

**Concise Explanatory Statement (CES)
Amending Coastal Dungeness Crab Rules**

Rules amended as part of this rule making:

WAC 220-340-390 Commercial crab fishery – Coastal gear recovery permits

A. Reasons for adopting the rules:

This rule change incorporates revisions to RCW 77.50.500 resulting from the passage of HB 2250 by the Washington State Legislature in 2020 into WAC 220-340-490. This rule change would allow the recovery of crab gear as early as May 1 each year, prior to the close of the coastal commercial Dungeness crab season.

This proposed rule change is being implemented in conjunction with other measures that are already in place (e.g., reduced pot limit, summer buoy tag requirement) and will allow crab fishers to recover gear that is not properly marked with a summer buoy tag. This rule change allows the recovery of gear not marked with a summer buoy tag before the end of the season which greatly improves the chance that it will be recovered and removed from the ocean; thus, accomplishing the objective of reducing the likelihood of whale entanglements

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

None

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

This rule change was considered as part of a larger package of rule changes intended to reduce the risk that commercial crab gear would become entangled with marine mammals, specifically, humpback whales which are listed under the Endangered Species Act (ESA). WDFW received public comment on the proposed rules through engagement with the Coastal Dungeness Crab Advisory Board and broader stakeholder meetings. Changes to RCW 77.50.500, which triggered this rule change were proposed and supported by members of the crab industry.

The primary comment received on this change was about when the expanded gear recovery period would begin. While there was strong support for an earlier opportunity to recover gear than what is currently allowed (post season), the discussion focused on when to start gear recovery in a way that best accommodated traditional fishing patterns, weather, and enforcement of buoy tag requirements.

The Rules Coordinator received one email that expressed concerns with the start date of the early recovery period similar to those discussed during Advisory Board and stakeholder meetings. To address those comments and discussions, the proposed rule change describes that gear recovery can start as early as May 1, but the language provides flexibility to delay implementation as needed to address weather and other logistics

associated with removing gear that will not be used after May 1 and applying summer buoy tags on gear that will be used from May 1 through the end of the season.