

Summary Sheet

Meeting dates:	January 11-12, 2019
Agenda item:	14. Whale Entanglements in the Coastal Dungeness Crab Fishery – Briefing
Presenter(s):	Michele Culver and Heather Reed, Intergovernmental Ocean Policy

Background summary:

While there have been large whales entangled in fishing gear off the West Coast for several years in various fisheries, including the coastal Dungeness crab pot fishery, those entangled with gear in Washington were gray whales. In more recent years, however, the number of whale interactions West Coast-wide has increased from about ten per year to 45 that were confirmed in 2018, and include other species, such as humpback and blue whales.

Gray whales are protected under the Marine Mammal Protection Act but are not listed under the Endangered Species Act (ESA)—their population is at the Optimum Sustainable Population size and the number of whale entanglements with Washington crab gear was relatively low (i.e., about 1-3 per year). In 2017, the West Coast total for confirmed entanglements increased to 31 whales and preliminary estimates for 2018 through November is 37. Of the 37, the total for the Washington crab fishery was five—four in the state fishery (three gray whales and one humpback) and one humpback whale in the tribal crab fishery.

Through the Magnuson-Stevens Act, the West Coast states have the delegated authority to manage the coastal Dungeness crab fishery in federal waters. The coastal crab fishery occurs close to shore extending out about four miles offshore in Washington, as well as in the estuaries of the Columbia, Willapa Bay, and Grays Harbor. In Washington, we co-manage the fishery with the Coastal Treaty Tribes, and the Quinault, Quileute, and Makah Tribes actively engage in the fishery. Additionally, we coordinate our management West Coast-wide through a “Tri-State” process whereby we review and discuss crab condition (i.e., softshell) testing protocols and results, domoic acid testing, major issues—such as whale entanglements—and regulatory consistency.

The increase in humpback whale interactions can be attributed to a few factors—warmer coastal waters, prey availability, and an increase in their population. Humpback whales reached a population low of about 1,600 animals in 1966, and the estimated North Pacific humpback population is now around 20,000. They feed on krill, which is found further offshore, and anchovy. The abundance of forage fish is cyclical and, typically, when the sardine population is down, the anchovy population is up. From about 2000-2013, the sardine population was high. It dramatically dropped in 2014 and the fishery has remained closed since. Conversely, there has been a spike in the anchovy population, with observed high abundance in the Columbia and coastal estuaries. In this same timeframe, we have seen an increase in humpback whales in the Columbia, along the coast, and in Puget Sound, presumably feeding on anchovy. This brings them closer to shore where the crab fishery occurs, increasing the possibility of gear interaction.

As the whale interactions have increased, Washington, Oregon, and California have established Whale Entanglement Working Groups comprised of stakeholders and coordinated through the Pacific States Marine Fisheries Commission. California was the first to establish their Working Group a few years ago because of the higher proportion of whale entanglements. Oregon followed, and Washington’s Working Group was established in 2017. More information about the Working Groups is under the “Public involvement process” section below.

In June 2017, the Center for Biological Diversity (CBD) filed a lawsuit against the California Department of Fish and Wildlife (CDFW) for whale and sea turtle entanglements in fishing gear and earlier this year, the California State Legislature directed CDFW to take actions to address these protected species interactions. In October, CBD filed a motion for summary judgment and, in November, CDFW sent a letter to the National Marine Fisheries Service (NMFS) indicating their intent to apply for an Incidental Take Permit under Section 10 of the ESA.

In August 2018, CBD sent a letter to WDFW requesting a call to explore ways to reduce the risk of entanglements in our fisheries. We had a call with CBD representatives in November and provided much of the background information we have described here as well as our proposed next steps.

In December, WDFW sent a similar letter to NMFS indicating our intent to apply for an Incidental Take Permit under Section 10 of the ESA. We estimate it will take about 18-24 months for us to complete the application, and the NMFS review and Biological Opinion development process can take an additional 2-3 years, depending on available staff resources.

In the interim, we will continue to work through our Whale Working Group process to develop and discuss potential management measures to avoid and minimize whale interactions. We had already planned to have a couple of workshops this spring on electronic monitoring; we plan to expand the agenda to include other regulatory actions to address whale interactions.

Staff recommendation:

None – briefing only

Policy issue(s) and expected outcome:

How best to reduce whale interactions with coastal Dungeness crab fishing gear.

Fiscal impacts of agency implementation:

WDFW anticipates needing additional staff resources to assist with the data review, analysis, and drafting of the Incidental Take Permit application, coordinate the coastal crab industry workshops to identify and discuss regulatory changes, and implement the regulatory changes.

Public involvement process used and what you learned:

The Washington Working Group has met five times, attended a “ropeless gear” workshop earlier this spring, and is closely following the California process. WDFW also sent a letter to coastal crab fishers with a “Best Management Practices” guide to reduce whale interactions, and distributed vessel placards to license holders during the preseason hold inspections.

Action requested and/or proposed next steps:

Proposed next steps are to hold two workshops in spring 2019 with coastal Dungeness crab fishery participants to identify and discuss potential actions to reduce whale interactions in the fishery, including gear changes, time and area closures, and electronic monitoring.

Draft motion language:

N/A

Post decision communications plan:

