

**18. PUGET SOUND CRAB FISHERY MANAGEMENT REGULATION  
CHANGES– (Briefing/Public Hearing)**

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**“GREEN SHEET”**

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**Meeting dates:** December 4, 2010, Commission Meeting

**Agenda item 18:** Commission Briefing: Puget Sound Recreational Crab Fishery Rule Change – (Briefing/Public Hearing)

**Staff Contact:** Rich Childers, Puget Sound Shellfish Manager (Fish Program)

**Presenter/s:** Rich Childers, Puget Sound Shellfish Manager (Fish Program)

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**Background:**

A revised Puget Sound crab policy (Policy C-3609) was adopted in October 2010 that increases recreational opportunity and provides for a standard season design for the recreational fishery from year to year. To adhere to Policy C-3609, changes are needed in the recreational fishery regulations adopted by the commission in 2005.

The briefing will include the following:

- I. Changes to WAC 220-56-330 Crab--Areas and seasons that are needed to implement the standard recreational season design adopted in Policy C-3609.
  - II. Projected changes in the Puget Sound commercial crab catch and commercial fishery revenue resulting from the increase in recreational opportunity.
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**Policy issue(s) you are bringing to the Commission for consideration:**

None

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

Staff met with the Puget Sound Commercial and Recreational Dungeness Crab Advisory Groups to solicit input on the proposed rule changes. Recreational advisors support the proposed changes. Commercial fishery advisors do not support the proposed changes.

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**Action requested (identify the specific Commission decisions you are seeking):**

Briefing and public comment only

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**Draft motion language:**

N/A

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**Justification for Commission action:**

N/A

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**Communication Plan:**

Agency web site and news releases, commercial and recreational advisory boards, recreational fishing groups and organizations.

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# FISH AND WILDLIFE COMMISSION

## POLICY DECISION

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**POLICY TITLE: Puget Sound Crab Fishery**

**POLICY NUMBER: C-3609**

Supersedes: C-3609 effective 2/5/2000

Effective Date: October 1, 2010

See Also: WAC 220-16-260

Termination Date: N/A

Approved:   
Washington Fish and Wildlife Commission

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### **Purpose**

The purpose of this policy is to provide the Washington Department of Fish and Wildlife policy direction in meeting the dual mission of preserving, protecting, and enhancing fish and wildlife and their habitats while providing fish and wildlife related recreational and commercial opportunities as it relates to the Puget Sound Dungeness crab resource.

### **Definition and Intent**

This policy provides guidance for state managed fisheries of Dungeness crab (*Cancer magister*) in Washington State waters east of the Bonilla-Tatoosh line (crab management regions 1-6). In establishing this policy direction for Puget Sound, the Fish and Wildlife Commission considered the state-wide harvest of Dungeness crab from the perspective of meeting the needs of the consumer, the commercial harvesters, and the recreational fishers of Washington.

### **General Policy Statement**

The Washington Department of Fish and Wildlife (Department) shall promote a healthy and sustainable population of Dungeness crab in Puget Sound and work cooperatively with the Tribal Co-Managers in structuring management measures to ensure a healthy and sustainable resource and achieves a fair sharing of the harvestable resource.

The management intent is to provide for meaningful and stable recreational and commercial fisheries and to focus the commercial fishery in the areas where the crab abundance is the greatest. In recognition of the small boat nature of the recreational fishery, the protected waters that Puget Sound provides small boats, and the growing interest in the Puget Sound Dungeness crab fishery, the following season structure is established as the base recreational season for Puget Sound.

- July – Labor Day
- 5 days per week, including weekends
- October – December Winter Season (7 days/week)
- 5 crab daily bag limit

The Department shall provide an annual summary report and briefing describing for each management region the performance and harvest of both commercial and recreational fisheries. In addition, the Department will report on regulation compliance data collected by enforcement and fishery management staff

### **Policy Guidelines**

- Continue to follow the scientifically recognized best practice known as the “3-S” system for crab management. The 3-S system includes a “sex” restriction that allows only male crabs to be retained that are over the minimum “size” to protect the reproductive ability of the population, and “seasons” that protect sensitive molting periods.
- Minimize, as practical, bycatch mortalities of Dungeness crab that occur in other fisheries
- Continue to refine the methods to provide accurate and timely estimates of the recreational and commercial catch of Dungeness crab harvests.
- Develop and implement enhanced enforcement strategies to improve compliance with fishing regulations and ensure orderly fisheries.
- Pursue communication, education, and enforcement strategies to enhance compliance with regulations pertaining to sex and size limits and the recording and reporting of catches.
- Develop and implement cooperative education and outreach programs with the sport fishing community and organized fishing groups to assist the Department in improving sport fishing rule compliance.
- Provide easily accessible information to the public regarding the fishery rules including website information to educate the public on fishery rules, a shellfish rules hotline, and pages in the sport pamphlet devoted to information regarding the rules that govern this fishery.
- Working with stakeholders, develop and implement strategies to reduce and remove derelict crab pots and associated fishing gear.
- Recognizing the significant differences relative to the abundance of crab in each of the Department’s six crab management regions, the following policies are established for the sharing of the Dungeness crab resource within the state share of the harvestable resource pursuant to the applicable annual state-tribal management plan and U.S. v. Washington.

- Region 1 – In priority order, provide for the recreational seasons prescribed in the General Policy. Provide the commercial fishery harvest opportunities beginning in the early fall time-frame and manage it in a manner that maximizes the ex-vessel value, avoids conflict with the tribal fishery, and results in a high quality product for the consumer.
  - Region 2 – In priority order, provide for the recreational seasons prescribed in the General Policy. Provide the commercial fishery harvest opportunities beginning in the early fall time-frame and manage it in a manner that maximizes the ex-vessel value, avoids conflict with the tribal fishery, and results in a high quality product for the consumer. State fisheries in Port Townsend Bay will be managed for the primary benefit of the recreational fishery.
  - Region 3 - In priority order, provide for the recreational seasons prescribed in the General Policy. Provide the commercial fishery harvest opportunities beginning in the early fall time-frame and manage it in a manner that maximizes the ex-vessel value, avoids conflict with the tribal fishery, and results in a high quality product for the consumer. State fisheries in Discovery Bay, Sequim Bay, Port Angeles Harbor, and Dungeness Bay will be managed for the primary benefit of the recreational fishery.
  - Regions 4, 5, and 6 - The state fishery in these areas will be managed for the exclusive benefit of the recreational fishery. Seasons will be structured consistent with the recreational season described in the General Policy and managed to stay within the state share of the harvestable resource.
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Approved October 1, 2010  
Washington Fish and Wildlife Commission  
October 1-2, 2010, meeting in Olympia





# 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 10-13-121 on 6/22/10;  
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: WAC 220-56-330 Crab--Areas and seasons.

Hearing location(s):  
Natural Resources Building, Room 172  
1111 Washington St., SE  
Olympia WA 98504

Date: December 3-4, 2010 Time: 8:30 a.m.

Date of intended adoption: On or after February 4, 2011  
(Note: This is NOT the effective date)

Submit written comments to:  
Name: Lori Preuss, Rules Coordinator  
Address: 600 Capitol Way, N.  
Olympia WA 98501-1091

E-mail: Lori.Preuss@dfw.wa.gov  
Fax: (360) 902-2155 by December 4, 2010

Assistance for persons with disabilities:  
Contact: Susan Yeager by: November 25, 2010  
TTY: (360) 902-2207 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules:  
Changes the opening days for recreational crab in Puget Sound waters (Marine Areas 4-13) from Wednesday through Saturday to Thursday through Sunday, and opens the recreational fishery in Marine Areas 4-13 seven days per week beginning the second Saturday in October through December 31.

Reasons supporting proposal: To align the recreational crab rules with the Washington Fish and Wildlife Commission's new policy allowing more recreational crabbing opportunity in Puget Sound.

Statutory authority for adoption: RCW 77.04.012, 77.12.045, and 77.12.047.

Statute being implemented: RCW 77.04.012, 77.12.045, and 77.12.047.

Is rule necessary because of a:  
Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No  
If yes, CITATION:

DATE  
October 20, 2010

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: **October 20, 2010**  
TIME: **10:01 AM**

**WSR 10-21-102**

(COMPLETE REVERSE SIDE)

**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.....	Rich Childers	1111 Washington St., Olympia	(360) 586-1498
Implementation....	James Scott	1111 Washington St., Olympia	(360) 902-2736
Enforcement.....	Chief Bruce Bjork	1111 Washington St., 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.

No. Explain why no statement was prepared.  
These proposals modify only recreational fishing regulations.

**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: These proposals do not involve hydraulics.

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

**WAC 220-56-330 Crab--Areas and seasons.** (1) It is unlawful to fish for or possess crab taken for personal use from Puget Sound except during the following seasons:

(a) Marine Area 4 east of the Bonilla-Tatoosh line, and Areas 5, 6, 8-1, 8-2, 9, 10, 11, 12, and 13(---): Open 7:00 a.m., ((June 18 through the last day in February)) July 1 through Labor Day, Thursday through Monday of each week; and open the second Saturday in October through December 31, seven days per week.

(b) Those waters of ((Area 6, those waters of)) Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence due west to the international boundary(,; westerly of a straight line from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island; and west of a line projected from the southeast point of Sinclair Island to the ferry dock at Shannon Point, and waters of Areas 8-1, 8-2, 9, 10, 11 and 12 --)) and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Open 7:00 a.m. ((July 1 through September 3, open only Wednesday through Saturday of each week and open Sunday, September 5 and Monday, September 6.

(c) Those contiguous waters of Marine Area 7 north, south and east of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island, and a line that extends from the Anacortes ferry dock at Shannon Point, northward to the southeastern tip of Sinclair Island, thence from the northernmost tip of Sinclair Island through Lummi Rocks to Lummi Island (southeast Hale Pass, Bellingham Bay, Samish Bay, Padilla Bay, eastern waters of Bellingham Channel, Guemes Channel and Fidalgo Bay) - Open 7:00 a.m. July 16 through September 30, and open only Wednesday through Saturday except also open Sunday, September (5) and Monday, September 6), July 15 through September 30, Thursday through Monday of each week; and open the second Saturday in October through December 31, seven days per week.

~~((d))~~ (c) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island due west to the international boundary and north of a line that extends from Point Francis on

Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island(==): Open 7:00 a.m. August ~~((17))~~ 15 through September 30, ~~((and open only Wednesday))~~ Thursday through ~~((Saturday))~~ Monday of each week ~~((except also open Sunday, September 5 and Monday, September 6))~~; and open the second Saturday in October through December 31, seven days per week.

(2) It is unlawful to fish for or possess crab taken for personal use with shellfish pot gear from Marine Areas 1, 2, 3, and Area 4 west of the Bonilla-Tatoosh line except during the period from December 1 through September 15. Open to gear other than shellfish pot gear year-round.

(3) The Columbia River upstream from a line projected from the outermost end of the north jetty to the exposed end of the south jetty is open to crab fishing for personal use year-round.