Stock Assessment Reports (SARs) data are current. The present SAR is based on data collection from 2018. If management decisions for fisheries and fishing dependent communities are to be made, those decisions should be based on current data. The data for Stock Assessment Reports (SARs) are supposed to be collected at least every five years. Unfortunately the present growth projection and population estimate is based on data which is now 6 years old. As we move forward to realize new Draft Policy guidelines it is imperative that management decisions are based on current and updated data.

There is a very different composition of the summer feeding groups off of the three states and across the region and assignments of mortality and serious injury (M/SI) in the ESA on interaction impacts are markedly and materially different in Washington as compared to Oregon and California. 68.8% of expected interactions with Humpback stocks in the coastal crab fishery off of Washington are expected to be with the de-listed Hawaiian (HI) distinct population segment (DPS), (Wade 2021). Research to date supports no evidence of interaction with delisted HI DPS in Oregon and/or California. California unfortunately has had the bulk of documented entanglements with strategic stocks. Unintentional interactions with Humpback stocks off of California are expected to be 100% inclusive of threatened Mainland Mexico Humpback DPS and/or endangered Southern Mexico/Central American Humpback DPS. Conversely, off of Washington an interaction with Humpback stocks is expected to be 25.4% comprised of Mainland Mexico threatened DPS and 5.9% for endangered Central American DPS (WADE). Considerable and recent research concludes that if there were any encounters of Humpback stocks with the Washington Coastal Crab fishery that less than a third of those encounters/interactions would involve Mainland Mexico threatened DPS and endangered Southern Mexico/Central American DPS.

While the health of the resource and success of the fishery bear witness to the strength and utility of the Present Policy the Draft Policy language for your consideration preserves the integrity of that legacy while framing high level policy goals with the recognition of maintaining a fishery that promotes continued resource sustainability, a fishery that maximizes coastal community benefits, a fishery that will adhere to marine mammal interaction regulations and a fishery that complies with the growth and recovery measures required of ESA listed species.

Respectfully,  
Larry Thevik, President of WDCFA  
360 289 2647  
[thevik\\_rouse@yahoo.com](mailto:thevik_rouse@yahoo.com)

#### **4. Columbia River Crab Fishermen's Association, Coalition of Coastal Fisheries**

**Dale Beasley, President**

Dear Washington Fish and Wildlife Commission:

My name is Dale Beasley, President of the Columbia River Crab Fisherman's Association and the Coalition of Coastal Fisheries and have the awesome privilege and responsibility to represent over 1000 fishing families on the west coast.

The crab industry has operated sustainably for many decades with the 3 S management – size, sex, and season; the new proposed regulations do NOT even mention these three historical tenants of successful historical crab management that has protected the reproductive stock and provided ample opportunity to fish for both commercial and recreational fishermen.

The overall crab stock does NOT lend well for traditional stock assessment and allocation systems developed other fisheries. The current regulations of NO harvest of female crab and NO harvest of mature male crab until they have had a least one year of sexual maturity provides sustainability not capable in other major fisheries.

New policy guidelines are simply too fuzzy to be of real value and NOT specific enough to ensure some future manipulation of the legislative INTNET to not only protect the crab resource, but also, the crab fishery itself into the future. Some of these guidelines need reordering.

#### **Policy Guidelines**

Protect the reproductive capacity of the stock.

**Specifics – No harvest of female crab, No harvest of crab less than 6 ¼" - provides specific guideline with NO ambiguity**

Protect Dungeness crab habitat

**Protect Dungeness crab habitat and fishing ACCESS to that habitat from displacement**

Investigate and consider climate-resilient management measures

**This is an irrelevant issue that WDFW will not be able to address and will not be able to change climate in any meaningful way in reality and should NOT be included in policy guidelines**

Manage the fishery to maximize economic benefits from the Dungeness crab resource for the commercial sector while also providing recreational opportunities

This is excessively open ended –

**Recreational opportunity is year around**

**Commercial fishery has additional limiters in addition to closed season**

**23% meat recovery to guarantee a great product in the market place**

**Commercial harvest is restricted by the Rafeedie Decision on 70% of the Washington coast**

**Recreational fishery has a ¼" smaller size limit than commercial harvesters providing opportunity for recreational fishermen denied commercial fishermen**

### **Other recreational advantages**

Involve commercial and recreational fishing representatives in the management of the respective sectors of the fishery to address crab fishery issues.

WDFW has a commercial Dungeness crab advisory board that is consulted on a regular basis and addresses MOST issues facing the commercial fleet

Adopt regulations which promote safe and orderly fisheries.

**Dungeness crab fishery is a very DANGEROUS midwinter fishery where safety is best left to the individual fishing captain who knows the individual vessel capability to adjust to daily weather conditions and responsible vessel loading and operations**

**Newer NOAA weather forecasting which relies on sea buoys, weather radar, and satellite observations are extremely improved in recent years providing increased safety**

**Orderly fisheries rely on uniform regulations provided through crab advisory boards and WDFW implementation of advisory board recommendations and input**

Implement measures that ensure the safety and health of consumers and the public.

**WDFW tests not just crab meat quality but also for marine toxins in the crab prior to season opening to NOAA standards which has kept season closed at times for months**

**Even recreational fishing is closed if a marine toxin is detected above NOAA levels to ensure safety of all crab consumers**

Consistent with the legislative “even-flow” mandate, achieve high quality product and strive for a fair and equitable distribution of the impacts and benefits from management measures across commercial industry sectors.

**Even-flow crab management is a myth and does NOT belong in fisheries Policy Guidelines.**

**Even flow is defined as a 50% harvest in the first few months of crab season and is NOT able to be determined as Dungeness crab does NOT test well for the amount of harvestable crab available for harvest**

**Since Dungeness crab does not stock assess well for quantity prior to the season opening it is NOT feasible to assign quantities to individual industry sectors**

**Existing regulations give recreational fishing extra opportunities to harvest crab that are restricted to commercial fishing**

### **5. Pacific Whale Watch Association**

I am submitting this comment on behalf of the Pacific Whale Watch Association (PWWA), a group of 30 professional ecotourism companies dedicated to education, conservation, and responsible wildlife viewing in Washington and British Columbia.

Entanglement and other negative fisheries interactions are likely the largest threat to the world's cetaceans, with roughly 300,000 cetaceans being killed each year. Locally, we see the effects of entanglement entirely too often on our whale watch tours, especially among humpback whales.

Approximately 50% of local humpback whales exhibit scars from previous entanglements, and we unfortunately also observe several whales each year who are actively entangled in fishing gear.

It is imperative that the new Coastal Dungeness Crab Policy include means to reduce the entanglement risk of Washington's cetaceans. While WDFW plans to apply for Incidental Take Permits for blue whales, humpback whales, and leatherback sea turtles, such permits do not prevent entanglements from occurring, simply allow for potential repercussions after the fact. The ability to respond to entanglements is extremely limited, and many whales perish before experts have an opportunity to intervene.

It's also important to note that other whale species are also vulnerable to entanglement in Washington waters. These include, but are not limited to, gray whales, fin whales, and killer whales. In June 2022, a dead killer whale was found drifting off the coast of Oregon entangled in crab gear. While DNA confirmed the whale was a mammal-eating Bigg's killer whale, endangered Southern Resident killer whales (K Pod) were observed in the same area just two weeks earlier. Southern Residents are even more likely to overlap with crab gear in Washington waters than they are in Oregon. Killer whales are known to interact with prawn and crab gear in Washington state, and are not immune to entanglement.

Finally, it is crucial that discussions about mitigation efforts involve direct collaboration with fishers. When policies are mandated without buy-in from fishers, it can lead to resentment against policymakers, enforcement officers, researchers, and the whales themselves. This is an issue that will require cooperation from all stakeholders.

#### **6. Anonymous**

I have stopped consuming Dungeness crabs because of my concerns for marine mammal entanglements. There are gear options that don't require lines for net retrieval. They should be mandatory. An incidental take permit does not stop the killing of wildlife and should not be pursued.

#### **7. Anonymous**

There is no risk of marine life entanglement in crabbing gear. Do not do what California did to their crabbing industry. The only thing that I see happening is that crab traps are down too long. Shorten the trap down limit to 12 hours or 24 hours, something like that. I have seen traps down for days at a time. Not good. You cannot solve the climate changes that effect a fishery. You cannot solve the change in water temperature. The only thing you can do is change trap designs, change daily and possession limits, and regulate closure areas, or shut down crabbing completely.

Do not base your decisions on things you cannot control.

#### **8. Anonymous**

I have concerns about climate related management decisions and the justification for such. Decisions should be made based on stock population and gear, not anything climate related since the wdfw has no control over the climate or weather. For example, if the crabbing season experiences really bad weather and fewer people crab resulting in lower catch, is increasing the limit or extending the season a "climate" related decision or a stock population quota season. I think climate related management should be removed from the document.

## WDFW Response, Comments 1 – 8:

The policy – the 1999 version and the one newly adopted – are meant to provide a framework for managing the coastal Dungeness crab fishery. Many of the specific elements suggested for inclusion in the policy are articulated in documents or laws and regulations that together implement the policy, e.g., the Coastal Dungeness Crab Fishery Management Plan (FMP; in process) and the Conservation Plan (CP; in process) or through multistate agreements outlining season opening criteria for crab meat quality and equity in access to fishing grounds. The newly adopted policy is explicitly linked to the FMP and CP. Regulations restrict size, sex, and seasons for both commercial and recreational fisheries, etc.

Specific to whale entanglement, the Department is committed to reducing the risk from entanglements consistent with the agency's mandate and obligations under federal law. The Department has been working closely with the commercial crab fishery fleet to enact measures that directly reduce entanglement risk, e.g., seasonal pot limits, minimize amount of line. Washington was the first state to require fishery-specific line marking in its commercial crab fishery. Fully 50% of entanglements on the US west coast cannot be attributed to a particular fishery; the aim of line marking is to close this gap. Identifying entanglements to a fishery enables accountability (under an Incidental Take Permit) and strategies tailored to the fishery.

The Department appreciates the complexity associated with managing the Dungeness crab fishery and agrees that management measures cannot directly affect climate impacts on the resource and that even actions to foster resiliency in the fishery to potential climate impacts may be inadequate depending on the nature and scope of the changes. The intent is to evaluate available science to better anticipate what impacts may loom and what if any measures might be taken to mitigate the effects on the crab resource or fishery.

## Related to Coastal Crab Fishery

### 9. Jerry Lowe

Tuesday, October 15, 2024 9:16 AM

It is foolish to attempt sharing based on population estimates. Licenses need to be limited to one person only. One per person. That person needs to be onboard while fishing. Trip limits limited to 3 days. Emphasize fresh. Eliminate summer management plan. Allow days after season closes to remove gear.

### 10. Anonymous

Eliminate the taking of crab within the Columbia River during the month of August. Because of the higher than normal boat traffic during August while the popular Buoy 10 fishery is underway, entanglements with crabbing gear is frequent. Not only is this a nuisance for the sport salmon fishermen, it is also and more importantly a safety issue when "neglected" crab gear is pulled below the surface causing issues for boats. The submerged crab ropes and buoys often get tangled in boat props which can lead to severe damage to boat and people alike. A one month ban on any and all crabbing within the Columbia River during the month of August won't be much of an inconvenience.

### 11. John Miller

As a recreational crab fisher I would like to comment on WDFW's monitoring program is flawed. I went to Willapa ONCE in June , there were 10,000 commercial pots to compete with. We struggled to catch a few to take home. So the monitoring program thinks I'm an occasional crabber, when in fact I felt like a beaten dog. why would I return? I informed the 'monitor' of my disgust at the dock. One, the commercial craters

have the whole ocean. two, WDFW's website sites that 85% of the annual catch is caught in the first two months. Three, area 12 & 13 has been closed for years, am I to travel north to compete with Seattle and put more pressure on them? My proposal is to let the commercial crabbers have a few months in Willapa and give the recreational crabbers the summer. That 85% in two months, tells me they need(?) 7 months to catch 15%. Thank You for the opportunity to express my view from experience , Jon miller [jonmiller@icloud.com](mailto:jonmiller@icloud.com)

#### **12. Anonymous**

As of right now for the commercial crab fishery on the Washington coast, it's a free-for-all between the non-native crab fishery and the native Indian crab fishery Washington Fish And Wildlife is going to destroy the Dungeness crab fishery on the Washington coast and all of its tributaries. As far as a commercial crab fishery in the mouth of the Columbia river there should not be a commercial crab fish in the mouth of the Columbia river from the tip of the north jetty to the tip of the South jetty up river this area should be designated as a recreational Dungeness crab fishery, no crab Commercial fisheries should be allowed inside the mouth of the Columbia River.. The same thing goes for Willapa Bay, Grays Harbor Bay and Puget sound there should be designated areas where there should not be any commercial crab fisheries. It should be designated as a recreational Dungeness crab fisheries only . And each Dungeness crab fishery in the state of Washington should have quotes on commercial crab, harvest, recreational crab harvest, and once you reach your quota, you are done harvesting Dungeness crab in the state of Washington crab fisheries zones, areas throughout Washington.

#### **13. Anonymous**

Washington Fish And Wildlife needs to come up with a quota for the commercial crabbers. Instead of leaving it wide open. The reason they need a quota is that if they don't eventually, they are going to destroy the commercial crab fishy. And the same thing goes for the recreational crab fishery throughout the state of Washington, each area and zone needs to have its own catch quota.

#### **14. Anonymous**

Fewer pots or a limit of pots in Grays Harbor and Willapa Bay would give recreational crabbers better opportunity.

#### **15. Anonymous**

As a boater, I would like you to require sinking lines or weights clipped to the line to make them sink. There are too many 100 foot floating ropes in 30 feet of water for safe boating in coastal waters.

#### **WDFW Response, Comments 9-15:**

Several comments speak to the use of population estimates or quotas to manage Dungeness crab harvest. Population estimates require data that are not available for crustaceans, namely age structures that persist over the life of the crab. Instead of population-based quotas, crab management relies on other approaches to prevent the risk of overfishing. The common fishery management strategy to protect the health and reproductive vitality of the crab resource is known as the "3-S" strategy, which stands for "size, sex, and season." The strategy is based on a minimum size limit, prohibition of harvest of female crab, and a season closure during the primary male molt period. This management approach is utilized for crustacean fisheries around the world. It is used all along the West Coast and has been in place in Washington for approximately 70 years.

Area management strategies for coastal crab are not used because the abundance of crab can shift – alongshore and inshore/offshore – from year to year. Recreational opportunity to harvest Dungeness crab is structured by crab size instead of area. The smaller sport minimums provide recreational crabbers exclusive access to a segment of the crab population present in any area. Imposing annual limits on recreational crabbers would reduce opportunity and not necessarily confer any benefit to the resource because under the 3-S strategy only males surplus to the population may be kept. Alleviating negative fishery interactions is a desirable objective better achieved by participants to adhering to regulations and more importantly observing best practices than by reducing opportunity.

## Other

### **16. Anonymous**

Tuesday and Wednesday have always been closed for recreational crabbing (in Marine Area 8-1). Do you plan on keeping that policy?

Thank You

### **17. Anonymous**

An online class to identify green crabs with a special permit issued to those who pass a test and could then take as many green crabs as they wanted might help to mitigate the problem. It would also be good to educate on where and how to harvest the greens.

### **WDFW Response, Comments 16-17:**

These comments are unrelated to this action which affects only the coastal Dungeness crab fishery: Marine Area 8 is in Puget Sound and management of invasive species such as green crab fall under other policies and are addressed in other agency programs. These comments will be shared with appropriate Department staff.