



# Oregon

Kate Brown, Governor

## Marine Resources Program

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June 5, 2020

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 to inform of temporary rule changes effective soon and re-scheduling the proposal of phase II whale entanglement mitigation regulatory package to the Oregon Fish and Wildlife Commission (OFWC).

- I. New temporary rules effective July 1, 2020.** We are taking these actions to reduce risk of whale entanglement in crab gear for the remainder of the 2019-20 crab season. These measures will reduce risk of whale entanglement by removing vertical lines from the ocean at the end of the season, facilitate more opportunity for derelict gear retrieval, and minimize the amount of line used on actively fished pots. These include:
- 1. Required taut lines best practice.** This means that it is illegal to use Dungeness crab gear with more line than is reasonably necessary to compensate for tides, currents, and weather. Effective July 1, 2020.
  - 2. The two-week post-season “clean-up” period has been eliminated.** This means that all Dungeness crab gear is required to be out of the water by 11:59 p.m. August 14, 2020.
  - 3. One-time retrieval waivers for another crab permitted vessel to assist in removing gear from August 1 through August 14 are allowed.** This means that any vessel can request a one-time retrieval waiver to have another vessel help retrieve their gear out of the water the last two weeks of the season.
  - 4. The amount of derelict gear that may be retrieved from August 15 through August 29 has been increased from 50 pots to an unlimited amount.** This means from August 15 through October 31 an unlimited amount of derelict gear may be retrieved by any commercially licensed vessel.

**The 2020 post-season derelict gear recovery program will start on August 31<sup>st</sup> and any non-exempted gear left in the water will be subject to collection by permitted derelict gear recovery vessels.** This is the earliest timeframe the permitted post-season derelict gear recovery program can start by statute. Detailed information about this program is located on the second page of this notice.

**II. Re-scheduling proposal of phase II whale entanglement mitigation regulatory package to the OFWC (for proposed implementation next crab season 2020-21).** We have developed a full suite of management measures to mitigate the risk of whale entanglement in Dungeness crab gear which has emerged as a priority conservation issue in recent years. These measures include:

1. Late-season reduction of pot limits by 20%, effective May 1, 2021
  - a. Require late-season buoy tag in addition to primary season tag
  - b. Late-season 30 fathom depth restriction in combination with pot limit reduction
  - c. Sunset after three seasons for late season pot limit reduction, buoy tag and depth restriction to allow for evaluation
2. Eliminate replacement tags, except in cases of “catastrophic loss” or “extraordinary event”
3. Eliminate two-week post-season gear clean-up period (temp rule effective July 1, 2020)
4. Require taut lines best practice (temp rule effective July 1, 2020)
5. Prohibit use of line marking that is required in any other West Coast federal or state fishery
6. Adopt revised Tri-State Preseason Testing Protocol, lowering pre-season testing meat yield criteria south of Cascade head from 25% (rounding allowed) to 24% (no rounding)

The last two measures (#5 and #6) have been added to this set of phase II whale entanglement mitigation measures based on recent discussions with the Tri-State Dungeness Crab Committee on May 13, 2020. A summary of these discussions will be posted here <http://www.psmfc.org/crab/> when it is available. See our website for all our efforts and industry notices to-date addressing this issue [https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/whale\\_entanglement.asp](https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/whale_entanglement.asp). We intended to recommend this suite of management measures at the April 2020 Oregon Fish and Wildlife Commission (OFWC) meeting. However, due to the state’s response to COVID-19, the April OFWC meeting was held virtually, and most rulemaking exhibits were removed from the Commission’s agenda to be rescheduled for a later time.

Please note the following dates (below) for the possible Commission meeting dates where this regulatory package will be proposed and stay tuned for press release notices that will contain information on the format of these meetings and how to participate. At this time we are not planning on mailing an additional industry notice about this regulatory proposal unless neither of these dates is used, and another plan must be put into effect.

TENTATIVE DATE: August 7, 2020

BACK-UP DATE: September 11, 2020

Materials for the Commission meeting, including proposed regulation language for each of these measures, will be posted here <https://www.dfw.state.or.us/agency/commission/minutes/> as they are available. Please contact Marine staff at the phone numbers and emails below or the Oregon Fish and Wildlife Commission ([odfw.commission@state.or.us](mailto:odfw.commission@state.or.us)) if you would like to submit public comment on any of these proposed measures.

Please let us know if you have any questions, comments, or concerns at any time.

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June 5, 2020



## ODFW NOTICE TO COMMERCIAL FISHING INDUSTRY PARTICIPANTS



### PERMITTED POST-SEASON DERELICT GEAR PROGRAM

- ◆ The permitted Post-Season Derelict Gear Recovery Program that allows participants to keep or sell all recovered Dungeness crab gear will begin August 31<sup>st</sup> and be open through October 11<sup>th</sup>.
- ◆ The commercial Dungeness crab fishery in the ocean and Columbia River closes August 14<sup>th</sup> and all crab gear must be out of the water by August 14<sup>th</sup>. The two-week gear clean-up period was removed by temporary rule effective this season.
- ◆ An unlimited amount of derelict crab gear can still be retrieved August 15 - October 31 by any commercially licensed vessel but can not be kept or sold unless participating in the permitted post-season recovery program.
- ◆ Locations of derelict gear reported to ODFW after August 14<sup>th</sup> will be posted on ODFW's post-season derelict gear program webpage.
- ◆ The ODFW post-season derelict gear website is <http://www.dfw.state.or.us/MRP/shellfish/commercial/crab/psdgrp.asp>.

#### When does the program start?

Permits will be effective from August 31<sup>st</sup> through October 11<sup>th</sup>.

#### When can you apply for a permit?

Owners or operators of commercially licensed vessels can apply for a Post-Season Derelict Gear Recovery Permit at any time throughout the season, but the permits will not be issued until after Aug. 24<sup>st</sup>.

To apply for a permit call **Kelly Corbett** at 541-270-5083.

#### What does a Post-Season Derelict Gear Recovery Permit allow you to do with retrieved gear?

Dungeness crab gear retrieved under the authority of a Post-Season Derelict Gear Recovery Permit may be used, sold, or disposed of at the permit holder's discretion after documenting retrieval of the gear in accordance with permit conditions.

#### What are the conditions of a Post-Season Derelict Recovery Permit?

Failure of the vessel operator or crew to abide by the terms of the permit will result in termination of the permit and ability to participate in the program. The conditions of the permits this year will include:

- **Permit** – The permit must be onboard the fishing vessel during all recovery operations and is not transferrable to any other vessel.
- **Notification** – The vessel operator must notify ODFW at least 24-hours prior to the vessel leaving the dock to retrieve gear. Notifications must be given during regular business hours, Monday – Friday between the hours of 8AM-5PM.

The vessel operator must also notify ODFW at least 2 hours prior to returning to the dock following a gear recovery operation even if no gear was recovered during the trip. Notifications can be made by calling the notification number listed on the permit for the port where the retrieved gear will be landed.

- **Area** – Recovery operations are restricted to Oregon state waters and the Pacific Ocean in federal waters between 46° 15' 00" North Latitude (Oregon/Washington border) and north of an east-west line at 42° 00' 00" North Latitude (Oregon/California border).
- **Logbook** – The vessel operator is responsible for maintaining a logbook in an accurate and truthful manner and in accordance with the instructions contained therein. Complete, legible and accurate data records must be collected and provided to ODFW approved staff upon returning with recovered gear. Additional log pages may be obtained from ODFW offices in Astoria, Newport, Charleston and Brookings or by making photocopies of a blank log page.
- **Gear Registration** – All gear recovered during permitted gear recovery must remain on the vessel and remain in the condition it was recovered until the gear is registered and tagged by ODFW approved staff. Tampering with recovered gear, including removing pot tags, buoys or other markings prior to registering the gear will result in termination of the permit. All completed post-recovery registration forms will be scanned in and posted on ODFW's website to allow any previous gear owners interested in negotiating for their previously owned pots to contact retrieving vessels. Giving first right of refusal to the previous gear owner is strongly encouraged through this program to continue to foster good relations within the commercial fishing community.
- **Harvest prohibited** - All crab and non-crab species taken with the retrieved gear must be immediately returned to the ocean.
- **Recreational crabbing and retrieval of recreational crab gear prohibited**- recreational harvest of all crab species and retrieval of recreational crab gear is prohibited during retrieval trips.

### **What if you are unable to get your Dungeness crab gear out of the water by Aug 14<sup>th</sup>?**

At any time during the season you can request a one-time waiver allowing retrieval of permitted Dungeness crab gear to shore by another crab permitted vessel, provided that undue hardship such as loss of the vessel, death or permanent disability has prevented retrieval of gear. Also, beginning this year any vessel can request a one-time retrieval waiver to have another vessel help retrieve their gear out of the water the last two weeks of the season. To request a one-time retrieval waiver please call the ODFW Licensing office at 503.947.6116. Requests will be considered in a timely manner.

ODFW will consider requests for emergency exemptions from the gear recovery program for Dungeness crab gear that was unable to be retrieved by the permit holder, as a result of undue hardship (defined above). Requests for exemptions must be submitted to the Marine Resources Program in Newport by August 21<sup>st</sup>. To apply for an exemption please call **Kelly Corbett at 541-270-5083.**

### **Where can you find information on derelict gear that was retrieved through the program?**

All of the completed post-recovery registration forms will be posted on ODFW's post season derelict gear webpage to allow any previous gear owners interested in negotiating for their retrieved pots to contact retrieving vessels themselves.

### **What if you have locations of derelict gear?**

Anyone can report the locations of any derelict gear after August 14<sup>th</sup> by contacting the number below. All reported locations of derelict gear will be posted on ODFW's post-season derelict gear webpage. Gear retrievers should contact the number below if they have any updates on the reported gear (i.e. they retrieved it or it is no longer there) so that we can update the reports on the website.

### **What if you have more questions about the program?**

Please call **Kelly Corbett at 541-270-5083.**