



# ODCAC Conference Call

## April 9, 2020

**Attendance:** Caren Braby, Kelly Corbett, Troy Buell, Brittany Harrington, John Corbin, Gary Motsinger, Doug Heater, Emily Dunn, Bob Eder, Justin Yager, Clint Funderburg, Mikey Retherford, Tony Pettis, Cody Chase, Rick Lilienthal, Tyler Long, Crystal Adams, Paul Garrett, Aaron McKenzie, Bill Manning, Tim Novotny, Hugh Link, Todd Thompson, Amanda Gladics, Orion Ashdown, Carri Brandberg

## Summary

- The meeting opened with introductions and an update that the crab exhibit, originally intended for the April 17<sup>th</sup> Oregon Fish and Wildlife Commission (OFWC) meeting, has been delayed indefinitely due to covid-19. As soon ODFW staff know specifics about rescheduling, it will be shared with ODCAC and industry. The agency strongly supported not moving forward with regulatory decisions without opportunity for public input.
- This change leaves a lot of uncertainty about how to proceed with the implementation of whale entanglement risk reduction measures. Caren Braby facilitated port-by-port updates from ODCAC on how individuals, the fleet, and the broader seafood industry is being impacted by covid to provide insight on how to proceed with the OFWC package and conservation planning.
  - General feedback confirmed that this turndown, price problems, and the softening of the market are propagating throughout the entire seafood industry. Without people out and about, everyone will be impacted, buyers and boats alike. There was guarded enthusiasm by some ODCAC members about some kind of rebound this spring with potential for markets opening up again. Port-specific feedback included:
    - Brookings – Some are still crab fishing, but the majority have their gear in. There isn't currently a live buyer in Brookings, but Hallmark confirmed that a live buyer is being brought in at the Hallmark dock.
    - Port Orford – A lot of the bigger boats have withdrawn gear, but about a third of the fleet (or ~8 vessels) are participating lightly. They've been alerted that Hallmark is going to stop buying, but that is an annual occurrence [not covid-specific].
    - Charleston – Around 8-10 boats are still fishing and a couple of big boats are out. A couple of live buyers are actively buying.
    - Newport – Live-buyers have had a tough time all season due to soft markets, but are just now getting back to the price that they started at in Jan. Report that big buyers have also assumed a lot of risk by buying up so much product early on and now have no market so it's sitting in freezers.
    - Garibaldi – Limited input because ODCAC advisors have pulled gear, but there is a general impression that most of the fleet is still fishing.
    - Astoria – When the price dropped a few weeks back, a lot of fishers brought in gear but some left it out and there has been a nice spring bite.

- Some ODCAC members expressed concern about being restricted more this spring, on top of covid-related damage that has already been done. Others noted that we need to look long-term and find some way for the fishery to keep operating in the future.
- It was also noted that the fleet fortunately had pretty high prices at the start of the season and was able to get out ahead of where we are now, but that all businesses are going to be affected by this.
- The group discussed the importance of commercial fishers being included with agriculture as essential food production for the state, according to Governor Kate Brown's executive order.
- From a management perspective, the uncertainty about how long covid impacts will last is the biggest difficulty. It makes planning a challenge. However, the need to protect the fishery from whale entanglement perceptions and realities is not changing. At this point, the agency is planning to move forward with the regulatory package and will notify industry once there is confirmation of the OFWC re-schedule of the exhibit.
  - The agency asked for input on two components of the regulatory package – (1) taut lines provision and (2) elimination of the two-week post-season gear clean-up period – to consider for implementation by temporary rule before that regulatory package. Temporary rules would be an interim approach with a six month maximum time allowance, which would be a good faith effort put forward this season while the ITP package is developed. The agency's intent would be to include those provisions in the permanent regulatory package whenever that is planned.
    - ODFW heard concerns about the level of specificity of the taut lines rule language and ability to enforce the rule, but general agreement with the intent and strong support for implementing it as a contribution to the ITP package being developed. Some ODCAC member suggested including a ratio (line to depth) or additional language restricting floating line in front of the main buoy.
      - The taut lines provision is intended to codify "best management practice" for keeping gear lines managed, and draw a line in the sand for enforcement to be able to pursue gross violations.
    - ODFW heard strong support for elimination of the two-week post-season gear clean-up period. There was no stated opposition for implementing this through temp rule for this year.
  - Some ODCAC members expressed concern about the pot reduction and depth restriction management measure being an over-reaction to the situation and pointed out that covid will have long-term effects on crab markets that need to be considered.
    - There were additional comments that this could be under-reaction and that steps need to be taken to protect the future of the fishery and avoid a situation that is even more detrimental than anything we're experiencing now.
  - Currently, fishery effort appears to be at or below what is typical at this time of year. ODFW has concerns that if there is a resurgence and a lot of gear goes back out in the water, there could be a situation like in California in 2016 when a lot of gear went out right when whales were arriving. To address this, the agency is developing methods to keep an eye on effort on a more real-time basis so that we're prepared to respond if we end up in that situation. Any information about updates during the season are

appreciated so that we feel confident moving forward and avoid opening ourselves up to potential problems.

- Additional updates/topics:
  - Leigh Torres is currently grounded, but is optimistic that she will be able to resume aerial whale surveys in May. ODFW is looking for any ways to support that effort.
    - Similarly, the citizen science portion of that project is looking for people to download the Whale Alert app and submit sightings since many of the participating groups are not going out right now.
  - ODFW is still working to develop the conservation plan, which needs to be submitted to NMFS for consideration for an ITP. With support from the ODCC, ODFW has posted an RFP to get a contractor to help develop the CP along with Brittany Harrington. That work will continue this year, with input from ODCAC and October public meetings. A draft is planned for submission to NMFS in December 2020.
  - The ODCC contracted with Shannon Davis and others to use the bioeconomic model to investigate the economic impacts of whale proposed whale mitigation measures. That report is now publicly available [on ODCC's website].
  - The ODCC has also agreed to fund the printing of the second side of the buoy tags for one more year.
  - A Tri-State call is scheduled for the morning of May 13<sup>th</sup> and will hopefully include industry advisors. Two topics planned for that meeting are: (1) line marking and (2) a proposal to move the southern region of the Tri-State area to a 24% (no rounding) criterion for opening the season.
    - Line marking was postponed for the April OFWC meeting to provide the agency more time to work with industry to understand what methods will work best. Line marking will not be determined by the Tri-State group, but both Washington and Oregon are hoping to adopt line marking regulations to reduce the proportion of entangling gear that goes unidentified (currently ~50%), but neither state has a good method yet. California is not currently pursuing line marking, but is open to discussing options for making other state's marks more effective (e.g., prohibiting California fishers from using those marks). Several methods have been proposed to date, but have come into conflict with methods of gear marking or line colors already used by the fleet. To be able to document more clearly what is and is not Oregon gear, we need something that works logistically for the fleet and that is clearly visible.
      - There was a comment from ODCAC about it being necessary to develop line marking at the Tri-State level to be effective, and also the need to consider dual and tri-permitted vessels.
    - The 24% proposal was brought up after last year's Tri-State. There was support from ODCAC at the time, if California was ready to implement as well. California wasn't ready so the protocol remained unchanged. However, California's DCTF is supportive of moving to 24% now. This would enable Oregon to be more liberal and get the season started so that it doesn't get pushed closer and closer to when whales arrive.
      - ODCAC members expressed that support from processors will be key and that there needs to be assurance that the fleet is still able to achieve a price.

- Processors commented that they are never willing to sacrifice quality, however, they need access to the product and acknowledge that it may be something that needs to be looked at to get the season going in a timely fashion and avoid whales.
- ODFW looked into the numbers last year and found that over the past ten season, only one or two season openings would have potentially changed if this measure was part of the protocol.
- A July workshop was being planned between the other states and NMFS to cover a number of issues including gear development, forensics related to whale entanglements, and industry involvement in discussions of risk assessment science and processes. This workshop is not designed to be done remotely and will likely be delayed, but ODFW encouraged the fleet to continue considering novel gear solutions that can be incorporated into the state's long term approach to reduce whale entanglements.
- A new dropbox is now available outside the Charleston ODFW office for logbooks.
- There was some discussion of the impact of high squid boat activity on the crab fleet. A public meeting is scheduled for next Thursday (April 16<sup>th</sup>). Interactions with crab pots and crab bycatch will be discussed, along with other topics.
- The National Sea Grant Law Center will be posting a webinar about how the Cares Act and the Paycheck Protection Program apply to commercial fishers. Also, there is a weekly webinar series from Arlene Soto from the Small Business Development Center at Tillamook Bay Community College, called FishBiz webinars that may be of interest.
- ODFW will be in touch with OFWC scheduling updates, and will reach out to Tri-State advisors about the May meeting.