

## Summary--DRAFT

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**Meeting dates:** January 16, 2015, Commission Conference Call

**Agenda item:** Coastal Commercial Dungeness Crab Rules - Action

**Presenter(s):** Heather Reed, Coastal Marine Policy Coordinator and  
Mike Cenci, Deputy Chief

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### **Background summary:**

The Fish and Wildlife Commission heard a briefing on proposed changes to coastal commercial Dungeness crab regulations in November and took action to adopt the proposed changes at their meeting December 12, 2014. While all of the proposed changes were described and discussed, the proposed change to WAC 220-52-049, which would implement a requirement to tend crab gear every 21 days from May 1 through September 15<sup>th</sup>, was inadvertently left off the motion and a change to WAC 220-52-045 was also identified following the Commission adoption that would provide more clarity to the regulations.

Changes to WAC 220-52-045 removed the December 1 season opening date to streamline the regulation. However, including language that identifies that the targeted season opening date is December 1 would make it easier for someone not familiar with the coastal commercial crab fishery to understand the rule and the linkage to the need for a season delay in some cases.

The amendment to WAC 220-52-045 is identified below.

- **Streamline the season opening date (WAC 220-52-045).** The coastal commercial Dungeness crab 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. Changes to WAC 220-52-045 removed the December 1 opening date to streamline the regulatory process by specifying that the season is closed except as provided by emergency rule. An amendment to the rule clarifies the intent by including language indicating the targeted season opening date remains as December 1.

The adoption of WAC 220-52-049 is identified below.

- **Establish a gear tending requirement (WAC 220-52-049).** 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. New provisions are needed to require that crab gear is tended periodically during the summer (May 1 – September 15). The proposed change provides 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 fishers 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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### **Policy issue(s) you are bringing to the Commission for consideration:**

These proposed rule changes are necessary to streamline, correct and improve the intent and enforceability of existing rules. To facilitate these changes Department staff proposes revisions to WAC 220-52-045 and creating a new provision in WAC 220-52-049.

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

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

WDFW staff held a public hearing and accepted written comment through November 25, 2014 to collect input on the proposed changes. There were no attendees at the public hearing. A summary of the

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comments and WDFW responses were provided for the December 12, 2014, Commission meeting.

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**Action requested:**

Amendment of proposed clarifications to WAC 220-52-045, and adoption of WAC 220-52-049 as proposed by Department staff.

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**Draft motion language:**

1. I move to adopt WAC 220-52-049 Commercial crab fishery – Gear limits – Coastal as recommended by Department staff.
  
2. I move to amend the motion that was previously adopted by the Washington Fish and Wildlife Commission at the December 12-13, 2014 Commission meeting regarding Coastal Commercial Dungeness Crab rules by adding language stating the target season opening date is December 1 and that language is to be included in WAC 220-52-045.

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**Justification for Commission action:**

Although changes to WAC 220-52-049 were summarized and discussed at the December meeting, the labeling was incorrect and WAC 220-52-049 was left out of the motion language. In addition, adding a closing date to the gear tending provision described in WAC 220-52-049 would improve the clarity of the rule language. Adding the target season opening date of December 1 to WAC 220-52-045 increases clarity in the rule. These changes, together with actions already approved by the Commission, would 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.

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**Communications Plan:**

License owners were notified of the proposed rule changes and the opportunity to provide comment to Department staff and during a public hearing held on November 25, 2014. A direct mailing to coastal Dungeness crab license owners will provide notification of the Commission's final action. Notification will also be available via the Washington State Register and agency website.