

**Concise Explanatory Statement (CES)
Amending Coastal Commercial Dungeness crab Rules**

WAC 220-52-041 Coastal Dungeness crab logbook requirements

WAC 220-52-042 Commercial crab fishery—Buoy tag, pot tag, and buoy requirements

WAC 220-52-045 Commercial crab fishery – Seasons and areas – Coastal

WAC 220-52-049 Commercial crab fishery – Gear limits -- Coastal

A. Reasons for adopting the rule:

The coastal commercial Dungeness crab fishery is one of the most economically important fisheries in the state of Washington. Revisions to existing coastal commercial Dungeness crab rules are needed to improve the intent and enforceability of existing regulations. Proposed rule changes will also allow for a coordinated commercial season opening with Oregon, minimize lost or derelict crab gear, and improve safety for the coastal Dungeness crab fishery.

WAC 220-52-041:

Logbooks are a valuable tool for fishery managers. Logbook data are used to provide more detailed spatial information on catch than what is available from fish tickets. As currently written, WAC 220-52-041 omits crab caught off Oregon and landed into Washington from logbook recording requirements. The change to WAC 220-52-041 corrects the omission and ensures a complete record of catch.

WAC 220-52-042:

Replacement buoy tags are used to enforce pot limits. The changes to WAC 220-52-042 will reduce the amount of replacement tags that are available to each license owner from 15 percent to 10 percent of the total amount of buoy tags issued to each license holder based on each license owner's pot limit (300 or 500) and delay the date when replacement tags are available to each license holder. In recent years, the number of replacement tags issued has dropped to less than 15 percent of the total amount allowed. Many industry members are interested in eliminating replacement tags all together. Reducing the available percentage of replacement tags to 10% brings the amount of replacement tags allowed in line with actual need while staff gathers additional input from industry about the need for replacement buoy tags. Delaying the date when replacement tags are available also allows additional time for fishers to locate lost pots and may reduce the amount of buoy tags issued for pots that were dislocated and not actually lost.

WAC 220-52-045:

Changes to WAC 220-52-045 remove the specific season dates from regulation. The targeted season opening date remains December 1 but is dependent on the results of pre-season testing to ensure that the legal sized male crab population has completed the primary molt period. The season opening is also dependent on state-tribal harvest management agreements that may specify a delay in the state crab season. Both of these issues often result in a delay of the season opening. The changes would eliminate the need for an emergency

rule to close the season if a delay was necessary but would still require an emergency rule to set the season dates once pre-season testing and state-tribal negotiations are complete.

Coast-wide coordination of the commercial Dungeness crab fishery in Washington, Oregon, and California is facilitated through the Tri-State Dungeness crab Committee and is convened by the Pacific State's Marine Fisheries Commission. This committee, which includes state managers and industry representatives from each state, agreed to extend the pre-season gear set period from 64 to 73 hours in advance of the season opening. The extension, as specified in WAC 220-52-045, results in the season opening occurring during daylight, rather than the night hours, and improves enforceability of the season opening and may improve safety for the coastal crab fleet.

WAC 220-52-049:

Adding a gear tending requirement in WAC 220-52-049 provides a mechanism for WDFW enforcement officers to cite someone when crab gear is left unattended for more than 21 days during the May through September time period. The change minimizes the opportunity for unattended gear to be unlawfully fished by someone other than the legal owner or operator and could minimize the potential for unattended gear to become lost, abandoned or entangled with migrating marine mammals. Industry members provided input on the 21 day provision and the May through September time period when the restriction should be in place. Specifying a shorter period, such as 14 days, would create an unnecessary burden on fishers who may legitimately leave gear out for longer periods of time, particularly during the summer. Similarly, having the rule in effect for the entire season, rather than the May through September time period, would focus the restriction on the time period when gear is typically left in the ocean unattended while the owner is engaged in other fisheries.

B. Difference between the text of the proposed rules and the text of the rules as adopted:

The rules as adopted were changed from those proposed to include a September 15th end date to the gear tending provision described in WAC 220-52-049 and to include language in WAC 220-52-045 to describe the target start date for the opening of the coastal commercial Dungeness crab season is December 1 based on the results of pre-season test fishing to determine crab condition. These changes provide more clarity in the rule language.

C. Summary of comments and WDFW response and consideration for the comments:

WDFW staff worked with the Coastal Dungeness crab Advisory Board on the development of the proposed changes. The final rule changes considered by the Fish and Wildlife Commission reflect significant industry input. For example, the rule change to WAC 220-52-049 implementing a gear tending requirement was initially discussed as something that would be in place for the nine-month crab season. Based upon discussions with industry, the Department revised the proposed rule change to focus on the May through September time period to more specifically address the time when this restriction is needed. Regarding the changes to the replacement tag allotment and schedule for obtaining replacement tags,

industry advisors discussed and supported a reduction in the amount of replacement tags while more input is gathered on potentially eliminating the replacement tag program in the future.

All coastal Dungeness crab license owners were notified by mail of the proposed changes and opportunity to provide comments on November 6, 2014. This letter also announced a public hearing November 25, 2014 at the WDFW regional office in Montesano. No one attended the public hearing. Comments were received via email from one license holder prior to the public comment deadline. A response to the public comment was provided to the Fish and Wildlife Commission for consideration at their December 12, 2014, public meeting.

Most of the comments received were focused on aspects of the rules that are already in place and didn't address specific changes proposed under this rule making. Department staff will continue to engage with the commercial industry and the Coastal Dungeness Crab Advisory Board and consider rule changes suggested by those comments in the future if appropriate.