

**3. Puget Sound Dungeness Crab Catch Record Card (CRC) Penalty
— Rule Action**

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Meeting dates: September 5-6, 2008

Agenda item: Puget Sound Dungeness Crab Catch Record Card (CRC) Penalty
— **Rule Action**

Staff Contact: Rich Childers

Presented by: Rich Childers, Shellfish Policy Lead,
Intergovernmental Resource Management

Background:

Regulations were adopted in 2000 requiring recreational fishers to record Dungeness crab catches on a CRC and return CRCs to the Department at the end of the crab season. To improve recreational catch estimates and mid-season crab catch estimates, revisions to the CRC regulations were adopted in 2007 that require Puget Sound crab fishers to record catch on separate summer and winter CRCs and return these cards before September 15, and January 15, respectively. The option for fishers to report crab catch on Washington Department of Fish and Wildlife’s (Department) Web site was initiated in 2007 as an alternative to mailing CRCs and positive incentives were put in place to stimulate a higher card return rate.

While the CRC return rate increased in 2007 compared to previous years, less than one-third of the Puget Sound crab fishers submitted their CRC. Lack of cooperation by fishers continues to compromise efforts by the Department to improve catch accounting in the Puget Sound recreational crab fishery. Poor CRC return rates to date have created skepticism among the constituents regarding the amount and quality of the information obtained and used to manage the sharing of the crab harvest between recreational and commercial fishers in Puget Sound.

To address this situation, the Department sought legislation that provides the Fish and Wildlife Commission (Commission) the authority, by rule, to set an administrative penalty for fishers who fail to comply with the CRC reporting requirements. This authority was granted through the passage of SHB 2561 during the 2008 legislative session and allows for a penalty not to exceed \$10.

The Department is now seeking to create, by Commission rule, an administrative penalty for Puget Sound sport crab fishers who fail to comply with catch-reporting requirements. If adopted, a fisher who fails to report their crab catch information by the date indicated on the CRC would be assessed \$10 penalty at the Department license vendor before a new Puget Sound crab endorsement is issued for a subsequent season. The objective is to increase the rate of recreational crab catch reporting, thereby increasing the validity and credibility of the recreational catch estimates.

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

Implement SHB 2561

Public involvement process used and what you learned:

The penalty concept has been vetted through the recreational and commercial fishery advisory groups, Puget Sound sport fishing organizations, and six public meetings held throughout Puget Sound in 2006. Advisory board members, sport fishing organizations, and public meeting attendees all supported the penalty concept.

Notice of penalty for not returning a crab CRC will be communicated to the public using the following methods:

1. Notice of penalty will be printed on all crab CRCs;
2. Postcard reminder mailed to all fishers with a crab endorsement prior to the required CRC return date;
3. News releases;
4. Department recreational Dungeness crab Web site;
5. Sport fishing Internet sites;
6. Advisory groups and sport fishing organizations; and
7. Department sport fishing pamphlet.

Actions requested:

Approval of the proposed amendment to WAC 220-56-175: **Catch Record Cards**

Draft motion language:

I move to amend WAC 220-56-175 as proposed by staff members.

Justification for Commission action:

RCW 77.12.047 and RCW 77.32.070.

Improve Puget Sound recreational crab catch estimates

AMENDATORY SECTION (Amending WSR 08-07-003, filed 3/5/08, effective 4/5/08)

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13, ~~((anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021. Notwithstanding the provisions of this subsection, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619))~~ an angler must obtain and have in his or her personal possession a valid and appropriate Puget Sound Dungeness crab catch record card as described in WAC 220-69-236.

(2) ~~((Any angler, after obtaining a catch record card shall))~~ In order to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead, an angler must obtain and have in his or her personal possession a valid and appropriate catch record card as described in WAC 220-69-236. The only exception is for commercially caught salmon retained for personal use, as provided for in WAC 220-20-016, and commercially caught sturgeon retained for personal use, as provided for in WAC 220-20-021. Also, a catch record card is not required for landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 232-28-619.

(3) To validate ~~((the))~~ their catch record cards ~~((by))~~, anglers must completely, accurately, and legibly ~~((completing))~~ complete all personal identification information in ink on the catch record card ~~((prior to))~~ before detaching the ~~((catch record))~~ card from ~~((the))~~ its underlying copy ~~((of the catch record card))~~ or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid ~~((so))~~ as long as there ~~((are))~~ is one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington ~~((for sturgeon))~~, a catch record card remains valid ~~((when the))~~ for catch-and-release sturgeon fishing when the sturgeon portion of the ~~((catch record))~~ card is ~~((filled))~~ full. ~~((A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.))~~

(b) A person may not use a second or subsequent catch record

card ~~((is invalid for retention of))~~ to retain sturgeon and wild steelhead after the first card is full.

~~((+3))~~ (4) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, ~~((the))~~ anglers ~~((shall))~~ must enter, in ink, in the appropriate space on the card, the place, date of catch, and species (catch type)((7)). For sturgeon, anglers also must record the length((7)) of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked.

~~((+4))~~ (5) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, ~~((the))~~ a fisher must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and ((enter)) a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher ((shall)) must enter the total number of crab tally marks for each fishery type.

~~((+5))~~ (6)(a) Every person issued a catch record card ~~((shall))~~ must, by April 30 of the year ((following the year printed on)) after they used the ((catch record)) card, return ((such)) the card to the department of fish and wildlife ((except as follows: Every person)). People issued a Puget Sound Dungeness crab catch record card ((shall)) must return ((such catch record)) the card to the Washington department of fish and wildlife ((no later than the required return date printed on the catch record card or report their catch record card information on the internet site designated on the catch record card by the same date)) or report the card information at the designated internet site by the dates indicated on the card.

(b) Effective December 1, 2009, and thereafter, failure to return a Dungeness crab catch record card or to report the Dungeness crab catch record card information at the designated internet site by the dates indicated on the card will result in a ten-dollar administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

~~((+6))~~ (7) Any person possessing a catch record card ~~((shall, upon demand of))~~ must show the card to any law enforcement officer or authorized department employee((, exhibit said card to such officer or employee for inspection)) who asks to inspect the card.

~~((+7))~~ (8) A catch record card ~~((shall))~~ must not be transferred, borrowed, altered, or loaned to another person, unless pursuant to Substitute Senate Bill No. 6260, effective June 12, 2008.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 08-08-053 _____ ;
or
 Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) WAC 220-56-175, Catch record cards.

Hearing location(s):
Embassy Suites
20610- 44th Avenue West
Lynnwood, WA

Date: August 8-9, 2008 Time: 8:30 AM

Submit written comments to:

Name: Rules Coordinator
Address: 600 Capitol way No., Olympia, WA 98501-1091

e-mail preuslmp@dfw.wa.gov _____
fax (360)902-2155 _____ by (date) August 6, 2008

Assistance for persons with disabilities: Contact

Susan Yeager by August 1, 2008 _____
TTY (360) 902-2207 _____ or (360) 902-2267 _____

Date of intended adoption: September 5, 2008
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Purpose of proposal is to create, by Commission rule, an administrative penalty for individuals not reporting their Puget Sound Dungeness crab catch as required by rule. The anticipated effect is to increase the rate of recreational crab catch reporting, thereby increasing the validity of the recreational crab catch statistics and the department's credibility in its recreational crab management methods.

Reasons supporting proposal: The department's credibility regarding its Puget Sound Dungeness crab management efforts, statistics, and harvest estimates has suffered from a lack of public confidence. Ironically, the department's efforts have been hampered to a large degree by the public's failure to return Dungeness crab catch record cards. When these cards are not returned, the department must depend on the small sample of harvest information it gets from the few people who do return their cards. This rule seeks to foster improved catch record card return/reporting rates. Improved rates will allow the department's harvest estimates to improve and the public's confidence to increase.

Statutory authority for adoption: RCW 77.12.047 and RCW 77.32.070

Statute being implemented: RCW 77.12.047 and RCW 77.32.070

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION:

DATE July 1, 2008

NAME (type or print)
Lori Preuss

SIGNATURE *Lori Preuss*

TITLE
Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: July 01, 2008

TIME: 2:19 PM

WSR 08-14-146

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Morris Barker	1111 Washington Street SE, Olympia	(360) 902-2826
Implementation....Lew Atkins	1111 Washington Street SE, Olympia	(360) 902-2651
Enforcement..... Bruce Bjork	1111 Washington Street SE, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This is a recreational fishing rule.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This is not a hydraulic rule.