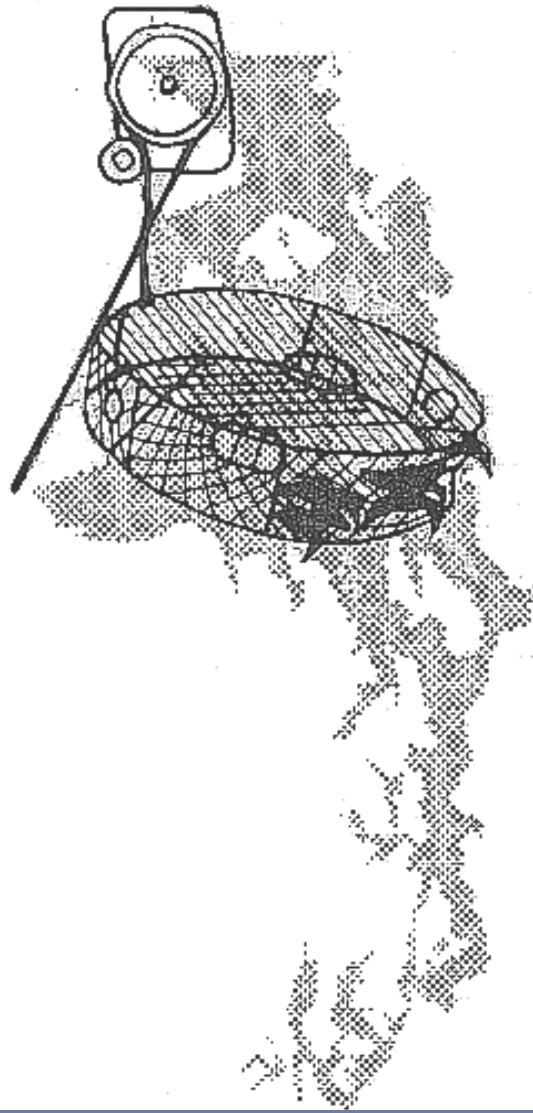


Puget Sound Crab Association

Puget Sound Dungeness Crab Fishing



K. Thompson
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PUGET SOUND COMMERCIAL CRAB FISHING

An Industry Threatened

The commercial crab industry is facing the most critical time in its one hundred plus year history. The sport crabbers have requested that the Fish and Wildlife Commission grant more crab to them. The Commission has agreed and proposes to give sport fishers unprecedented priority over commercial fishers. The Commission has taken a fishery resource that belongs to all the citizens of Washington State and given priority to one elite group so they can take crab home to eat and give to their friends. This is nothing but greed on the part of the sport fishers who have an unacceptably high rate of violating WDFW regulations.

Option A adopted by the Washington Fish and Wildlife Commission provides for open ended harvest by recreational fishers with no season limit and no payback for over harvest. Limits are already in place for the two other user groups, the Washington State Tribes and the Puget Sound commercial crab fleet. The commercial fishery is the access to the resource for over 6.6 million residents of Washington State while the recreational fleet represents approximately 240,000 fishers that harvest 34% of the state's allocation of Puget Sound Dungeness crab. That's 3.5% of the population using 34% of the resource. If the new regulations are adopted, the recreational share may be so high that the commercial fishers will be unable to fish in certain areas. With the increased sport harvest, the public access to crab at the markets decrease.



Public buying live crab from a Blaine commercial fisherman

Violations by some recreational crabbers may jeopardize the fishery. The true extent of recreational crab violations and their impact on the accuracy of harvest estimates remains an open question.

Enforcement statistics suggest that a significant number of recreational crabbers violate rules related to the 3-S System (sex, season and size). The high number of violations suggests that longer term populations could be endangered if 3-S violations are too high at the same time that the great majority of legal-sized crabs are harvested.¹



All these crab are female or undersized

¹ Performance Audit Report, Puget Sound Dungeness Crab Fishing WDFW, Report No. 1002690

Over the limit here

“During the 2007-2008 season enforcement officers identified 177 recreational crabbers (45 percent) who had not recorded their harvest on their catch record card” on the fishing grounds. ²



Other violations occur such as gear requirements or possessing mutilated crab. Mutilated crab cannot be identified as female or undersized.

² Enforcement PowerPoint presentation to F & W Commission, February 2008

Enforcement statistics show a high level of noncompliance with catch record card requirements

Crab harvest data is potentially useful for measuring population trends to ensure crab harvests are kept at a sustainable level. “The harvest estimate is subject to inaccuracies due to the low rate of recreational crabbers’ self-report of harvests” “ and high level of noncompliance with catch record card requirements while crabbing”. “After the 2008 summer season, almost 61 percent of the 6,036 survey respondents reported their harvest from memory.”³



Both undersized and female crab

³ Performance Audit Report, Puget Sound Dungeness Crab Fishing WDFW, Report No. 1002690
<http://www.sao.wa.gov/auditreports/auditreportfiles/ar1002690.pdf>

These pots were fishing illegally⁴



CLOSED DAY / AREA/ SEASON ENFORCEMENT

Difficulties Determining Total Recreational Harvest

WDFW has an excess of problems generated by lack of reporting and lag time for computing recreational catch. Commercial crabbing is straightforward for DFW to monitor. A well established system has been used for years to record and monitor commercial landings. There have been very few violation either with the reporting of harvest or the harvest itself.

More crab opportunity equals more violations. More violations equal more damage to the resource.

⁴ Enforcement PowerPoint presentation to F & W Commission, February 2008

Emphasis Patrol - Enforcement Reports on Recreational Crabbing⁵

July 1 to July 24, 2010 Violations⁶

	2,100 Crab Caught
	1,400 Crab reported on CRC
70%	Harvest rate
33%	700 crab not on CRC
3%	66 undersized crab
2.6%	21 people over limit
	4 female
38%	Total Violations

Opening Week 2005, Areas 7, 8-1, 8-2, 9, 10

	<u>2 Day emphasis Patrol</u>
	1258 Contacts with crabbers
13%	158 Violations for undersized crab
16%	207 Violations for fail to record catch
29%	365 Total Violations

Opening Week 2006, Areas 7, 8-1, 8-2, 9

	<u>9 Day emphasis patrol</u>
	1219 total contacts
	996 crab contacts
18%	180 citations
11%	109 violations for undersized crab
6%	64 violations for closed area or day
14%	139 violations for fail to record catch
31%	312 total violations

Opening Week 2006 Area 12

	<u>6 day emphasis patrol</u>
	69 vessels contacted
	168 people contacted
	69 violations detected

⁵ Enforcement PowerPoint presentation to F & W Commission, February 2008

⁶ Director Anderson, August 7, 2010 F&W Commission Meeting

2007 Season Areas 6, 8-1, 8-2, 9, 10, 11, 12

1,417 crabbers contacted
27% 382 in possession of crab
54% 205 had immediately recorded crab
46% 177 Did not record crab

Pot Losses – Another Problem

Below is a report on retrieval of pots from Tom Cowan the Northwest Straits Commission Derelict gear Project Manager, Northwest Straits Foundation:

“Of the 2,106 in our database: 848 (40%) are commercial, 853 (41%) are sport, 398 (19%) are unknown, 7 (<1%) are WDFW research pots

Of the 848 commercial pots: 77 (9%) are positive Tribal IDs, 132 (16%) are positive non-Tribal IDs, 639 (75%) are unknown. State commercial fishers ID their pots in compliance with WDFW requirements.

Of the 853 sport pots: 14 (2%) had IDs, 839 (98%) owners are unknown.”

The recreational fishers lose more pots than Tribal and State commercial fishers combined. No doubt some of the commercial pots that cannot be identified are actually sport pots.

It is estimated that twelve thousand pots are lost each year killing 130,000 crab a year.

Recreational crabbers are ok with 4 crab a day, 4 days a week ⁷

- In 2009 the Department sold 236,665 Crab Endorsements
- 59% of crabbers are ok with 4 days a week
- 62% of the above 59% of crabbers are ok with 4 crabs a day.
- 52% of crabbers fish 1 to 5 day a year
- 67% or 158,565 crabbers either don't go crabbing at all or went 5 days or less (2009 season)

Seasonal Adjustments Made by User Groups⁸

Recreational

Normal season until 2005 when Commission reduced the season to five days a week from seven and the daily limit from six crab a day to five.

⁷ The Opinions on Dungeness Crab Fishing Regulations Among Those Who Fish For Dungeness Crab. Conducted for the WDFW by Responsive Management, 2009. Pg.6, pg 23, pg 35,

<http://www.savepugetsoundcrab.com/pdf/WADungenessCrabOpinionSurveyReport2009.pdf>

⁸ RCW 75.08.012 “...the department shall seek to maintain the economic well-being and stability of the fishing industry in the state....”

Commercial, Region 1 Only.

Pre Rafeedie: October 1 thru April 15, twenty four hours a day, seven days a week, 100 pots per license. **Post Rafeedie:** The commercial season from 1996 to 2000 had many shutdowns and pot reductions. Records are incomplete. The fishery post-Rafeedie cannot be considered “stable”

2000 - 01	10/1 = 100 Pots, 47 day season
2001- 02	10/1 = 100 Pots, then 75. Fished to March
2002 – 03	10/1 = 75 pots, 10/18 = 100 pots. 10/31 CLOSED. 11/17 OPEN 50 pots, 11/24 CLOSED to 12/10 OPEN 50 pots. 2/28 100 pots
2003 – 04	10/1 = 75 pots, 11/3 = 50 pots, 2/20 = 75 pots, 3/10 Lopez Sound closed, 3/14 all closed
2004 – 05	10/1 = 50 pots, 10/21 = 65 pots, 11/19 = 50 pots, 2/25 = 75 pots. Bellingham Bay closed for soft shell 2/25. Sport overage deducted = 357,788#
2005 – 06	10/1 = 50 pots, 11/9 = 100 pots. Season extended 2 weeks in south half MFSF 20A, all of 20B and Lummi Island 21A
2006 – 07	10/1 = 75 pots, 10/17 = 50 pots, 10/26 Lummi refused to participate, others agree to quota increase. Nov 3. Lummi finally agree to increase
2008 – 09	10/1 = 50 pots, 11/17 Closed for 7 days, 11/22 open 50 pots, 1/4/09 closed, 2/15 re-open
2009 – 2010	10/1 = 50 pots, 10/10 Closed for 10 days, 10/21 open 50 pot

Facts for Consideration

- Washington voters have soundly rejected a sport fishing priority two times by defeating Initiatives 640 and 696 in 1994 and 1998 respectively.
- The southern half of Puget Sound is a sport exclusive area plus 20 highly productive areas in northern Puget Sound
- The Department does not know the cause of the decline in crab populations in Hood Canal and whether it is a long-term decline. Hood Canal is not a state commercial fishery but an exclusive sport and tribal fishery.
- State WDFW method of counting recreational crab results in inaccurate numbers.
- There is inadequate enforcement to protect the resource.
- “Recreational crabbers are allowed to use commercial-sized crab pots which can catch two to three times the daily recreational harvest limit. This sometimes results in legal-sized crabs having to be returned to the water when too many have been caught. Research has shown that crab populations are adversely affected due to mortality from handling, if the proportion of crabs caught and returned to the water is too high.”⁹

⁹ Performance Audit Report, Puget Sound Dungeness Crab Fishing WDFW, Report No. 1002690

The Recreational Season Management Plan¹⁰

The 'new' management plan, Option A, which was adopted on October 1, 2010 allows *unlimited* growth of the recreational catch. This plan takes unsubsidized, diligent small businesses and replaces them with leisure and recreation. This is a very real threat of destruction of the resource as a by-product of violations and non-compliance by certain recreational fishers.

WDFW Underestimates Recreational Harvest

Actual Recreational share will be vastly higher than the WDFW projection of 40%. The 2010 season, still under the 'old' plan of 4 days a week, exceeded the current harvest targets by 49% and averaged 26% higher than WDFW's Option A projections. The charts below use information from WDFW.

2010 Recreational Catch Over Their Harvest Target

Regions	2000 to 2010 Harvest Targets In Pounds	Total 2010 Recreational Actual Pounds Caught	Percent Harvest Over Target
1	360,000	567,428	58%
2E	350,000	585,026	67%
2W	90,000	85,904	-5%
3-1 & 3-2	80,000	102,375	28%
3-3	30,000	10,865	-64%
RECREATIONAL TOTAL	910,000	1,351,598	49%

¹⁰ The Impact of United States Recreational Fisheries on Marine Fish Populations, Coleman, et al. Science 24 September 2004: 1958-1960. DOI:10.1126/science.1100397

<http://www.sciencemag.org/content/305/5692/1958.full>

2010 Recreational Catch Over Option A Projections

Regions	Option A Projected Total Pounds	Total 2010 Recreational Actual Pounds Caught	Percent 2010 Harvest Over Option A
1	445,213	567,428	27%
2E	479,400	585,026	22%
2W	65,372	85,904	31%
3-1 & 3-2	65,918	102,375	55%
3-3	16,312	10,865	-33%
RECREATIONAL TOTAL	1,072,215	1,351,598	26%

RCW 77.04.012 Mandate of department and commission.

“Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.”

“The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.”

Puget Sound Crab Association

PSCA has always had a conservation first Policy to protect the resource into the future. We were responsible for proposing bio-degradable rot chords as well as escape ring size increase. We suggested the crab size limit be increased to 6 1/4" from 6", we requested that name tags be attached to pots and identity tags be attached to buoys. We also promoted the Catch Record Card and helped design it.

PSCA feels that the definition of a quality recreational opportunity has already been met with the opportunity to harvest over 200 crabs each in the summer fishery alone.

PSCA will continue to lobby on behalf of the enforcement division of the WDFW who are dedicated to their jobs but are understaffed and underfunded. We feel that it is negligent to grant more access to a recreational fleet that has been proven to be grossly noncompliant with regulations without adequate enforcement in place to protect the resource

PSCA believes that for any reasonable plan to move forward it is crucial that it include a payback plan from any party, recreational included, that catches over their harvest allocation. In the long term recreational crabbing will eventually have further limits to control harvest. In the meantime, environmental messages need to be delivered by the Department and sport fishers in the blogs and print of the recreational community educating the sport fishers of the need to respect the regulations. In addition a cultural change will need to be made through environmental education.

PSCA affirms that the Fish and Wildlife Commission proceeds with any reallocation process based solely on the criteria prescribed in RCW 77.04.012 to preserve, protect, and perpetuate the resources. Economic values should not be a consideration. The justification sport fishing manufacturers use showing they are more valuable than commercial fishing is comparing apples and oranges. These are two completely different functions. Play vs. Food. They are both important to Washington but one should not block the other out of all the crab.

In closing it is important to again consider that the proposals put forth will, in time make commercial crabbing an unviable, unprofitable business and the commercial industry will disappear, undermining the will of the majority of the state's citizens. This seems to be the goal as we have already heard repeatedly the desire to move Puget Sound crabbers to the ocean. The intent and implication is historical.

The commercial crab fishery is part of the heritage of Washington State. Hard working, independent fishermen harvesting crab to be purchased and consumed by the general public as well as protecting the resource for over one hundred years knowing that good stewardship and conservation is the key to the future of the resource.

Projected Results of Option A Chosen by the Fish and Wildlife Commission Oct 2, 2010

The result of seven months of participation, research, advisory meetings, and personal meetings with WDFW and the Washington State Wildlife Commission resulted in sentencing the Puget Sound commercial crab industry to be driven from economic viability to certain extinction. If the Commission adopts Option A the harm to the resource will be extensive. Further the adoption will be in direct violation of the State Statute **RCW 77.04.012. Mandate of department and commission:**

“Wildlife, fish, and **shellfish** are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and **shellfish** in state waters and offshore waters.”

“The department shall conserve the wildlife and food fish, game fish, and **shellfish** resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and **stability** of the fishing industry in the state. ”

Through all the meetings the data and information presented to the Commissioners was incomplete by WDFW leadership, including and led by Director Phil Anderson, and was aimed at increasing the recreational fishery simply because they wanted more crab and want to move the commercial fleet to the coast of Washington. The numbers used to make the projections that were given to the Commission were incomplete and slanted to substantiate the end result of Option A and to put the state commercial fishers out of business.

This has all taken place in conjunction with the Jan 15, 2010 publishing of Washington State’s own Performance Audit Report, Report No. 1002690, which clearly identifies the only threat to the Puget Sound crab resource is the recreational fishery as follows:

- A. Non Compliance in reporting crab
- B. High rate of violations for failure to comply with the 3-S management laws
- C. Use of commercial size crab gear catching 20 or more crabs per pot
- D. Taking more than the limit
- E. Having no system in place to accurately account for their catch.
- F. Derelict or lost gear continuing to kill crab

The Audit Report goes on to site many other problems, including the collapse of the Hood Canal fishery (where there is no state commercial crab fishery allowed). The best and the brightest of Washington state's scholastic and intellectual citizens, appointed by the Governor to *protect, preserve and perpetuate* the resources of this state took it upon themselves to reward the recreational fishery with more fishing opportunity, despite the detailed threat described in the Audit Report.

THIS VIOLATES THEIR DUTY TO PROTECT THE CRABS.

To clarify, Option A increased the recreational opportunity to 5 days a week, five crabs a day, as well as adding a winter season of 7 days a week 5 crabs per day. Before this decision every recreational crabber had the opportunity to harvest over 125 crabs each during the summer season. It was not enough? The result of the increase in opportunity will be catastrophic to the commercial crabbers. Two major regions, 2-E and 2-W run the real potential to not have any commercial fishery next season if the recreational fleet harvests at the same efficiency they did in 2010 and fish the extra weekend day. From La Conner to Everett region 2-E has already been exceeding their projected target of 350,000 pound by an average of 110,000 pounds over the last three years, that amount has been deducted annually from the commercial allocation. In reality, this year the recreational fleet went 235,000 pounds over the target allocation; totaling 585,000 pounds of crab. The projected catch numbers provided to the Wildlife Commissioners were in reality just 55% of the most recent over harvest. It is apparent that when adopted, Option A will grant the 2-E recreational fishery to potentially harvest 85 to 90 percent of the state allocation, making it impossible to open the state commercial fishery and stay within the fifty/fifty sharing with the Tribal managers of Washington. The same is true for Region 2-W.

The 'ripple effect' will displace the fishermen from these regions to the only other areas left to fish, Region 1 (Anacortes to Blaine) and Region 3-1, 3-2 (The Straights and Sequim to Port Angeles.) These few remaining Regions will already have less crab to catch because of the Option A increase of 59% to the recreational fleet. The forty or more displaced boats will be forced to fish for the few remaining crab (un-harvested by the sport boats) with the rest of the entire fleet in the confined waters where state quota remains to be harvested. The remaining resource is not enough to allow for a profitable commercial fishery; it just won't work. The commercial fleet will fail under the management adopted by the Commission in Option A.

The Commission adopted Option A under the false impression that the impact to the commercial fleet would be minimal and that it would not destroy it. They were wrong and current catch rates prove it to be true. The numbers only represent the estimated catch, which the Audit Report verifies as inaccurate. It does not take into account the many more crab that are harvested over the limit. If 200,000 recreational crabbers take five crabs each unreported and over their limit, it represents another 1,500,000 pounds of crab stolen from this state resource. The devastating effects to the resource and stock are obvious.

The Audit Report states: "During the 2007-2008 seasons, enforcement officers made face to face contact with 382 recreational crabbers who had caught crab, and identified 177 (45%) who had not recorded their crab on their catch record card." This only represents the few recreational crabbers that were actually checked. The average fine to them was \$100 dollars for their poaching of the resource.

Marine Enforcement Officers North of Everett to Blaine, including the San Juan Islands have been cut from 7 officers to 4. Their lack of coverage is a joke to the recreational fleet. Enforcement often does not have fuel to fill their boats or man power to operate them if they are assigned whale watching patrol, or if a hunting or river fishing season is open. Many waterfront owners keep dozens of crab live tanked at their docks and enforcement knows it, but doesn't arrest them. Prior to Commission testimony we met with enforcement officers who openly told of their lack of budget and resources. They also told of how easy crab season was for them because nearly every boater contact resulted in a citation. When it came time to testify they informed us they would not, and that they were forbidden to participate with threat of job loss

The crab managers of WDF made every effort to put forth reasonable plans that would provide for both fisheries to continue, as did the commercial industry proposal, and both efforts were rejected. Underlying their comments to us it was clear that in these days of job cuts their position could be next if they did not represent the material in the way the Director and top staff directed them to. The 2009 NOAA Economic Analysis; placing a 3.8 billion dollar value on the commercial fishing industry of the state has been replaced by the 2010 Analysis hired and lead by Director Anderson and conducted by a small economics firm TCW, from Sacramento California, which was given specific parameters within which to use, and in a stroke diminished the value to 1.6 billion dollars.

THE WILDLIFE COMMISSION AND DEPT OF FISHERIES ARE ACTING IN VIOLATION OF THEIR DUTY TO PROTECT THE RESOURCE AND MAINTAIN ECONOMIC WELL BEING OF THE INDUSTRY.

Projected Results of Option A Submitted by,

John Rantz, Past President Puget Sound Crab Association