



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Brad Worthington - White

Name of Organization _____

Mailing Address _____

City Grapeview State WA Zip Code _____

Telephone _____ Email _____

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington Department of Fish and Wildlife

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: Marine Area 13 be opened for recreational crab fishing

This change is needed because: please see attachment 1 and attachment 2

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

ATTACHMENT 1 of 2
Bradley S. Worthington-White
PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Request: Marine Area 13 be opened for recreational crab fishing

Based on the following, I believe that southern Puget Sound, known as Marine Area 13 (MA-13), should **not** remain closed for recreational crab fishing.

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The WDFW stated reason for implementing this closure was to "promote recovery of Dungeness crab".

Currently, after seven (7) continuous years, this closure has not produced any results to substantiate that original intent. Therefore, it would appear appropriate for the WDFW to re-open MA-13 for recreational crab fishing.

Please refer to Attachment 2 for additional comments.

Bradley S. Worthington-White
PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Request: Marine Area 13 be opened for recreational crab fishing

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Additional Comments:

Additional Comments Content

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Key Point: Results Conclude Recreational Crab Fishing has NO Impact on the Recovery of Dungeness Crab.

The state of Washington has disclosed that there has been little, if any, fluctuation regarding the Dungeness crab population as a result of this closure.

Comment 1 – History

It is common knowledge, and a scientific fact, that the population of Dungeness crab in WA-13 has, throughout history, been significantly lower than any other area within Puget Sound.

Comment 2, – Questionable Numbers

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The public and media were told, back in 2018, that the harvest numbers for "Dungeness" crab had declined dramatically between 2012 and 2017. The numbers quoted in the media (provided by the WDFW) were that the harvest of Dungeness crab was 289,505 lbs. in 2012, which declined to 9,457 lbs. in 2017.

a. Combining Non-Related Numbers

As the WDFW stated, those numbers were a combined total for recreational and Tribal crab harvest numbers. Recreational crab fishing accounts for an average of 1% to 3% of the total crab harvest in Washington state. Tribal crab fishing accounts for over 50% of the total crab harvest in Washington state. Why were those numbers combined?

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b. Combining Statewide and Individual Marine Area Numbers

Those numbers were presented to represent the crab harvest for southern Puget Sound. Even if those numbers were misquoted, similar figures could only be construed by using the total Washington state Tribal catch numbers combined with the individual recreational catch numbers for southern Puget Sound.

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c. Conflicting Media Reported and Published Numbers

The WDFW Sport Catch Reports appear to reflect dramatically different numbers than those reported by the media in 2018.

<u>Year</u>	<u>Harvest numbers reported in the media</u>	<u>*Harvest numbers reported in the WDFW Sport Catch Reports</u>
<u>2012</u>	<u>214,404 lbs.</u>	<u>11,054,214 lbs.</u>
<u>2017</u>	<u>8,679 lbs.</u>	<u>10,664,718 lbs.</u>

*Washington State Sport Catch Report 2012, page 4, last sentence, "The sport crab fishery in the Puget Sound areas is summarized in Table 42. Crabbers harvested an estimated 2,054,214 pounds of Dungeness crab."

d. Unacknowledged Information

In 2018, when the WDFW was justifying its closure of southern Puget Sound to all recreational crab fishing, the following data failed to be presented.

- The total crab harvest set a historical record high in 2015, with a total catch close to 12,000,000 lbs.
- The total crab harvest for 2017 was 113% HIGHER than it was twenty-seven (27) years previously.

Comment 3 – Questionable Actions

The state of Washington has allocated all crab in WA-13 for recreational crab fishing only.



The state of Washington prohibits all recreational crab fishing in WA-13.

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Comment 4 – Wrong Areas Closed

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The Dungeness crab population within the waters of MA-13 is primarily dependent upon healthy populations of Dungeness crab within Puget Sound basins to the north of MA-13, whereas those northern Puget Sound populations are primarily dependent upon a healthy coastal population.

- o Dungeness crabs migrate in search of sufficient food and shelter (protection).
- o Dungeness crabs migrate when population density creates competition.
- o Dungeness crabs have ONLY migrated as far as south Puget Sound due to sufficient population density in those waters NORTH of south Puget Sound.

To actually “promote recovery of Dungeness crab” in south Puget Sound those areas NORTH of southern Puget Sound need to support a population of crab large enough to create competition for resources that in turn promotes southern migration.

Comment 5 – Closure Increases Mortality

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As often happens when man plays with nature, those unrecognized side effects will bite you in the [insert word of choice here].

Has consideration been given to the population of Red Rock crabs within MA-13? I am assuming that during the time of this closure, while the population of Dungeness crabs has remained stagnant, the population of Red Rock crabs has been increasing. Red Rock crabs are mortal enemies to Dungeness crabs. Prohibiting recreational crab fishing, for any species, simply allows an unchecked increase in the Red Rock crab population. Over time, this can only result in one thing – a zero population of Dungeness crabs within the waters of MA-13. (P.S. sidenote – I have personally fished the waters of MA-13 for crab. In the 20-25 years of doing so, perhaps 1 in 20 crabs I have pulled in my pots have been Dungeness)

Comment 6 – State-Licensed Aquaculture Uninterrupted

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During this same period, in which the public has been prohibited from recreational crab fishing of any kind in MA-13, the state has continued to promote, license, and profit from the aquaculture industry within those same waters.

This has taken place despite the state of Washington being fully aware:

- a. that the aquaculture industry is detrimental to the marine environment.
- b. that the aquaculture industry is detrimental to the upland environment.
- c. that the aquaculture industry is detrimental to the entire food web.
- d. that the geographic and environmental composition of southern Puget Sound makes it the most environmentally destructive location within Puget Sound for aquaculture.

e. that the overwhelming majority of state-permitted aquaculture takes place in southern Puget Sound. (if necessary, qualify aquaculture as Geoduck farming)

The stated reason, by the WDFW, and the intent of this closure was:

Hmm, am I starting to see a trend here?

Washington state allocates all crab in WA-13 for recreational crab fishing only.

Washington state prohibits all crab fishing in WA-13.

Southern Puget Sound is the worst place for commercial aquaculture.

The majority of commercial aquaculture takes place in southern Puget Sound.

“to protect weak Dungeness crab populations”

<https://wdfw.wa.gov/newsroom/news-release/recreational-crabbing-open-july-1-many-puget-sound-marine-areas>
Q#:~:text=The%20following%20areas%20will%20remain,%3A%20Closed%20until%20further%20notice:

As this closure has not reflected any change (good or bad) to the population of Dungeness crab within the waters of southern Puget Sound, it should be the responsibility of the state of Washington to ensure that the waters within MA-13 (southern Puget Sound) or immediately re-opened for the public enjoyment of Recreational Crab fishing.

The true motivation behind this closure is questionable at best. The state of Washington has little monetary interest in the population of Dungeness crab within WA-13. And the state of Washington has allocated the total harvest of crabs within WA-13 to RECREATIONAL crabbing ONLY.

So, to get that straight.

- 1.. The state of Washington has allocated all the crab in WA-13 for recreational crab fishing only.
- 2.. The state of Washington prohibits recreational crabbing fishing in WA-13.



Below are assumptions that my research indicates may be related to how this closure was originally justified.

1. **Assumption:** Closure of the waters within MA-13 to recreational crab fishing (of any kind, for any species) would help to increase the population of Dungeness crab within those same waters.

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Reality: After six years of continuous closure the state of Washington fully acknowledges that there has been no noticeable change in the Dungeness crab population within MA-13.

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2. **Assumption:** The Dungeness crab population suddenly and mysteriously decreased in such a manner that this closure was justified.

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Reality: The Dungeness crab population, at no time, reflected anything other than those of natural and recurring cyclical trends.

3. **Assumption:** The Dungeness crab population was negatively impacted by recreational crab fishing.

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Reality: Six years of closure to recreational crab fishing has resulted in zero impact to the Dungeness crab population within MA-13.

4. **Assumption:** Closing these waters to recreational crab fishing of any type, for any species, would prevent Dungeness crab mortality due to unintentional catch.

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Reality: (see 3. Above) no data of any kind exists to even suggest that unintentional catch played a statistically significant role in the Dungeness Crab population.

5. **Assumption:** (well, not an assumption I guess, more of a preposterous denial of truth) Recreational crabbing activities present a higher risk to the population of Dungeness crab in southern Puget Sound than that of Commercial Aquaculture activities.

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Reality: Commercial Aquaculture is questionable at best regarding the environmental impacts this activity creates. Studies regarding that impact vary depending on the source. Studies presented by the state of Washington to justify permitting, and even increasing, this activity have been

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and associated activities release vast quantities of pollutants previously encapsulated within the sediment.

Commercial Aquaculture involves blasting the bottom sediment with high-power, high-flow, jets of water. This occurs over the entire area of harvest. This occurs to a depth of four to five feet. This reintroduces everything that time and nature had removed from the waters right back into those waters. This reintroduces everything that time and nature had decades of pollutants encapsulated removed from the waters right back into those waters. within that sediment.

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Dungeness Crab for Dummies:

Dungeness crab

Reality: see 2. Above, six years of closure, zero impact on the Dungeness crab population. The known lifestyle Dungeness crab population within the waters of MA-13 is dependent upon the health of Dungeness crab populations within other basins of Puget Sound in addition to the health of the Dungeness crab population within the coastal waters of Washington state.

———— Dungeness crab populations are dependent on

- ——— Age
- ——— Dietary requirements
- ——— Habitat requirements
- ——— Environment

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Comment 7 – Is This Science or Insanity?

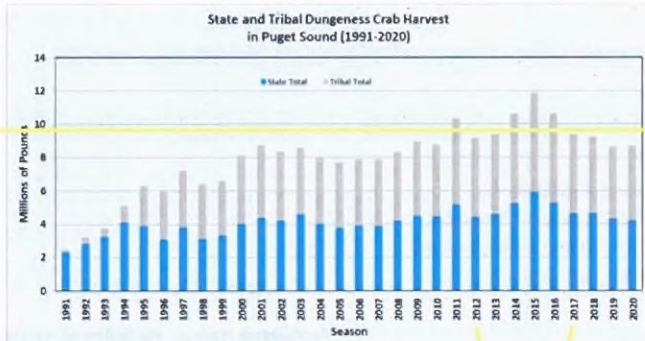
Insanity = repeating the same thing over, and over again, expecting different results.
Science = repeating the same thing over, and over again, achieving the same results.

Is it not insanity to continue this closure when the state has scientifically proven the results do not support the intent?

Closing

In closing, it's obvious that recreational crab fishing is not a factor in the effort to "promote recovery of Dungeness crab", therefore, the state of Washington should immediately cease all recreational crab fishing prohibitions in MA-13. In addition, ensure that all such future closures are placed appropriately, beginning with the greatest threat – not the least. Furthermore, these decisions should be based on negative environmental impact rather than positive monetary impact for the state.

Total Dungeness Crab Harvest as reported by WDFW



(yellow lines added for comparison)

In the 26 years between 1991 and 2017 the yearly average total Dungeness crab harvest is approx. 6.7 million pounds.

In 2017 the total harvest was approx. 9.2 million pounds, or 2.5 million pounds above the 26-year average.