



Oregon

Tina Kotek, Governor

Marine Resources Program

Oregon Department of Fish and Wildlife
2040 SE Marine Science Drive
Newport, OR 97365
(541) 867-4741
FAX (541) 867-0311
www.dfw.state.or.us/MRP



August 30, 2024

Ms. Janet Coit
Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20920

Dear Assistant Administrator Coit,

We appreciate the National Marine Fisheries Service (NMFS) taking the time to meet with Oregon Department of Fish and Wildlife (ODFW) staff last month to discuss the West Coast Take Reduction Team (TRT) that is being formed to address three strategic marine mammal stocks (Central America/Southern Mexico humpback whales, Mainland Mexico humpback whales, and Eastern North Pacific blue whales) and five commercial fisheries (federal sablefish pot, CA Dungeness crab pot, OR Dungeness crab pot, WA Dungeness crab pot, and CA spot prawn). We also appreciate the TRT information shared with the Oregon Entanglement Advisory Committee and the Tri-State Dungeness Crab Committee at their May 2, 2024 and May 15-16, 2024 meetings, respectively. ODFW has considered the information provided by NMFS on these occasions and offers the following recommendations.

ODFW supports NMFS' preliminary intention to convene the TRT early to avoid coinciding with the start of the commercial Dungeness crab season in each state. The Oregon ocean commercial Dungeness crab fishery season is targeted to open on December 1 and runs through August 14, with the vast majority of crab landed during the first eight weeks. It would cause significant economic hardship for any active fisher to miss weeks of fishing opportunity during this window of time to participate in the TRT process. At our July meeting, NMFS shared that they are targeting June/July 2025 to convene the TRT. We have concerns about a July start date that would likely put the last and possibly most critical meetings in December, which would be extremely problematic for both crab industry and state agency representatives. **ODFW strongly supports convening the team by June 2025 to avoid the start of the 2025-26 crab season.** If the team is unable to convene by next June, we urge NMFS to consider requesting an extension to the court-mandated commitment to convene the team by November 30, 2025, and delay the TRT start until spring 2026.

ODFW recognizes that the TRT is an intensive, consensus-based process and that well-informed and consistent participation is essential for success. We also understand that NMFS intends to hold in-person meetings to address these needs; however, we encourage NMFS to consider flexible opportunities for engagement that allow industry members and professional staff to meaningfully contribute to the TRT while also engaging in their normal business. Specifically, **ODFW recommends that NMFS increase accessibility by providing for remote participation, allowing for alternates for TRT members, and holding meetings in or near coastal communities.**

Given the consensus-based and resource-intensive nature of the TRT, we appreciate the importance of keeping the team size manageable; however, the target representation shared with ODFW by NMFS at our July meeting is inadequate. Section 118 of the Marine Mammal Protection Act (MMPA) specifies that, "take reduction teams shall, to the maximum extent practicable, consist of an equitable balance among representatives of resource user interests and nonuser interests." Equitable means dealing fairly and equally with all concerned. Six to eight fishery representatives, of which four to six represent the Dungeness crab fishery, is insufficient and inequitable on a team of 25-30 total members where industry representatives are the only clear member category representing resource user interests. Additionally, state agency representatives on the TRT should be considered neutral (i.e., representing neither user or nonuser interests) and not affect the equitable balance prescribed in the MMPA. While an agency representative may be able to speak broadly about the potential impacts of management actions on the crab industry, only individuals that participate in the fishery will have the unique perspective of knowing how their own business operations will be affected.

Industry participation should be broad enough to encompass the TRT scope which includes five distinct fisheries spanning the entire U.S. West Coast and managed by both state and federal agencies. Membership should include crabbers with a variety of fishing operations including, but not limited to, a range of vessel sizes, small and large pot tiers, seasonal fishery participation strategies, and geographic differences within states. Of the 171 confirmed entanglements that were attributed by NMFS to a specific fishery origin from 2013 to 2023, the majority involved commercial Dungeness crab fishery gear (57%; n=98). Therefore, measures to reduce risk in commercial crab fisheries will be particularly important for achieving TRT goals and input from commercial crab industry representatives will be essential for formulating effective measures. For these reasons and to align with statutory requirements, **ODFW strongly recommends that the TRT include at least three commercial crab industry representatives from each state.**

ODFW was invited by NMFS to recommend individuals for consideration as industry representatives on the TRT. We broadly advertised the opportunity to Oregon commercial Dungeness crab fishery participants and identified 13 individuals interested in being considered as members (Table 1). After reviewing the list of attributes that NMFS is seeking in candidate team members in the September 2023 TRT scoping notice, we conducted an evaluation process that considered how each individual aligned with those attributes, feedback from agency advisors, and each individuals' ability to represent the diversity of the Oregon commercial crab fleet. **This informed our recommendation of three primary candidates (Michael Giles,**

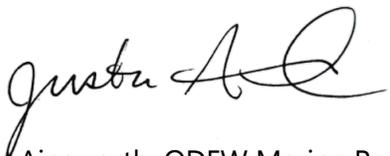
Collin Roberts, and Justin Yager) and three alternate candidates (Poggy Lapham, Joe Mulkey, and Gary Ripka).

As strongly stated above, we believe that it is extremely important to have multiple primary and alternate representatives of the crab fisheries in each state; however, if NMFS moves forward with a single fishery representative from Oregon, ODFW recommends that Justin Yager be considered for that role. Justin has a proven track record of engagement on the West Coast marine life entanglement issue, serves as an advisor to the agency on multiple committees, and was well supported by other industry members through feedback solicited during our evaluation process.

We would additionally like to recommend that NMFS consider engaging Sheila Garber in a non-industry representative capacity in the TRT process to lend her considerable gear expertise. Sheila has many years of experience in commercial marine sales and purchasing, a strong record of engagement on the marine life entanglement issue, and has served multiple advisory roles to ODFW.

We appreciate the opportunity to provide feedback on the development of the TRT and industry recommendations, and look forward to continuing to collaborate with you in the future. We intend to identify an individual to represent ODFW on the TRT at a future date. At this time, Brittany Harrington is the ODFW staff member who is available to support the agency and NMFS in preparation for the TRT as needed. If you have any further questions or are interested in reviewing the information solicited during our evaluation process, please contact me or Brittany Harrington.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Ainsworth". The signature is fluid and cursive, with the first name "Justin" being the most prominent.

Justin Ainsworth, ODFW Marine Resources Program Manager

cc: Ms. Debbie Colbert, ODFW Director
Ms. Kristy Long, NMFS Office of Protected Resources
Mr. Dan Lawson, NMFS West Coast Regional Office

Table 1. Alphabetical list of Oregon commercial Dungeness crab fishery participants interested in being considered as industry representatives for the TRT, along with ODFW primary and alternate recommendations.

Name	Email address	Phone number	Oregon geographic area	Crab fishery involvement (years)	ODFW recommendation (P = Primary; A = Alternate)
Chase, Cody	chasecody973@gmail.com	541-961-0776	Central coast	20+	
Garber, Sheila	sgarber@englundmarine.com	503-325-4341	Coastwide	27	
Giles, Michael	gilesmichael79@gmail.com	503-791-1827	North/Central coast	27	P
Hooper, Eric	hfaloha97@gmail.com	541-661-7126	Central/South coast	18	
Landon, Shon	shonlandon@gmail.com	360-244-3432	North coast	6	
Lapham, Georgon "Poggy"	georgonlapham@gmail.com	541-206-2882	Central coast	17	A
McKnight, Jon	jon_mcknight@ajg.com	541-961-1572	Coastwide	30	
Mulkey, Joe	pacificchallenger@gmail.com	541-662-2242	South coast	20	A
Ripka, Gary	gripka@charter.net	541-270-3574	Central coast	45	A
Roberts, Collin	collinr2768@outlook.com	541-661-9694	South coast	12	P
Thompson, Terry	ocean@newportnet.com	503-949-2477	Coastwide	50+	
Thompson, Wilson	texinport2010@yahoo.com	541-404-1498	South coast	20	
Yager, Justin	justinyager@gmail.com	541-991-0490	Central coast	25+	P