

## Summary

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<b>Meeting dates:</b>	November 7, 2014 Commission Meeting
<b>Agenda item:</b>	Amending Coastal Commercial Dungeness Crab Rules – (Briefing)
<b>Presenter(s):</b>	Heather Reed, Coastal Marine Policy Coordinator and; Mike Cenci, Deputy Chief

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### **Background summary:**

Revisions to coastal commercial Dungeness crab regulations are needed to; improve the intent and enforceability of existing rules; minimize lost or derelict crab gear; improve safety for the coastal Dungeness crab fishery; and to and allow for a consistent season opening with Oregon.

- **Streamline the season opening date.** Current regulations specify that the coastal Dungeness crab fishery will open on December 1. However, the season opening is often delayed to meet State-Tribal harvest management agreements or if pre-season testing indicates that crab have not fully recovered from the molt period creating a need to close the season by emergency rule. The proposed change would streamline the regulatory process by specifying that the season is closed except as provided by emergency rule.
- **Modify replacement buoy tag periods and limits.** Buoy tags are used to enforce pot limit regulations. Current regulations that describe the process and timeline for fishermen to receive tags to replace those lost during the season are specific to a December 1 season opening date and allow replacement tags to be issued periodically throughout the season. Proposed changes would streamline the rule and need for an emergency regulation by removing the link to a December 1 season opening and instead allowing replacement tags 15 days after the season is opened. In addition, Washington Department of Fish and Wildlife (WDFW) staff has been working with the Coastal Dungeness Crab Advisory Board and an ad-hoc group of industry members to discuss crab management issues in general. Based on those discussions, WDFW is recommending that in addition to revising the regulation to address the season opening issue, that the overall number of replacement tags issued to each license owner be reduced from 15 percent to 10 percent of the total amount of buoy tags issued according to each license owner's pot limit (300 or 500).
- **Modify logbook requirements.** Washington commercial Dungeness crab license owners are currently required to submit logbooks for crab caught in waters adjacent to the Washington coast, Columbia River, Willapa Bay and, Grays Harbor. As currently written, this rule omits the requirement for crab caught off Oregon from being required to be recorded in a logbook when those crab are landed in Washington, which can be as much as 1 million pounds per season. Oregon Department of Fish and Wildlife (ODFW) regulations require logbook reporting for all crab (including those caught off of Washington) delivered into an Oregon port. While WDFW and ODFW share logbook data for crab caught by fishermen fishing in both Washington and Oregon waters to ensure our logbook records reflect catch reported on fish tickets, a revision to the current rules is needed to eliminate the omission and ensure a complete record of catch. In addition to providing important spatial data for Dungeness crab management, logbook data can be a useful tool for WDFW enforcement officers and by changing this rule, we could improve the enforceability of other crab regulations that are tied to area fished (e.g., pot limits).
- **Establish a gear tending requirement.** Currently, throughout the commercial coastal Dungeness crab season, fishers can leave their gear in the ocean without any restrictions as to how often the gear needs to be fished. At times, fishermen will leave their Washington crab gear unattended for months at a time. New regulations are needed to require that crab gear is tended periodically during the summer. The proposed regulation will provide a mechanism for WDFW enforcement officers to cite the operator when crab gear is left in the ocean unattended for more than 21 days without making a landing. The change will minimize the opportunity for unattended gear to be unlawfully fished by fishermen other than the legal owner or operator and minimize the potential for unattended gear to become lost or abandoned, often termed derelict gear.

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- **Extend pre-season gear set period.** Coastwide coordination of the commercial Dungeness crab fishery is facilitated by the Tri-State Dungeness Crab Committee (the Committee) which is convened through the Pacific States Marine Fisheries Commission. The Committee is made up of representatives from the Washington, Oregon and California Departments of Fish and Wildlife and members representing each state's Dungeness crab industry. The Committee meets in person approximately once per year to discuss and resolve coastwide Dungeness crab management issues. The Committee met this spring and agreed to revise the pre-season gear set period in Washington and Oregon. This change will extend the pre-season gear set period from 64 hours to 73 hours prior to the season opening so that commercial fishermen will be setting their gear in daylight hours rather than in the dark. ODFW is in the process of revising their regulations to reflect the Committee decision. This change will improve safety, enhance enforceability and provide for a coordinated season opening for the Washington and Oregon commercial Dungeness crab fishery.

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

These proposed rule changes are necessary to streamline the season opening date in regulation and align regulations for replacement buoy tags with the actual season opening date and reduce the administrative burden of implementing emergency rules when the season is delayed. Changes to logbook regulations will correct an omission and ensure that logbook reporting reflects all crab landings into Washington. Without this change, approximately 1 million pounds per season will not be recorded in a WDFW logbook. A new regulation requiring that gear be tended periodically during the summer will help enforce illegal fishing activities and potentially reduce derelict gear. Revising the pre-season gear setting period will improve safety and enforcement and will allow for a consistent season opening with Oregon. If this change is not implemented, fishermen that fish for crab in the Columbia River area using both Oregon and Washington licenses will be permitted to set gear in Oregon during daylight hours but will have to wait to set gear in Washington in the dark. Having different gear set periods in Washington and Oregon, where many fishermen fish in both areas, will make enforcing the gear setting period difficult.

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

WDFW has an active Dungeness crab Advisory Board appointed by the Director, which discussed all of these changes with WDFW staff. In addition, WDFW staff have met with a larger ad hoc group of industry representative and discussed many of these issues.

The proposed changes to the buoy tag program have been viewed positively. There are differing points of view regarding the need for replacement buoy tags. Industry members are interested in continuing discussions on the pros and cons of the replacement tag program in the future.

While many industry members see the value of logbook data collection, some do not. Many would like to see the logbook program restructured or eliminated but often those ideas come at the expense of collecting meaningful data. The changes proposed here are simply to close a loophole that is creating a gap between logbook data and fish ticket data but does not require the collection of additional logbook data. WDFW staff has spent a significant amount of time working with individual industry members to address logbook issues and will continue to work with industry advisors to explore ways to streamline logbook data collection in the future.

The proposed regulation to implement a requirement to tend crab gear every 21 days during the summer was developed with input from the advisory board. This concept was originally proposed to be in place throughout the season. However, it is not uncommon for bad weather during the December through April time period to be severe enough to prohibit tending of gear during the proposed 21 day time period. To address that, this rule was crafted to be in place only during the summer (May 1 through September 15) when issues with crab gear being left in the water unattended is highest and when the weather will likely not be an issue.

Improving the enforceability of regulations, such as proposed here for logbook and replacement tag requirements, is commonly viewed as a positive step by industry representatives as it provides for an equal playing field for all of the fishery participants.

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**Action requested:**

Briefing and public hearing only. Action is requested at the Commission's December 12-13, 2014 meeting.

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**Draft motion language:**

N/A

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**Justification for Commission action:**

Revisions to coastal commercial Dungeness crab regulations are needed to improve safety for the coastal Dungeness crab fishery, improve the intent and enforceability of existing rules and allow for a consistent season opening with Oregon. A new rule is needed to increase the enforceability of rules intended to prohibit fishing another person's gear and minimize derelict crab gear.

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**Communications Plan:**

All coastal Dungeness crab license owners will receive a letter with the details of the proposed rule changes. A public hearing will be held on November 25, 2014, outside of the Commission meeting due to filing deadlines. The Commission will receive a summary of the public comments provided at the hearing prior to Commission action scheduled for the December 12-13 Commission meeting.

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*Form revised 12/5/12*