



AGENDA ITEM SUMMARY

BACKGROUND

Oregon's Native Fish Conservation Policy implements the Food Fish and Wildlife Policies through setting expectations of developing conservation plans for species, as need arises. The 2015 Oregon Marine Fishery Management Plan Framework (framework) is consistent with and implements these statewide policies for marine species and sets expectations of species specific information needed for marine fishery management plans (MFMP's). The six main goals for MFMPs developed under the framework are based on the cited Oregon statutes, rules, and the major state policies discussed above, and are more specifically:

1. Provide for access to marine resources for present and future generations;
2. Minimize bycatch, incidental catch, and mortality related to fishery interactions with non-target marine organisms;
3. Coordinate the management of commercial and recreational fisheries;
4. Minimize complexity of management;
5. Consider the socioeconomic needs of local communities, including both consumptive and non-consumptive uses and values; and
6. Involve the public in the fisheries management process.

The Dungeness Crab Fishery Management Plan (DC-FMP) has been drafted in accordance with the framework to transparently describe the resource status of the species and the Department's harvest management approach. The Department developed both the Forage Fish Management Plan and the Pink Shrimp Fishery Management Plan utilizing this framework. As such, the DC-FMP is the third plan to be developed, and others are planned for development in the coming years.

PUBLIC INVOLVEMENT

Department staff involved stakeholders in the development of the draft FMP, and the regulatory approaches it contains, through a variety of methods over multiple years. Stakeholders include the public, members of the crab fleet, governmental and non-governmental organizations with an interest in this issue, management counterparts in other states, and federal managers and researchers. Recent engagement activities include:

Public Comment on FMP – The draft FMP was posted on the Department's Marine Resources website for public comment on September 15, 2021.

Public Meetings – The scope and contents of implementing regulations of the FMP have been discussed since 2019 in several public meetings targeting all three sectors of crab harvesters (recreational, bay commercial and ocean commercial). The public meeting opportunities for the ocean commercial sector are well-documented in the Commission materials for the September 2021 exhibit on the Crab Conservation Plan; briefly, the opportunities included industry meetings in October of both 2019 and 2020, as well as multiple meetings with advisors from the Oregon Dungeness Crab Advisory Committee (ODCAC) during the two-year period focused on the whale entanglement issue but also including information on FMP development. The FMP was a topic during the public meeting for recreational buoy marking requirements on July 24, 2019. During

2021, recreational crabbers and commercial bay crabbers also had an opportunity to attend one of three public meetings (August 5, 24, and 26). At these public meetings, staff presented a brief summary of the Plan focused on the goals and objectives for these fishery sectors and invited feedback from attendees.

Mailers, news releases and other information provided:

Industry Notices – Notices were mailed to ocean commercial industry members (including harvesters, buyers, processors) that included information on the FMP development in September 2020 and September 2021.

Annual Crab Newsletter – Department staff have produced an annual newsletter for the commercial Dungeness crab industry since 2007. In recent years, the FMP has been a topic of the newsletter, including in the most recent one issued November 2020.

News Releases – press releases were issued in conjunction with the ocean commercial sector public meetings in October 2020, and with the recreational and bay commercial sector public meetings in August 2021, and with the release of the draft FMP (September 2021).

ISSUE 1

Dungeness Crab Fishery Management Plan (DC-FMP) – Informational

ANALYSIS

Dungeness crab is an iconic ocean species in Oregon and across the West Coast and is a key component of commercial and sport fisheries, as well as tourism and recreation. The Department’s management of Dungeness crab harvest has developed over decades of participation, includes three separate sectors (sport, bay commercial and ocean commercial), and is customized to support sustainable populations and meet the unique harvest desires and needs of each sector. Because the sectors have overlap in both season and geography, and because these fisheries are entirely in state management, it has been a priority species for FMP development since the framework was developed. In documenting the management approach, the Department strives to increase awareness among the sectors of the differing management strategies and goals.

As specified in the framework, the Dungeness Crab FMP (DC-FMP; Attachment 4) is organized into two main sections – the Resource Analysis and Harvest Management Strategies. The DC-FMP is written to describe the status of the species and the current management (including regulatory changes for the sport and ocean commercial sectors that were adopted in 2019 and 2020 by the Commission); it is not intended to be a document striving for broadscale change in the management approaches. As such, there are only relatively minor proposed regulatory changes for the bay sector and ocean commercial sectors in this exhibit. There are no recommendations for changes in the sport sector at this time. The draft DC-FMP has been available to the public in its entirety for a 30-day review period.

Resource Analysis

The Resource Analysis section describes the biology, ecology, stock status, threats, and information gaps for Dungeness crab. This section of the DC-FMP is rich with information, given that there has been research and management interest in this species for many decades. There are rich historical and recent data sets from both fishery and fishery-independent sources, describing various aspects of the status of the species.

Harvest Management Strategy

The Harvest Management Strategy begins with a description of the goals and objectives of management (Figure 1), then describes the fishery, including the management, and legal and regulatory frameworks. The recommended changes in regulations (described individually under subsequent Issues sections, below), are noted throughout the draft and are listed in Appendix B of the FMP.

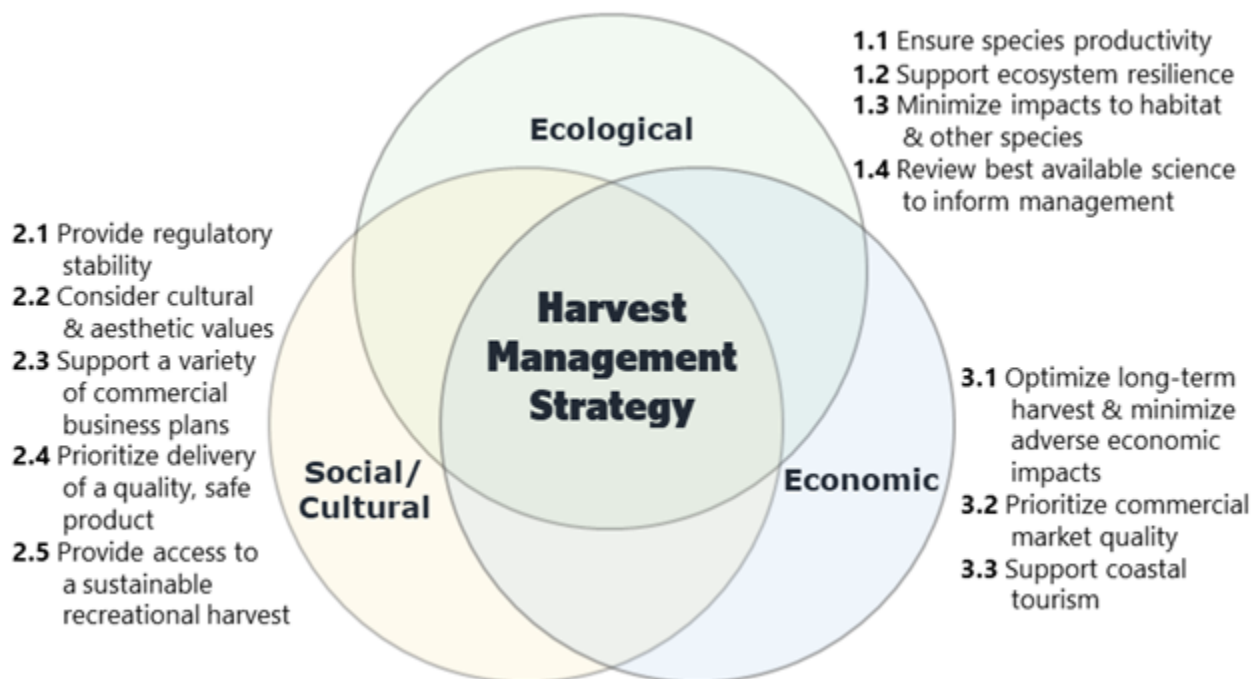


Figure 1. The management approach for the Oregon Dungeness crab fishery, driven by overlapping ecological, social/cultural, and economic objectives. Ecological objectives apply to all Dungeness crab fishery sectors, while social/cultural and economic objectives may apply to the commercial fishery, recreational fishery, or both.

ISSUE 2

Bay Commercial Sector – Logbook requirement

ANALYSIS

2. Logbook requirement for bay commercial sector (DC- FMP Section A.III.b)

The commercial bay Dungeness crab fishery (OAR 635-005-0500 through 635-005-0515) is the only Oregon commercial fixed gear fishery that does not require a logbook. Logbooks provide a written and verifiable record of important information, including vessel identification, date, effort (number of rings and duration of trip), catch, and location that informs efficient management and enforcement of the fishery. Information from the bay crab logbook will be of immediate management use in evaluating the spatial activity of the fishery, aiding enforcement to help ensure a fair and orderly fishery for all participants, and addressing concerns from recreational crabbers and other stakeholders.

Fishery participants contributed to the development of the proposed logbook through a pilot logbook test program, however, none of the logbooks were completed during the 2020 season and only a single crabber returned the logbook at the end of the season using fish tickets (with approximately 30 participants during the season). The Department conducted a telephone survey of fishery participants to gather information about the mechanics of their crabbing operation, opinions about draft 2020 pilot logbook pages, capacity to collect GPS coordinates or other spatial information, barriers or challenges posed by maintaining a logbook, concerns or issues with the commercial bay crab fishery, and suggestions for improving management. ODFW modified the logbook based on suggestions and feedback.

Because the fishery was scheduled to begin on September 7, 2021, prior to Commission consideration of the permanent rule recommended in this exhibit, a temporary rule was issued for the logbook requirement prior to the season start.

Staff recommend the Commission adopt a permanent logbook requirement for this fishery (OAR 635-005-0502).

ISSUE 3

Ocean Commercial Sector – Entanglement risk reduction regulations

ANALYSIS

3.a. Marine Life Entanglement Risk Reduction Regulations – prohibit landing of crab after May 1 unless late-season buoy tags have been purchased (DC-FMP Section B.III.e)

In 2020, the Commission adopted a pot reduction effective May 1 each year to decrease the co-occurrence of crab gear and whales in Oregon. This recommendation was based on the estimated timing of the humpback whale feeding migration to Oregon waters and timing of observed humpback entanglements involving Oregon crab gear. At the same time the Commission also adopted a requirement for crabbers fishing after May 1 each crab season to affix an additional late-season tag to each remaining pot, along with the primary season tag already required. The late-season tag serves as the enforcement mechanism to implement the reduced pot limit for each permit holder (i.e., only the reduced number of late-season tags is available for purchase from the Department by each permit holder). Lack of a late-season tag also serves to identify derelict gear from earlier in the season, and all gear without a late-season tag after May 1 is allowed to be retrieved as derelict gear by any commercial fishing vessel. Additionally, the presence or absence of late-season tags on entangling gear will provide additional information on the timing of any future entanglement events involving Oregon Dungeness crab gear.

During the first season with the new regulations in place (2020-21 crab season) the main enforcement issues that were encountered were in the month of May and included documentation of strings of gear left in the water without late-season tags on them. Upon evaluation of these issues with OSP, staff recommend explicitly prohibiting landing of crab after May 1 by vessels that have not purchased late-season tags. In practice, this is currently illegal because gear used to take crab after May 1 is illegal without late-season tags attached; however, a more direct and explicit prohibition will ease enforcement of the new tag requirements and thus strengthen the enforcement of the May 1 gear reduction.

Staff recommend prohibition on landing Dungeness crab into Oregon for commercial purposes unless secondary buoy tags have been purchased (OAR 635-005-0480)

3.b. Marine Life Entanglement Risk Reduction Regulations – extend time allowance to attach late-season tags to buoys (DC-FMP Section B.III.e)

Error! Reference source not found. Currently, late-season tags are allowed to be attached starting April 18, leaving two weeks before May 1 when late-season tags are required. Staff received considerable feedback after the Commission adoption of the new measures and during the season that the two-week window was not enough time to get the late-season tags on the gear. The additional week will provide more flexibility for crabbers to choose when, and under what conditions, they attach late-season tags while maintaining the main purpose of the tags to enforce a pot limit reduction. The additional week will also help reduce the time OSP and ODFW spent managing situations where late season crab fishermen were unable to attach all of their late-season tags in the existing two-week window due to inclement weather, currents or other extenuating circumstances.

Staff recommend allowing late-season buoy tags to be attached starting 3 weeks before the May 1 requirement, extending the current late-season tag attachment window (OAR 635-005-0480).

ISSUE 4

Ocean Commercial Sector –Biotoxin management regulations

ANALYSIS

4.a. Biotoxin Management – allow crab to be landed from other states that are under evisceration requirement (DC-FMP Section B.IV.b)

Error! Reference source not found. Biotoxin management for Oregon’s commercial fisheries is a joint responsibility of the Oregon Department of Agriculture (ODA) and the Department. Beginning in 2018, the Commission has adopted a series of regulations to help minimize management response time after biotoxin detection in crabs and strengthen the regulatory framework to support improved public safety. The background and rationale for all of the measures can be found in Commission exhibits from April 2018 and September 2019. To continue to streamline these relatively new regulations and be consistent with ODA complementary regulations (OAR 603-025-0425; Attachment 5) staff recommends allowing crab to be landed into Oregon for evisceration if they are from an area in another state that is under an evisceration order due to elevated biotoxins.

Staff recommend provisions to allow landing of crab into Oregon for evisceration if they are from an area in another state that is under an evisceration order (OAR 635-005-0466).

4.b. Biotoxin Management – modify harvest area map (DC-FMP Section B.IV.b)

Error! Reference source not found. This finer-scale map (Attachment 6) will complement the rule described in 4.a and inform product traceability for Oregon landings of crab from Washington harvest areas, when evisceration orders are in place in Washington.

Staff recommend modification of the Dungeness crab harvest area map to include finer scale areas in Washington (OAR 635-006-0201).

ISSUE 5

Marine Reserves – Fishing gear definition in regulations

ANALYSIS

5. Marine Reserves Fixed Fishing Gear Definition Clarification (DC-FMP Section B.III.e)

Oregon’s five marine reserve sites are protected from all extractive activities and prohibit take of any fish and wildlife species including crab. OAR 635-12-0050(3)(c) states that “fishing gear shall not be deployed in the water at any time within the marine reserve.” Commercial fixed fishing gear that is set on the boundary edge of marine reserve sites frequently results in surface buoys drifting into the marine reserve site. This makes it difficult for Oregon State Police (OSP) to determine if the gear is inside the reserve or only the surface buoys, requiring OSP to pull the gear to try and determine location. Although this rule change affects all fisheries that use fixed gear, the vast majority of enforcement problems with fixed gear in proximity to marine reserves has been with Dungeness crab pots.

The proposed rule will provide consistency with the state’s marine reserve purpose (ORS 196.540-196.555) and rules (OAR 635 Division 12), and support OSP’s enforcement of marine reserve sites.

Staff recommend adding a clarification that the definition of “fishing gear” includes surface buoys of bottom contact gear thereby prohibiting surface fishing gear in marine reserves (OAR 635-12-0030).

OPTIONS

1. ISSUE 2 – BAY COMMERCIAL LOGBOOK REQUIREMENT
 - a. Adopt staff recommendation to require logbooks in the bay commercial sector.
 - b. Alter staff recommendation.
 - c. Status quo.
2. ISSUE 3 – OCEAN COMMERCIAL SECTOR –LATE-SEASON BUOY TAGS
 - a. Adopt staff recommendations to prohibit landing of crab if late-season buoy tags are not purchased, and lengthen the buoy tag installation allowance.
 - b. Alter staff recommendation.
 - c. Status quo.
3. ISSUE 4 – OCEAN COMMERCIAL SECTOR – BIOTOXIN MANAGEMENT
 - a. Adopt staff recommendations to allow landing of adulterated crab for evisceration, harvested from outside OR, and modify harvest area map.
 - b. Alter staff recommendation.
 - c. Status quo.
4. ISSUE 5 – MARINE RESERVES GEAR DEFINITION
 - a. Adopt staff recommendation to augment the definition of fishing gear to include surface buoys.
 - b. Alter staff recommendation.
 - c. Status quo.

STAFF RECOMMENDATION

1. Adopt staff recommendations for Issues 2, 3, 4 and 5 as reflected in Attachment 3.

DRAFT MOTION

EFFECTIVE DATE: