



Oregon

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Oregon Ocean Commercial Dungeness Crab Permit Holders,
Processors, Buyers, and Interested Persons:



The Oregon Department of Fish and Wildlife (ODFW) is sending you this notice for the following purposes:

- I. Provide a summary of the 2019 Tri-State meeting.
- II. Provide updates on Oregon's planned approach to recommend state regulations to address whale entanglements in crab gear, following up from our industry notice sent on April 22 (see https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/news_publications.asp).
- III. Get your input on near-term management changes concerning the commercial Dungeness crab fishery. **Feedback is requested by July 3, 2019 for these three items:**
 - a. Remove post-season gear removal period for 2019 (all gear out of water by 8/14)
 - b. Decrease meat recovery criteria from 25% to 24% (for 2019-2020 season)
 - c. ODCAC advisors – looking for new members for Newport
- IV. Incidental Take Permit – updates on process.

I. TRI-STATE MEETING SUMMARY

The ODFW participated in the Tri-State Dungeness Crab Committee (Tri-State) meeting on May 13-14, 2019, with Washington and California, to discuss crab management issues concerning the West Coast's commercial Dungeness crab fisheries. Discussions at this year's meeting centered around building flexibility into season opening protocols, information sharing and coordination of whale entanglements risk reduction measures in Dungeness crab gear and Incidental Take Permit (ITP) development, and striving for consistency in crab biotoxin management.

The three states agreed to modify the Tri-State protocol to allow two management measures that will allow more flexibility with season opening dates and areas, within the Tri-State region: 1) allow more than one line in the Tri-State area based on meat quality (currently, only one line is allowed), and 2) move the latest season opening date to February 1 from the current "drop dead" date of January 15, but only if meat quality is still less than 23% and there are no other concerns from managers or industry about delaying until Feb 1, such as elevated risk of whale entanglements or biotoxin events. The three states also agreed to consider a decrease in meat quality criterion from 25% to 24%, below Cascade Head. Because this issue was not identified for discussion prior to the Tri-State meeting, all three states committed to getting broader industry input and reaching a decision in time to implement for the 2019-2020 season opening if agreement can be reached. We ask for your input on the decrease from 25% to 24%, below.

In combination, these three measures will allow for earlier openings in smaller areas where crab quality is good. Once incorporated and signed, the protocol will be recommended for adoption into rule by the Oregon Fish and Wildlife Commission (OFWC) for implementation. While Oregon and Washington intend to implement changes for the 2019-20 season, implementation of some measures will take longer for California, because legislation is required. A complete summary of agreements made at the 2019 Tri-State meeting is on the Pacific States Marine Fish Commission's

website at <http://www.psmfc.org/crab/>. We would like to thank all of our industry representatives that participated and provided significant input at this year's Tri-State meeting.

II. UPDATES ON OREGON EFFORTS TO REDUCE RISK OF WHALE ENTANGLEMENTS

We briefed the OFWC at their June 6, 2019, meeting in Salem, including background information about whale entanglements on the West Coast, summary of existing regulations in Oregon that reduce entanglement risk, the Oregon Whale Entanglement Working Group's (OWEWG) preliminary recommendations, and ODFW's recommendation to implement regulations to further reduce risks in a phased approach. The full presentation is on our website at https://www.dfw.state.or.us/agency/commission/minutes/19/06_June/index.asp. The OWEWG's preliminary recommendations are on Sea Grant's website at <https://seagrant.oregonstate.edu/outreach-and-engagement/Oregon-Whale-Entanglement-Working-Group>.

ODFW's recommendations for **Phase I management measures** will be presented to the OFWC on September 13, in Gold Beach, and will include the measures described below.

- a. Informational measures – to learn more about whale entanglements, including where, when and gear type involved, and consistent with OWEWG preliminary recommendations, we will make recommendations on requirements for:
 - **Surface gear marking for fixed-gear single buoy fisheries, including sport and commercial sectors, in both bays and ocean; this would impact both crab sectors (bay commercial, ocean and bay sport crab);**
 - **Electronic tickets for all commercial crab landings; and**
 - **Buoy color and pattern registration for all commercial crab gear.**
- b. Reduce risk – prepare for potential measures to reduce the number of permits that can harvest crab in the “late season”; as recommended by the OWEWG, we will recommend that the OFWC prepare for potential future changes to Oregon's current limited entry system by:
 - **Setting a control date for a potential “late season” limited entry system.**

Please contact Marine staff at the phone numbers and emails below or the OFWC (odfw.commission@state.or.us) if you would like to submit public comment on any of these proposed measures.

You will also notice we are moving to **double-sided buoy tags starting in the 2019-20 season**, another mechanism to improve our understanding of entanglement events. The Oregon Dungeness Crab Commission has agreed to cover the additional printing costs for this year's purchase of tags (\$0.15 per tag) so the cost of your 2019-20 buoy tags will remain the same.

The focus of **Phase II management measures** is to help reduce risk of whale entanglements in crab gear by reducing the number of vertical lines in the water. To prepare for Phase II recommendations to the OFWC, the ODFW is hosting four regional **Dungeness crab public industry meetings** to solicit targeted input. In this series of meetings we want to discuss draft recommendations, and particularly how and when to reduce vertical lines in the water and any other measures you think might help reduce risk of whale entanglement. Please join us at one of these coastal meetings:

- Coos Bay – Thursday, Oct. 17
- Astoria – Tuesday, Oct. 22
- Brookings – Friday, Oct. 18
- Newport – Wednesday, Oct. 23

Following these public meetings, ODFW's recommendations for Phase II will be presented to OFWC in late winter/early spring (targeting Feb/Mar 2020). Some of the measures we plan to implement as

early as spring 2020. We intend the regulatory package to include measures for the “late season” (the timing of which is yet to be defined), when we see an increase in whale feeding aggregations off Oregon, and when entanglements are thought most likely to occur. Phase II measures include:

- **“Late season” pot limit reduction and separate seasonal buoy tag**
(NOTE: we intend that this would be limits across all pot tiers and permits, not by changing limited entry qualifications)
- **Initiation of a “late season” derelict gear removal program (will require legislative changes), and**
- **Elimination of the two-week gear clean-up period after the season ends (which would bring Oregon into consistency with WA and CA season-end regulations).**

III. FEEDBACK REQUESTED BY JULY 3, 2019

There are three near-term issues that we would like to hear input from you by July 3rd, 2019.

- 1. Removing the two-week post-season “clean-up” period for 2019** – In our April industry notice this was listed as a potential measure we would be proposing to the OFWC for implementation in the 2019-20 season; we have listed it above as a Phase II management measure. Since April, we have heard some industry support for moving ahead with this for 2018-2019, requiring all gear to be removed by the season-end date of August 14, 2019. This would reduce risk of whale entanglement in crab gear during those two weeks, and move up the onset of derelict gear recovery efforts. Let us know if you have any major concerns with implementing this change at the close of this season versus at the close of next season.
- 2. Decrease meat recovery criteria from 25% to 24%** – At this year’s Tri-State meeting, the California delegation asked Oregon and Washington to consider decreasing the meat recovery criteria from 25% to 24% for the northern California areas (item II.B in Tri-State summary). Currently, the meat recovery criteria for all areas south of Cascade Head is 25% (rounding permitted) and 23% (no rounding) north of Cascade Head. Decreasing the meat recovery criteria could allow the fishery to open earlier in some years; the intent of this measure is to reduce the overlap of peak whale aggregations and the greater number of crab pot vertical lines at the start of the season. Let us know if you prefer:
 - a. Lower meat recovery criteria to 24% in all northern California areas;
 - b. Lower meat recovery criteria to 24% in all Oregon and California areas south of Cascade Head; or
 - c. Status quo – 25% south of Cascade Head.
- 3. Oregon Dungeness Crab Advisory Committee (ODCAC) Newport Vacancies** – ODCAC was formed to foster industry input on ODFW’s management decisions, and represent Oregon at Tri-State meetings; the group is comprised of harvesters and processors from all of the major crabbing ports in Oregon. Participation is voluntary and we try to have representation of all sectors of the industry by including persons from all ports, pot limit tiers, vessel sizes, and a diversity of business plan types. **We also ask each ODCAC members to actively engage with the crab industry in their port, so they can best share the full diversity of perspectives.** A few changes in membership have occurred since March and we are specifically soliciting a couple of new advisors from the Newport area at this time. Current ODCAC and Tri-State advisors, are as follows (TR-Tri-State Representative, A-Alternate Tri-State Representative, and O-ODCAC advisor only):

Astoria	John Corbin (TR), Al Gann (A)
Garibaldi*	Emily Dunn (TR), Gary Motsinger (A)*
Newport	Bob Eder (TR), Al Pazar (O) , Pogy Lapham (O), Bob Spelbrink (A)
Charleston	Scott Hartzell (TR), Mike Lane (O), Rex Leach (A)
Port Orford*	Paul Garrett (TR), Aaron McKenzie (O)
Brookings	Bernie Lindley (O), Bill Manning (O), Joe Speir (TR), Todd Whaley (A)
Processors/Buyers	Scott Adams (O), Jerry Bates (O) , Susan Chambers (O), Doug Heater (O), Steve Fick (O), Mike Manning (O)
Oregon Dungeness Crab Commission	Hugh Link (O)

*New advisor since March, 2019

If you are interested in **actively participating on this committee and/or as a Tri-State representative and feel that your interests are not currently represented please contact us to discuss.**

IV. INCIDENTAL TAKE PERMIT (ITP) – UPDATES ON PROCESS

The Phase I and Phase II management measures described above will be included in ODFW’s ITP application to the National Marine Fisheries Service (NMFS). However, these management measures alone may not be sufficient to address the “minimize and mitigate” requirements set by NMFS to protect Endangered Species Act-listed species. Since April, we have continued to communicate with NMFS regarding the series of whale entanglement risk mitigation measures we are proposing and NMFS has continued to indicate that their plan is to work with us collaboratively throughout the process, including developing the management measures. Following submission of our ITP application, NMFS will initiate their formal review process and decide whether to issue the permit. As a result of the Tri-State agreement to increase coordination of the ITP process, NMFS and the Tri-State agencies are increasing regular communications about the process and are planning an ITP workshop in 2019.

At their May 2019 meeting, the Oregon Dungeness Crab Commission (ODCC) agreed to provide short-term financial assistance to help ODFW with the drafting of our ITP application documents and the associated analysis that will be required. With this financial commitment, we are hoping to secure additional capacity in the near future and align the timing of the drafting and submission of the ITP application with the other states, targeting the end of 2020. We greatly appreciate ODCC’s commitment to addressing whale entanglements.

In closing, there is a lot happening in the crab fishery right now. We look forward to hearing any feedback you may have on the near-term items listed above or other questions, comments or concerns about the management of the commercial Oregon Dungeness crab fishery.

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