



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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Dear Coastal Dungeness Crab License Owner:

The purpose of this letter is to provide you with information regarding proposed changes to regulations affecting Washington's coastal and Puget Sound shellfish fisheries.

The Washington Department of Fish and Wildlife (WDFW) has implemented measures to reduce the risk of entanglement of marine life including humpback whales and leatherback sea turtles, both of which are protected under the Marine Mammal Protection Act (MMPA) and Endangered Species Act (ESA), with gear used in the coastal Dungeness crab fishery. WDFW has developed additional revisions to coastal and Puget Sound shellfish regulations to build on the risk reduction measures already in place, we refer to these as non-administrative changes. In addition, to proposed rule changes designed to reduce the risk of whale entanglements in shellfish gear, other changes are proposed that will streamline and clarify existing regulations for shellfish fisheries on the coast and in Puget Sound, we have referred to these as administrative changes.

WDFW staff will brief the Fish and Wildlife Commission on these rule changes at their meeting scheduled for September 28-30 in Yakima, Washington. See below for more information.

The proposed changes are summarized below. A copy of the CR-102 and the proposed regulatory language is available on the WDFW webpage under the Rules Information Center at this link: <https://wdfw.wa.gov/about/regulations/development/coastal-crab-and-puget-sound-shellfish-updates>. If adopted as proposed, rule changes would be effective 31 days following Commission action which is estimated to be around December 1, 2023 except implementation of electronic monitoring would be effective January 1, 2024.

Non-Administrative Changes

Installation and Use of Electronic Monitoring (WAC 220-340-420)

This proposed rule would require all vessels participating in the coastal Dungeness crab fishery to install and use an electronic monitoring (EM) system to record vessel location and the location of individual pots using hydraulic pressure sensor readings. EM is necessary to ensure fishing is not occurring within closed areas, to monitor adherence to license-based and seasonal pot limits, and to collect spatial and temporal fishing data to inform management of the fishery, including addressing marine mammal interactions, particularly endangered humpback whales.

Coastal Commercial Crab Logbook – Not Required with Operational EM (WAC 220-340-460)

This proposed rule would eliminate the requirement for an operator in the coastal Dungeness crab fishery to maintain and submit a paper logbook when an EM system is installed and fully operational. This rule change would reduce the reporting burden on vessel operators.

Line Marking in Coastal Dungeness Crab Fishery (WAC 220-340-430); Prohibit Line Marks or Colors Required in Another Fishery (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520; 220-360-220); Crab and Shrimp Buoys (WAC 220-330-020); Limit Line in Shellfish to Amount Needed (WAC 220-330-020; 220-340-430; 220-340-510; 220-340-520); Standardize Crab and Shrimp Pot Buoy Colors (WAC 220-330-020; 220-340-520)

These proposed changes enhance compliance with the MMPA and the ESA. Large whales and marine turtles are among those species most affected by fishing gear entanglements, and these animals are federally protected. To address entanglement cases with marine mammals where the entangling gear is visible but cannot be used to confidently confirm the associated fishery, the National Marine Fisheries Service has indicated that lines and buoys marked in a way that is unique to each fishery would aid in achieving compliance with the MMPA and ESA. Gear marking supports efforts to positively attribute entangled gear to a specific fishery. Attribution can be improved by prohibiting a fishery from using marks/line colors required in another fishery; other coastal states have implemented or intend to implement a similar rule. These proposed changes clarify the requirements for unique line marks or buoy colors for Washington fisheries that use line and buoys as part of the gear configuration. These proposed changes also support reducing the amount of fishing line in the water thereby reducing entanglement risk.

Administrative Changes

Define a New Management Category for Non-spot Shrimp Species (WAC 220-320-015)

Proposed rule changes would define a new management “non-spot shrimp” or pandalid complex to include shrimp species other than spot shrimp. This rule proposal simplifies regulatory language, supporting improved compliance and enforcement.

Require Annual Registration of Commercial Crab Buoy Color Schemes (WAC 220-340-430)

Proposed rule changes would align Puget Sound and coastal commercial Dungeness crab fishery requirements and specify that crab fishery participants must complete buoy registration annually using the WDFW online registration form. Existing rules require the creation and registration of a unique buoy color scheme for each commercial license but do not specify a frequency. The proposed change improves the process for registering buoy colors, creates a data source for enforcement, and advances efforts to further improve gear marking and aid in achieving compliance with the MMPA and ESA.

Buoy Tags in Commercial Dungeness Crab Fisheries (WAC 220-340-430)

Proposed rule changes would cap the number of buoy tags issued in the Puget Sound commercial crab fishery, limit the number of potential pots deployed to the current maximum

pot limit of 100 per license, with no pot replacement. The proposed rule changes also streamline the reporting of derelict gear and issuance of replacement tags for commercial users, reduce waste, and reduce the possibility of issuing of a buoy tag for the wrong fishery.

Puget Sound Commercial Pot Shrimp (WAC 220-340-520)

The proposed rule change clarifies that the pot limit for commercial shrimp pot fisheries in Puget Sound are based on the fishery and gear type and are not per license limit. Additionally, the changes would limit fishing depth and align the rule with revised electronic fish ticket rules.

Puget Sound Commercial Crab and Shrimp Fishery Boundary Designations (WAC 220-320-120; 220-320-140; 220-340-455; 220-340-530)

Proposed rule changes would update Puget Sound commercial crab and shrimp fishery boundary designations. The purpose of the changes is to correct outdated boundary designations and add specially designated fishing areas.

Shellfish Harvest Logs (WAC 220-340-030)

Proposed rule changes would correct and update logbook reporting requirements for Puget Sound and coastal commercial shellfish fisheries where logs are required by defining some rule elements separately either by fishery or region (i.e., Puget Sound or coast) and by deleting unnecessary requirements. The changes are needed to clarify rule language and align rule language with the implementation of mandatory electronic fish tickets and electronic monitoring.

Fish Receiving, Transportation Ticket, and Quick Reporting Revisions (WAC 220-352-060; 220-352-230; 220-352-340; 220-340-420)

Proposed rule changes would describe when and where electronic fish tickets must be submitted to the department, including provisions for when access to cellular broadband is not immediately available when the fish ticket is completed. The proposed changes would clarify applicability of transportation ticket requirements by including “shellfish” in the rule and improve transportation ticket information by requiring the WDFW-issued vessel identification number and date of harvest, clarify transportation ticket requirements for crab removed from the vessel prior to landing in Puget Sound. Proposed rule changes clarify stored crab reporting and timeframe, and sale reporting for stored crab.

The Washington Fish and Wildlife Commission will be briefed on the proposed rule changes at the Commission meeting scheduled for September 28-30, 2023 which will be held in person at the Yakima Convention Center and online via a Zoom Webinar. Public comment will be taken as part of the September Commission meeting. Interested parties can also provide public comment through October 2, 2023 at the following website: <https://publicinput.com/crab-and-shellfish-rulemaking>, by phone at 855-925-2801 project code: 2872 or, in writing to Heather Hall at Post Office Box 43200, Olympia, Washington 98501 or by email to: Heather.Hall@dfw.wa.gov

Keep in mind that scheduled times for the Fish and Wildlife Commission meeting and the agenda are subject to change. Revisions, updates, and additional information are posted on the Commission web page: <http://wdfw.wa.gov/commission/meetings.html>. Contact the Commission

office with questions and to identify special accommodation needs at (360) 902-226, TDD (360) 902-2207.

If you have any questions about this notice, please contact me at 360-902-2487 or Heather.Hall@dfw.wa.gov

Sincerely,

Heather Hall

Heather Hall
Intergovernmental Ocean Policy Manager

cc: Dan Chadwick
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