

Summary Sheet

Meeting dates: May 31, 2019 Conference Call

Agenda item: Whale Entanglements in the Coastal Crab Fishery – Update

Presenter(s): Michele Culver, Intergovernmental Policy Manager

Background summary:

In January, WDFW staff briefed the Commission on the status of gray whale and humpback whale entanglements in the coastal Dungeness crab fishery. As part of that briefing, we indicated that:

- There had been an increase in whale entanglements West Coast-wide from 2015 compared to the average number confirmed from 2000-2014,
- These included a recent increase in humpback whale entanglements in the coastal crab fishery, which are listed under the Endangered Species Act (ESA),
- WDFW had sent a letter to NOAA indicating our intent to apply for an incidental take permit under ESA Section 10 for the coastal crab fishery,
- WDFW had been contacted by the Center for Biological Diversity who had filed a lawsuit against the California Department of Fish and Wildlife regarding interactions with ESA-listed species in California fisheries, and
- WDFW planned to have two workshops this spring with coastal crab fishery participants to identify potential regulatory changes to reduce whale entanglements.

The purpose of this briefing is to provide a status update relative to the activities that have occurred since the January report and describe a proposed process and timeline.

Attached, for reference, are:

1. Summary of the discussions that have occurred relative to this issue since our briefing in January
2. Fact sheet describing the status of humpback whale entanglements in the crab fishery that was shared with Representatives Blake and Walsh and Senator Takko at a requested briefing
3. Chart displaying the number of NOAA confirmed humpback whale entanglements with Washington coastal crab gear and unknown gear from 2008-2018 (Note: 2018 data are preliminary), by month
4. Preliminary WDFW regulatory proposal and proposed process and timeline

Staff recommendation:

Consider the information presented and provide feedback and guidance to staff relative to the preliminary regulatory proposal and proposed process and timeline, as appropriate.

Policy issue(s) and expected outcome:

The coastal Dungeness crab fishery has had interactions with gray whales and humpback whales, which have increased in recent years, and two of the ESA-listed distinct population segments of humpback whales frequent the Washington coast in areas that overlap with the crab fishery.

WDFW staff are working with the coastal crab fishery participants and other interested stakeholders to develop and consider regulatory changes to reduce the likelihood of whale entanglements in the crab fishery.

We will try our best to meet our target date of December 31, 2020, for submittal of an incidental take permit application to NOAA. We are collaborating with NOAA, coordinating with the states of Oregon and California, and keeping the Coastal Treaty Tribes informed of our efforts.

Fiscal impacts of agency implementation:

The Fish Program has hired a biologist to add support for the incidental take permit process, which includes drafting the permit application and accompanying Habitat Conservation Plan and National Environmental Policy Act documents, as required. Current policy staff work has been re-prioritized to focus on this effort over the next two to three years for coordination with NOAA, states of Oregon and California, affected crab industry members, and other stakeholders.

Public involvement process used and what you learned:

A summary of the discussions to date is provided in Attachment 1.

Action requested and/or proposed next steps:

No action is being requested of the Commission at this time, and a summary of proposed next steps is provided in Attachment 4.

Draft motion language: N/A

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