



Oregon

John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife

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June 18, 2014

Oregon Dungeness Crab Industry Participants and Interested Persons,

It has been an eventful spring for Oregon Dungeness crab management and this letter is intended to summarize past events (including your input) and describe the basis for recommended changes to the fishery that will be considered by the Oregon Fish and Wildlife Commission (Commission) on August 1.

Industry Input -

In collaboration with the Oregon Dungeness Crab Commission (ODCC) the Oregon Department of Fish and Wildlife (Department) sponsored three regional Dungeness crab industry meetings this spring (April 14th-17th) in Brookings, Newport and Astoria. The purpose of the meetings was to get industry input on a number of current management issues concerning the commercial Dungeness crab fishery which included: 1) post-season permitted derelict gear permit program, 2) preseason testing and season start issues to prepare Department staff for Tri-state negotiations and, 3) a Limit Reference Point (LRP) and management response if the LRP is breached (consistent with recommendations from the Marine Stewardship Council certification process). Department staff also developed a web-based industry survey to augment industry feedback on all of the issues. In total 30 crab industry members attended the meetings and 35 people took the survey, providing a substantial amount of industry input on each of the issues.

We will be presenting information on each of these issues as well as information on recent legislative changes to permit provisions to the Commission at their meeting in Salem on August 1st. Commission meetings are public hearings, and you are welcome to provide public testimony or written comment on the proposed changes at that time. Brief summaries of each of the issues as they will be presented to the Commission are below:

1. Post-season Permitted Derelict Gear Program – In order to further incentivize removal of lost and abandoned crab gear from the ocean, the ODCC supported House Bill 3262, which gives the Commission the authority to issue permits to commercially licensed vessels to retrieve derelict or abandoned gear fifteen days after the end of the season. The bill exempts crab pots recovered in the program from Oregon's personal property law, which ultimately allows the permitted gear retrievers to decide what to do with the retrieved gear (i.e. keep, sell, etc.). The Commission will be asked to adopt Oregon Administrative Rules (OARs) to allow the Department to issue Post-Season Derelict Gear Recovery Permits. For enforcement and tracking purposes, requirements of the permits issued will include pre and post recovery trip notifications, logbooks, and registration and tagging of

recovered gear by state officials. Industry strongly supported allowing the program to be open as long as possible to facilitate as much participation and thus gear removal as possible. We plan to allow permitted vessels to retrieve gear beginning in early September for approximately four weeks. If for unforeseen circumstances gear was unable to be retrieved during this time we will consider extending the program into October. We will also propose a mechanism for crab permit holders to request that their gear be exempt from the program should unforeseen situations arise that prevent them from retrieving their gear at the end of the season, which was supported by industry. We plan to send out additional information on how to participate in the program, if adopted, by mid-August.

2. Season Start Changes – On May 20th and 21st, 2014, a Tri-State Dungeness Crab Committee (Tri-State) meeting was hosted by the Pacific States Marine Fisheries Commission in Sacramento, CA to discuss management of the Dungeness crab fishery in Washington, Oregon, and California. Tri-State is comprised of one agency representative from each state, advised by up to six members of industry from each state. The purpose of the meeting was to discuss changes needed to strengthen confidence in the pre-season testing and decision making process for future seasons. The Tri-State Committee agreed to a number of changes to the Tri-State Pre-Season Testing Protocol (Protocol) and altering the gear retrieval start time of the fishery in Oregon and Washington (summary enclosed and available at <http://www.psinfc.org/crab/>). Although these changes were agreed to by all three states through the Tri-State process, implementation requires adoption by the Commission as sections of the Protocol and the fishery start time are codified in OAR.

The changes to the Protocol provide clarification of testing schedules and procedures to help further ensure an organized opening to the commercial crab season on good quality crab. These changes, in combination with changes made to the protocol in the past couple of years, make it more likely that the opening of the season will be delayed. At our meetings we heard overwhelmingly that industry is willing to risk delaying the season start to avoid eroding consumer confidence in the product and ensure that industry will be able to market and sell Dungeness crab products at a premium and open the fishery each year in an organized way.

In addition to the changes to the protocol, Oregon and Washington agreed to change the fishery gear retrieval start time from 12 AM to 9 AM so that gear pulling begins in daylight hours. To accomplish this, it was agreed to lengthen the presoak period prior to the gear retrieval start time from 64 hours to 73 hours. California was not in support of changing their gear retrieval start time and will remain with a status quo 12 AM gear retrieval start time. The later gear retrieval start time was strongly supported at the industry meetings this spring and half of respondents of the survey were in support of altering the gear retrieval start time as well. Both from the meetings discussions and in the survey the most supported method of accomplishing this was to lengthen the presoak period to start retrieving gear later in the morning of the third day of gear setting.

3. Fishery Limit Reference Point – Defining a Limit Reference Point (LRP) harvest policy and a management response if breached for the ocean commercial Dungeness crab fishery are requirements of continued MSC certification for the fishery, an industry sponsored initiative and are part of the resource management goals for the Department. A LRP defines where you don't want a fishery to be – a collapsed fishery with low landings and low economic value. The management response is what ODFW would do to try to help the fishery resource recover. The LRP that we will be proposing is an annual evaluation of three metrics of the fishery (two based on landings, one on logbooks), and if the fishery falls below prescribed levels for all three metrics in a given year, we

will then ask the Commission to adopt one or more of an identified suite of management changes until the stock recovers.

Throughout discussions with industry we heard a lot of support for an adaptive management response, rather than identifying one single response to an LRP breach. A suite of management responses will be identified, but implementation of any particular response would be dependent on the cause (if identifiable) of the population decline. We will be presenting this to the Commission as an informational issue only, so no rulemaking at this time, and the new LRP harvest management policy will be incorporated into our Research and Monitoring Plan (RMP) for Dungeness crab. The revised RMP will be available on our website at http://www.dfw.state.or.us/MRP/shellfish/commercial/crab/news_publications.asp when finalized after the Commission.

Legislative Implementation – During the 2014 regular session the legislature passed House Bill 4049 and we will be recommending to the Commission to adopt modified OAR's, to be consistent with the new statutory language. The bill made the following changes to statutes regulating ocean Dungeness crab permits:

- 1) Removes the authority to revoke or suspend a limited entry Dungeness crab permit from the courts and the Oregon Fish and Wildlife Commission. It authorizes the Commercial Fishery Permit Board to revoke limited entry Dungeness crab permits.
- 2) Allows for Dungeness crab permits that were transferred to a vessel shorter than ten feet than the vessel that held the permit on January 1, 2013 to be transferred back to a vessel that is equal to or smaller than the vessel that held the permit January 1, 2013.

If you have any questions, comments or concerns please feel free to contact us at 541.867.4741.

Sincerely,



Kelly Corbett
Oregon Department of Fish and Wildlife
Marine Resource Program
Commercial Crab Project Leader



Troy Buell
Oregon Department of Fish and Wildlife
Marine Resource Program
State Fishery Management Program Leader

Coastal Dungeness Crab Tri-State Committee 2014 Meeting
Decisions and Next Steps Summary

Date: May 20-21, 2014

Location: Sacramento, CA

Attendance:

PSMFC: Dave Colpo, Carol Barstow

CDFW: Tom Barnes, Pete Kalvass, Christy Juhasz

CA Advisors: Kirk Younker, Randy Smith, Geoff Bettencourt, Craig Goucher, Mike Cunningham, Vince Doyle, Chris Lawson

ODFW: Caren Braby, Kelly Corbett

OR Advisors: John Corbin, Bob Eder, Joe Speir, Chris Aiello, Rex Leach

WDFW: Heather Reed, Dan Ayres

WA Advisors: Dale Beasley, Libbie Cain, Dwight Eager, Larry Thevik, Jim Long

Additional attendees: Hugh Link, Jim Anderson, Bob Farrell (CDFW enforcement), Bob Puccinelli (CDFW enforcement)

Decisions:

1. Protocol changes
 - A. Eliminated the possibility of a second November test to inform the opening structure decision to clarify that there would be only one test used for each decision making call. It was agreed to target the one November test for completion by November 15, with a hard deadline for completion by November 22. Each state further clarified that they will conduct testing as follows:
 - WA and OR will conduct one round of test fishing, targeted for completion by November 15th but no later than November 22. The results of tests completed by November 22 will be used to inform the decision to open the season on December 1 or delay the opener to conduct additional tests.
 - CA expects to conduct optional early tests beginning in late October. Any ports that meet the minimum meat recovery criteria and minimum poundage requirement (see exception) will not be required to undergo further quality testing. Additional testing for areas that do not reach the minimum meat recovery criteria or that can't be tested due to weather will be targeted for completion by November 15th and no later than November 22. The results of tests completed by November 22 will be used to inform the decision to open the season on December 1 or delay the opener to conduct additional tests.
 - B. Clarified that in the event of season delays, stations that do not meet criteria by November 22 would be re-tested following the same approach, with a single round of testing (the "Second Round") to be completed by December 7 to inform a December 16 opening. Stations that still do not meet criteria would be re-tested following the same approach, with a single round of testing (the "Third Round") to be completed by December 22 to inform a December 31 opening.
 - C. Eliminated the "10-day minimum" time period between pre-season tests.
 - D. Agreed to a state manager technical conference call to occur prior to the beginning of testing around November 5. The purpose of this call is to share plans for testing with a goal to test in a similar time frame, as close as possible, given the difficulties with weather, vessel availability, etc.
 - E. Agreed to allow testing boats to immediately reset gear if they suspect the minimum poundage for a test area might not be met.

2. Other issues;

- A. The Tri-state Dungeness crab Committee agreed to submit a letter to the PSMFC in time for their annual meeting (August 24-27, 2014), supporting the removal of the existing sunset date contained in P.L. 109-479, sec 302 (e), MSA § 306 note (16 U.S.C. 1856 note) regarding the authority of the states of Washington, Oregon, and California to manage the Dungeness crab fishery.
- B. OR and WA will continue discussions with agency managers and enforcement staff to make a final decision on revising the opening of the crab fishery. The current preferred alternative is to change the fishing start time to 9AM by lengthening the presoak period to 73 hours (the time to set gear would remain 8 AM, consistent in all 3 states). CA will remain with the status quo fishing start time of 12AM (i.e.: 64 hour pre-soak).

Oregon and Washington recommendations for the California Dungeness Crab Task Force:

- Since the California advisors and CDFW staff were representing the CA DCTF positions (formulated during the DCTF meeting in April) to the Tri-State Committee, it was decided that OR and WA would discuss the DCTF proposal and provide recommendations at this meeting (and that CA advisors did not need to make recommendations to the CA DCTF).
- OR and WA agreed to support the inclusion of CA District 10 into Tri-State under the following terms:
 - Complete adherence to Tri-State pre-season testing protocols in their entirety, including the same testing protocols, season opening decisions, starting dates, delays and single fair start provision detailed within the protocol.
 - Modification of California statutes to allow a line (or possibly lines) to be drawn within the state of CA to allow for fishing zones due to differences in meat recovery criteria.
 - Recognition that the Tri-State Committee would need to further review, discuss and agree to all modifications of the testing protocol before final approval due to the complexity of incorporating such a large area into the protocol.
- OR and WA also jointly recommended that the CA Dungeness Crab Task Force consider asking the California State Assembly to extend more direct management authority for the Dungeness crab fishery to the CA Department of Fish and Wildlife Director.
 - The purpose of this recommendation is to provide CDFW similar rule making authority as WDFW and ODFW to allow for more seamless, minor changes in the management of the fishery within the Tri-State area.
 - Authority provisions discussed include: presoak, start date, start time, management area lines to have the ability to draw new lines for softshell delays, and new delay increments for season start.

Next Steps:

- States approve meeting summary document for Dave to post.
- Modify testing protocols reflecting agreed to changes.
- Each state sign new protocol signature page agreeing to the changes.
- Plan for another meeting one year from now.