

**5. Giant Pacific Octopus (Briefing/Public Hearing)**

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## Summary

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**Meeting dates:** June 7, 2013 Commission Meeting

**Agenda item #5:** Giant Pacific Octopus – (Briefing and Public Hearing)

**Presenter(s):** Craig Burley, Fish Management Division Manager

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**Background summary:** The Fish and Wildlife Commission (Commission) received three petitions requesting amendments to sportfishing rules to protect octopuses from recreational harvest.

These petitions were received after a giant Pacific octopus was legally harvested from the waters of a popular dive site at Seacrest Park in West Elliot Bay.

At the December 21, 2012 Commission conference call the Commission directed the department to develop a series of management options, process and a schedule to address protection of the giant Pacific octopus in waters of the Puget Sound for consideration and further direction.

At the January 11, 2013 Commission meeting staff provided a briefing addressing:

- Biology and status of GPO in Puget Sound
- Historical harvest of GPO in Puget Sound
- Current sportfishing regulations and legal harvest of GPO at Seacrest Park
- Proposed process and schedule
- Management options to consider for regulatory action

The Commission provided direction to staff to implement the process and schedule presented and to establish an ad hoc advisory group to develop recommendations regarding management options.

At the April 11, 2013 Commission meeting staff provided a briefing on the draft recommendations from the ad hoc advisory group and sought additional guidance on refinements of management options being considered.

The department is currently seeking public comment on the following refined options:

**Option A:** Status Quo – no changes to current regulations

**Option B:** Marine Preserve – no recreational harvest of all species

- Redondo Beach
- Seacrest Park Coves 1,2 and 3 (excluding fishing pier)

**Option C:** Marine Preserves – no recreational harvest of giant Pacific octopuses

- Redondo Beach
- Three Tree Point North
- Seacrest Park Coves 1, 2 and 3 (excluding fishing pier)
- Les Davis
- Alki Beach Junk Yard
- Days Island Wall
- Deception Pass

**Option D:** Puget Sound closure to recreational harvest of giant Pacific octopuses.

Department staff will brief the Commission on additional input from the advisory group and on public comment received to date.

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

N/A

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

The Fish and Wildlife Commission has received three petitions requesting amendments to recreational fishing rules to protect giant pacific octopuses from harvest.

The Director briefed the Commission regarding the incident and the Commission received public testimony at the November commission meeting.

An ad hoc advisory group has been established to provide recommendations on management options.

Two public workshops were held (Port Townsend, April 23 and Seattle, April 24).

The department is soliciting written public comment through May 31, 2013 via the web based online tool (<http://www.wdfw.wa.gov/fishing/regulations/octopus/>).

Public comment will also be taken at this Commission meeting.

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**Action requested:**

N/A

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**Draft motion language:**

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**Justification for Commission action:**

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**Communications Plan:** Agency web site, news releases, ad hoc advisory group and public workshops.

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*Form revised 12/5/12*

AMENDATORY SECTION (Amending Order 10-64, filed 3/19/10, effective 5/1/10)

**WAC 220-56-310 Shellfish--Daily limits.** It is unlawful for any one person to take (~~in any one day for personal use~~) more than the following quantities and sizes of shellfish for personal use in any one day:

(1) Cockles, borers and clams in the shell, other than razor clams, geoduck clams and horse clams, 40 clams (~~in the aggregate~~) total, or 10 pounds, whichever is achieved first except:

(a) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance(~~(---)~~): Diggers may additionally retain up to 20 pounds of eastern softshell clams in the shell.

(b) In Willapa Bay(~~(---)~~): Diggers may additionally retain up to (~~twenty-four~~) 24 cockles.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: 7 clams.

(5) Oysters: 18 oysters, shucked and the shells left on the beach. Minimum size before shucking two and one-half inches along the longest dimension of the shell.

(6) Rock scallops: 6 scallops.

(7) Weathervane scallops: 12 scallops (over 4 inches).

(8) Spiny and pink scallops: 10 pounds or 5 quarts in the shell, in the aggregate.

(9) Shrimp:

(a) In Areas 1(~~(-)~~) through 3 and Area 4 west of the Bonilla-Tatoosh line(~~(---)~~): Total weight (~~(10)~~) 25 pounds, maximum (~~(80)~~) 200 spot shrimp as part of the (~~(10)~~) 25-pound limit.

(b) In Area 4 east of the Bonilla-Tatoosh line and Areas 5 (~~(---)~~) through 13(~~(---)~~): First Saturday in May through May 31, daily limit 80 shrimp(~~(-)~~); during all other open periods total weight 10 pounds, maximum 80 spot shrimp as part of the 10-pound limit.

(10) Octopus:

(a) Marine Areas 1 through 3 and 4 west of the Bonilla-Tatoosh line: 1 octopus.

(b) Marine Areas 4 east of the Bonilla-Tatoosh line, 5 through 13: Closed.

(11) Pinto abalone: Closed statewide.

(12) Crawfish: 10 pounds in the shell. Minimum size is 3 1/4 inches from tip of rostrum to tip of tail. Female crawfish with eggs or young attached to the abdomen must be released immediately.

(13) Squid other than Humboldt squid: 10 pounds or 5 quarts. In addition a person may retain up to 5 Humboldt squid per day.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crab(~~(S)~~):

(a) In Area 1 except when fishing from the north jetty of the Columbia River and Areas 2, 3, and 4 west of the Bonilla-Tatoosh line - 6 male crab(~~(S)~~).

(b) In Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13 - 5 male crabs.

(c) In the Columbia River upstream of a line from the outermost end of the north jetty to the exposed end of the south jetty, or when fishing from the north jetty of the Columbia River - 12 male crab((S)).

(19) Red rock crab((S)): 6 crab((S)).

(20) Mussels: 10 pounds in the shell, in the aggregate.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

(22) Ghost and mud shrimp: 10 dozen.

(23) King and box crab: Closed statewide.

(24) Tanner crab((S)): 6 crab((S)).

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

**WAC 220-56-390 Squid, octopus.** (1) It is lawful to take, fish for or possess squid (~~and octopus~~) the entire year except closed year-round in Catch Record Card Area 12.

(2) It is unlawful to take, fish for or possess squid taken for personal use with more than one line. A maximum of four squid lures may be used. If gear utilizes conventional hooks, it shall not exceed a total of nine points. Herring rakes and hand dip net gear may be used to take squid. In the field each person taking squid must use a separate container to hold their catch. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) It is unlawful to take octopus in Marine Areas 4 east of the Bonilla-Tatoosh line through 13.

(4) It is unlawful to take octopus in Marine Areas 1, 2, 3 and 4 west of the Bonilla-Tatoosh line except by hand or by any instrument which will not penetrate or mutilate the body except that it is lawful to retain octopus taken while angling with hook and line gear. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

~~((4))~~ (5) It is unlawful to possess squid or octopus taken with gear that violates the provisions of this section. Possession of squid or octopus while using gear in violation of the provisions of this section is a rebuttable presumption that the squid or octopus were taken with such gear. Possession of such squid or octopus is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree--Penalty, unless the squid or octopus are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree--Penalty.