



Oregon

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Governor

Department of Fish and Wildlife

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August 28, 2009

The 2009 Commercial Dungeness Crab Industry Summit, sponsored by the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Dungeness Crab Commission (ODCC) was a great success, with participants from the entire Oregon coast and good representation of both fishermen and processors. Over 40 permit holders were present during the 2-day meeting, and they provided thoughtful feedback to ODCC and ODFW that will help guide management decisions for the fishery in the coming year. The purpose of this letter is to give you a general summary of the discussions that occurred at the summit and to apprise you of a few minor suggested rule changes that will be presented to the Oregon Fish and Wildlife Commission (OFWC) at their meeting on October 2, 2009, in Salem. Depending on commission approval some of these rule changes could affect the crab fishery in the 2009-10 season. In addition, we are including a survey to get more of your input on some items discussed at the summit. We appreciate your taking the time to fill out and return the survey.

Agenda Items Summary

Pot Limit Program Review

When pot limits were adopted, ODFW committed to review the program after three years. The 2008-09 season is the third season under the pot limit program. For this program review, staff compared certain aspects of the fishery before and after the implementation of pot limits in 2006, and asked for input from industry on how the fishery is now conducted. Overall, the fishery remains in good shape. Landings data indicate that permit holders in each tier (200 pot, 300 pot and 500 pot) generally maintained their relative level of harvest; most did not consistently increase or decrease landings (pre- and post-pot limit program), even if the pot limit they received had far fewer pots than they declared before pot limits began.

Break-out groups, composed mainly of permit holders, provided feedback on many aspects of the pot limit program and the fishery. Because roughly 100 Oregon permits are not fished off Oregon in any given season, only about 110,000-125,000 pots are actively fished off Oregon. This is less than the total fleet target of 150,000 pots but most members of the break-out groups expressed that this amount “feels right” in terms of the amount of gear in the ocean. The fishery is still a derby fishery, but there seems to be less gear conflict with other fisheries (perhaps due to poor salmon years, rather than pot limits) and there appears to be no overall change in the value of the fishery. Because of less gear in the water, some fishermen indicated that they can sleep at night (rather than working gear around the clock), which may make the fishery safer, and they are able to move gear easier, increasing their mobility. There was also discussion about wanting to keep the diverse fleet composition the same with both small and large boats. In certain ways, this can contrast with wanting to increase fleet safety (primarily seen as being able to increase boat length beyond the 10-foot restriction). There is still some support for a program that allows stacking of permits, however, there was no clear message from

industry as to whether ODFW should pursue a stacking program and if so what the program would look like. The survey included will help us better understand fleetwide sentiment on stacking.

Future Actions Identified:

ODFW Staff

**Suggest rule change to allow buoy tag transfer at sea.
Prepare industry survey.**

Industry

Answer survey questions.

Derelict Gear Removal

Derelict fishing gear is becoming a major focal point at international, national, and regional levels. ODFW and ODCC staff presented information on the state of the derelict gear issue in the crab industry and asked for input on developing an industry-based solution to the long-term problem. Break-out groups discussed several aspects of a potential derelict gear recovery program, including: seasonality, target gear (buoyed, cut-off, sanded-in), how to find lost gear, how recovered gear is handled onshore, who would be involved in recovery efforts, compensation for recovery, measuring program success.

There was resounding support for modifying the rules on the number of pots (associated with another permit) that can be carried on board. The in-season limit has been 6 pots and there was broad support for increasing this to 20 or more. This would make in-season recovery more feasible (less risk of receiving a fine for a good deed). Industry is supportive of both an in-season and between season program, and feels that compensation for pot recovery is important (and compensation should be paid to the recoverer by the pot owner, if it can be identified). The ODCC hotline would be a good way to report lost gear, report sighted (but not recovered) gear, and for reporting any recovery activity that might be outside the rules. Industry also saw a use for creating an in-season active/inactive permit registry, so that fishermen know whether gear is lost or still fishing.

ODCC staff reported on the “rubber band” issue affecting endangered Steller sea lions and recognized that it is definitely a crabbing problem (may be recreational and/or commercial). The large bands that are used to hold pot lids down (with closing hook attached) and sometimes to hold bait containers have been found around the necks of several Steller sea lions along the Pacific Northwest coast (including Sea Lion Caves at Heceta Head). Unlike California sea lions, the population status of Steller sea lions is listed as threatened under the Endangered Species Act. The bands can cut the flesh and may cause starvation of the animals. A suggestion was made that a simple knot in the middle of the band would prevent this from happening and would represent a good faith effort (simply and inexpensively) to prevent further events from occurring.

Future Actions Identified:

ODFW staff

Suggest rule change to modify the number of derelict pots allowed on board (in season).

ODCC, Oregon Sea Grant, and Industry

**Develop a long-term recovery program in consultation with ODFW.
Tie knots in all rubber band straps.**

**Report lost gear/spotted gear/recovered gear to the ODCC hotline.
800-707-CRAB**

Vessel Safety

There has been growing concern about the safety of the Oregon Dungeness Crab fleet, following the report of this fishery in the media as the true “deadliest catch”. ODFW staff presented background information and current proposals to try to improve the fleet safety record. A panel consisting of Michele Longo Eder, Nick Furman (ODCC), Devin Lucas (NIOSH-CDC), Dan Hardin (USCG) and Jay Englund (Englund Marine) led a discussion on ways to improve safety and the possible role of ODFW in regulating safety inspections. Bar crossings were identified as the most problematic part of fishing activity in Oregon. Multiple comments encouraged crew to **wear pfd’s when crossing the bar.** There was consensus among industry participants that they do not want ODFW to require USCG vessel inspection decal before issuing fishing permits or buoy tags. However, industry also agreed that safety training, regular safety drills, and improving safety gear design were all crucial in making the fleet safer. Industry encouraged ODCC and the USCG to offer more safety training opportunities, with special requests for: 1) courses in smaller ports (regularly), 2) courses later in the year (close to opening day, when crew is assembled), and 3) include information on each of Oregon’s bars in the safety trainings.

Future Actions Identified:

ODCC staff

Continue offering safety training courses for Dungeness crab fishermen.

Explore opportunities to expand the number and locations of training sessions.

Industry

Send crew to safety training, wear pfd’s when crossing the bar, run safety drills with crew, make safe decisions at sea.

Answer survey questions.

Send comments on safety gear design to Dan Hardin, USCG.

Commercial Fishing Vessel Safety Coordinator
13th Coast Guard District
Prevention and Investigation Branch
Thirteenth Coast Guard District
Jackson Federal Building
915 Second Avenue, Suite 3506
Seattle, WA 98174-1067
206 220-7226

Season Start Date

The time just prior to the start of each crab season is hectic for all sectors of the industry for multiple reasons. For example: 1) Thanksgiving holiday makes it difficult to coordinate with processors, fishermen, and state agency staff (ODA and ODFW); 2) industry wants to make good use of the fishing days in December to meet the Christmas market; and 3) sometimes crab are not filled out enough to open on December 1 (as outlined in rule) or are not high enough in quality to fetch a good price. Some industry members believe that a later state-wide start date may decrease the conflict associated with these factors. There was support for both changing the date and for keeping the opening date December 1. While there is support for looking at a different start date, it was recognized that the start date is tightly linked to other issues. Preseason testing, price negotiation meetings, timing overlap with other fisheries, and holiday market considerations all need to be taken into account. If

there is a change in the start date, it was suggested we may also want to consider changing the pre-soak date during delayed openers.

Future Actions Identified:

ODFW

**Continue gauging industry support for modifying the start date.
Work with ODA to determine how season start would be accomplished with a different start date.**

Industry

**Continue discussions with advisory groups and Tri-State representatives.
Answer survey questions.**

Oregon Dungeness Crab Logbook Program

ODFW now has 2 years of logbook data in hand and a database created to track the information. We have entered a significant portion of the data and have received state legislature approval to add staff for additional logbook data entry (for crab and other fisheries). The data can be displayed over maps, with string start/stop locations and landings information associated with each string. This helps us understand where important fishing grounds are located which will help in fishery management decisions including marine spatial planning (e.g. renewable energy siting in the ocean). ODFW understands the concerns about data confidentiality and will protect it at all times. There was support for changing some of the logbook rules, including: 1) having the due date be 24 hours *after* delivery, and 2) allowing for less entry of repetitive data (e.g. entries that say “see above”). At this time, development of an electronic logbook may be the best solution for some of these problems. PSMFC representative Dave Colpo volunteered to help with the development of this system.

Future Actions Identified:

ODFW staff

Support electronic logbook development, partnering with PSMFC

Industry

**Improve 60% submission compliance on logbooks.
Improve the quality of information recorded on logbooks.**

Washington Dungeness Crab Permit Buyback

Washington Department of Fish and Wildlife (WDFW) is currently pursuing a buyback of Washington Dungeness crab permits. WDFW has designed a program and is currently pursuing funding from federal sources, which reportedly depends on state matching funds. There is no current source of matching funds. WDFW considered buying back Oregon permits (in the case of multiple-state permit holders) but this is not part of the approved buyback program. Many Oregon permit holders are concerned about impacts that might occur if the buyback program is implemented (e.g. effort shift to Oregon). There was support for looking into raising money to buy back only the Oregon portion of WA/OR dual permits (not any other OR permits). Legal issues and the details of a buyback program to include OR permits would need to be worked out.

Future Actions Identified:

ODCC Staff & Industry

Work together to develop a response plan to a WA buyback program.

Open forum agenda items

A number of items were proposed by industry, but due to time constraints were defined but not discussed in detail.

1. Summer Fishery
 - a. Increase the summertime trip limit (more than 1200 lbs)
 - b. Test our way out of the season like WA (some years the crab are hard longer)
 - c. As soon as soft shells show up, then close the whole season
2. Reinstate season closure date of 9/15, instead of current 8/15 closure
3. Hold inspections – work with OSP to take tides into consideration when scheduling inspections to enhance safety
4. Destruct mechanism (rotten cotton) rigging – what’s legal, what’s not
 - a. Some commonly used rigging is **NOT** legal
 - b. Industry should present suggestions for rule changes if the current ones are not working for them
 - Potential items for consideration:
 - i. configuration of 5” escape hole – what works?
 - ii. cotton twine quality should be improved so it will last 6 months
5. Replacement of lost tags, up to 10% tags after 30 days – some individuals are abusing this and just asking for the maximum number
 - a. Get rid of 30 day delay
 - b. Don’t require affidavit for getting replacement tags
(some will sign it regardless of whether or not it is the truth)
 - c. 2008 – only ~3000 replacement tags were reissued anyway, so there isn’t a big effect
6. Pre-season testing – Industry wants testing to NOT give certain crabbers knowledge over other crabbers
 - a. Pot size could be reduced so that it indicates quality only, not crab abundance
 - i. This is a tri-state issue that may not be changeable in near future (has not changed due to past suggestions)
 - ii. We need to know the minimum number of pounds necessary to get a good estimate of crab condition in a given area
 - iii. We could have pre-season testing done only by non-crabbers

Future Actions Identified:

ODFW staff

Take these suggestions into consideration for future fishery management efforts and for future discussions with the fleet.

One additional item of note was announced at the summit. A new ODFW staff position has been approved by the state legislature for a Commercial Dungeness Crab Fishery Manager. We are in the process of hiring this person (hope to advertise the position in September/October) and want them to start as soon as possible. It will likely take several months to get the position filled, but we hope the person will be in place and up to speed by the 2010-11 season.

Summary of potential rule changes prior to the 2009-10 Dungeness Crab season

1. Possession of other permit holder's pots
 - a. Recent (temporary) rules:
 - i. 12/1 – 5/28 on-board limit of 6 derelict pots
 - ii. 5/29 - 8/28 on-board limit of 50 derelict pots
 - iii. 8/29 – 10/31 no limit for any commercially licensed vessel
 - b. Proposed rule: increase to 25 pots during the winter-spring season and maintain the 50 pot limit during the summer season, to facilitate derelict gear removal.
2. Buoy tag and permit transfer
 - a. Current rule: when permit and tags are transferred between vessels, gear must be brought in to shore and buoy tags transferred on land
 - b. Proposed rule: allow waiver for at-sea transfer of buoy tags
3. Appeals for permit renewals
 - a. Current rule: The Commercial Fishery Permit Review Board may not waive the renewal date requirement for Dungeness crab fishery permit renewals
 - b. Proposed rule: allow the Commercial Fishery Permit Review Board to waive the renewal date requirement for Dungeness crab fishery permits under certain circumstances.
4. Commercial fishing participation when license is suspended or revoked for violations
 - a. Current rule: personal commercial fishing license is suspended or revoked
 - b. Proposed rule: prohibit fishery participation as a crew member

If you have general comments about these potential rules, please send them to ODFW staff in Newport. You may also contribute comments at the OFWC meeting on October 2, 2009, in Salem.

We would like to thank all of you who participated in this year's summit. Your input is very important to us and is crucial to the management of the Dungeness crab fishery. Please fill out the enclosed questionnaire and return it to ODFW, Newport, by September 25th. We will accept responses after that date but those received in time will be included in our report to the OFWC on Oct. 2.

Sincerely,

Caren Braby – ODFW, Marine Resources Program Manager
Nick Furman – Oregon Dungeness Crab Commission, Executive Director
Cyreis Schmitt – ODFW, Marine Policy Project Leader
Mitch Vance – ODFW, Shellfish Project Leader
Hugh Link – Oregon Dungeness Crab Commission, Assistant Administrator
Justin Ainsworth - ODFW, Assistant Shellfish Project Leader



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August 28, 2009

Using input we received at the recent Dungeness Crab Industry Summit, we have chosen some select topics that we would like to pose to the entire fleet. In order to make sure we are working on issues that are important to the whole fishery, we need to know your opinions. Please give these items some thought and circle the answer that best reflects your preferences.

Pot Limit Program

1. Do you want ODFW to pursue development of a stacking program next year? Yes / No
(Please circle "Yes" if you have ANY interest in stacking – any proposals will be developed with input from the fleet and sent out at a later date for approval by the fleet)
2. If we pursued stacking, what is the maximum number of pots ODFW should allow on a single permit? _____

Vessel Safety

1. Should ODFW require USCG vessel safety inspection decal for issuing buoy tags? Yes / No
2. Should ODCC continue to offer safety training opportunities? Yes / No
3. How else could the fleet encourage safety consciousness?

Season Start Date

1. Should ODFW consider a change in season start date for the 2010-11 season? Yes / No
2. If ODFW pursues a change in season start date, which of the following dates would be acceptable to you?

Dec 7

Dec 10

Dec 15

Please use the back of this page to convey any other thoughts you have about these topics.

Thank you.

August 27, 2009



**ODFW INDUSTRY NOTICE TO: COMMERCIAL
DUNGENESS CRAB FISHERS AND OTHER
COMMERCIAL FISHERS**

Retrieving Ocean Commercial Dungeness Crab Gear

The Oregon Department of Fish and Wildlife has adopted a temporary rule to allow commercial vessels to retrieve commercial Dungeness crab gear from the ocean during August 29 through October 31, 2009. The permanent crab pot limit regulation prohibits the possession of gear on a vessel unless it has that vessel's buoy tags and markings. To facilitate a voluntary derelict gear retrieval program, that regulation has been waived for two months. **Therefore through October 31st, any commercial vessel, including crabbers, trawlers, and trollers, may now retrieve ocean Dungeness crab gear and make it available for the owner to pick up.**

Crab Gear Retrieval Exceptions:

The temporary rule only applies to retrieval of crab gear used in the Dungeness crab fishery. Gear used for the other commercial crab fisheries, such as for tanner crab, is legally fishing and may only be possessed, operated or retrieved by the permitted vessel. Tanner crab gear is identifiable by buoys marked with "TAN" followed by a number. These numbers are registered with ODFW and OSP.

- * Fishermen who retrieve crab gear are encouraged to work cooperatively with the Ports on orderly and safe gear disposition.
- * Fishermen are also encouraged to make efforts to contact the owner of the retrieved gear in a timely manner.
- * Fishermen are asked to also voluntarily report the following information to the Crab Commission's toll-free gear reporting hotline: **1-800-707-CRAB (2722)***
 - Date gear retrieved and general location found
 - Total number pots found; port where pots are dropped
 - Gear ownership (if available); and phone number or other contact information for you
- * This hotline reporting is voluntary and not mandatory under the temporary regulation.
- * When the temporary rule expires on October 31, 2009, the OAR 635-005-0055 (9) will again be in effect: "It is unlawful to: possess, use, control or operate any crab pot not bearing a tag identifying the pot as that vessel's or buoys not bearing tags issued by the Department to that vessel...."

Please contact the ODFW Marine Resources Program or Oregon State Police if you have questions. Contacts at ODFW are: Mitch Vance or Cyreis Schmitt at (541) 867-4741.