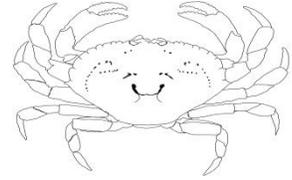




ODCAC Conference Call

December 11, 2019



Attendance: Caren Braby, Kelly Corbett, Troy Buell, Brittany Harrington, Morgan Bancroft, John Corbin, Seth Whitsett, Emily Dunn, Gary Motsinger, Bob Eder, Pogy Lapham, Justin Yager, Mikey Retherford, Tony Pettis, Clint Funderburg, Cody Chase, Scott Hartzell, Stuart Schuttpelz, Rick Lilienthal, Tyler Long, Crystal Adams, Jake Fletcher, Paul Garrett, Aaron McKenzie, Bernie Lindley, Bill Manning, Tim Novotny, Hugh Link, Susan Chambers, Ryan Howell, Todd Thompson, Gary Ripka, Carri Brandberg, Jerry Biddinger, Sterling Morris, Amanda Gladics.

Summary

- The meeting opened with introductions and an overview of the meeting agenda, including working the meeting materials that were sent out in advance: (1) entanglement summary, (2) November ODCAC meeting summary, (3) public meetings FAQ list, (4) public meetings survey summary, and (5) staff recommendation for short-term measures to reduce entanglement risk.
- ODCAC members were invited to review the November ODCAC meeting summary and provide feedback on any necessary revisions.
- Meeting notes from the October public meetings are posted on the ‘Reducing Risk of Whale Entanglements in Oregon Dungeness Crab Gear’ page on the ODFW website.
- Kelly Corbett provided an overview of the entanglement summary based on summarized data provided by NOAA in November. One set of graphs showed annual entanglements (of all large whale species) with commercial crab gear for Washington, Oregon, and California, and for crab gear entanglements where the state is unknown, from 2003 through 2019. A second set showed humpback whale entanglements by observation month and by state, prior to 2014 and since 2014. The two time frames document the shift seen in Oregon and other states before and after we started to see an increase in entanglements on the West Coast in 2014.
 - At the October public meetings, ODFW shared figures with two entanglements during the month of October. NOAA has since confirmed that one of those entanglements was a re-sighting of a whale that was first seen in September. So, we now show one in September and one in October. The total number of entanglements has not changed.
 - Plots do not include unobserved entanglements or entanglements where the gear cannot be attributed to a specific fishery. Both of these components will have to be accounted for in the Conservation Plan (CP) and Incidental Take Permit (ITP) application.
- Kelly provided an overview of the public meetings survey results.
 - This included demographic information (industry role, home port, permit tiers, typical month exiting the fishery). There was some discussion about the question, “In the last 5 years, what month have you most often exited the fishery?”. Of the 90 survey respondents, the two most common months were June and August which were selected by 22 respondents (or ~25%) each, followed by May with 16 respondents. Some ODCAC members felt that this indicates that the survey responses are skewed towards fishers who exit the fishery in summer. This seems contradictory to the pot tier question which

indicated strongest representation by 500 pot tier permit holders, followed by 300 pot tier. This may be affected by the fact that many respondents selected a range of months and the last month indicated was used. These caveats should be kept in mind when interpreting survey results.

- There was also some discussion around the questions related to support (or lack there of) for various risk reduction measures and implementation options.
 - Respondents were asked which month they support implementing risk reduction measures. There was some discussion that the June 1 option included the words “(early closure only)” which made it a less favorable option and likely affected the results for that question.
 - It was also brought up that the line marking survey results may be influenced by the fact that there was not adequate time to discuss that option at all of the public meetings. A discussion followed about the specifics of what line marking requirements will include. ODFW intends to define requirements for the marks (e.g., length, number of marks, color), but does not intend to specify how it is done (e.g., paint, tape, thread). ODCAC members brought up the following points:
 - Support for the language being as consistent as possible with other states.
 - Various opinions on the idea of having this regulation apply to those who sell the line. There was not consensus on this idea.
 - Possibility of using tags, instead of paint/tape/thread/etc.
 - Possibility of using a different colored rope for each state, as opposed to a mark.
 - Possibility of using 6” long shots tied to the main line, instead of built into the main line.
 - Concerns over the amount of effort required to comply with line marking requirements. There were various perspectives about how cumbersome this process would be.
 - ODFW expressed that the agency’s goal is for line marking to be as simple and cost-effective as possible, while ensuring that it is visible. Industry should provide any ideas on how that should be done.
- Caren Braby presented the current staff recommendation and timeline for risk reduction measures. ODFW is targeting the Oregon Fish and Wildlife Commission (OFWC) meeting in April for rulemaking. The current staff proposal is as follows:
 - Implementation within the 2019-20 season
 - 10-30% gear reduction effective April or May (but June in 2020)
 - Late-season buoy tag (required)
 - Depth restriction in combination with reduction (30 fathoms)
 - Sunset – after 3 seasons (optional)
 - Eliminate two-week gear clean-up period
 - Best practices – lines taut, minimize surface gear (no sunset)
 - Fishermen education (non-rulemaking)
 - Best practices
 - Encourage fishers to participate in disentanglement training
 - Implementation beginning with the 2020-21 season
 - Eliminate replacement tags
 - With opportunity for replacement tags due to “undue hardship”
 - Line marking

- 2 marks, 12 inches, neon orange
- Troy Buell provided additional information on how the agency is thinking about a depth restriction. At the public meetings, there was a lot of discussion about depth restrictions, presumably as an alternative to pot reduction. The agency has concerns about concentrating gear in shallow waters where there may be more interactions with gray whales or humpbacks (in years when they are in shallower waters). We still have limited information on whale distributions, although Leigh Torres' ongoing study will hopefully help to fill some gaps.
 - Graphs were presented showing effort (i.e., pot pulls) inside and outside of 30 and 50 fathoms, by month. During the months when we are considering gear reduction there is not a lot of gear outside 50 fathoms. However, something like a 30 fathom depth restriction combined with a 20% gear reduction could achieve the goal of getting gear out of the water where we think humpback whales are at, without crowding gear.
 - A 30 fathom line roughly coincides with the NMFS proposed critical habitat rule (50m) and humpback observations (to date) from Leigh Torres' survey data (60 m).
 - ODCAC members pointed out that there is also already a 30 fathom defined line for groundfish.
 - By putting in a fathom line, we can get a bigger reduction in risk for a lesser reduction in pots.
 - There seemed to be general support for this approach (depth restriction combined with pot reduction) from ODCAC members, but there were considerable concerns about the implementation month and obtaining broader fleet support.
- ODCAC members initiated a discussion about the intent of the sunset clause.
 - From the agency's perspective, the current risk reduction proposal is the best attempt to reduce risk, but there are a number of things at play that could change that. First, the additional analyses and discussion that will take place during the CP/ITP process could cause a significant reevaluation. Second, the whale distribution study will help determine the effectiveness of a bathymetric approach.
 - The sunset clause will be written into regulation and require ODFW to re-evaluate and propose regulations through a public process that provides industry and others an additional opportunity for input.
- There was also discussion about the purpose of the summer tags and several ODCAC member expressed concerns about trying to define a summer versus winter fishery.
 - ODFW views the late season tag as a way to enforce a reduction in gear and to identify what gear is active in the summer fishery versus derelict and help inform more information about the timing of entanglements.
- Regarding the implementation month for risk reduction measures, there was no consensus on what qualifies as "substantive measures" to reduce risk of entanglements.
- The possibility of an industry-sponsored buyback was briefly discussed. ODFW encouraged industry to consider this option if this is something that the fleet supports, but emphasized that this is not within agency control.
 - ODFW was encouraged to include long-term measures to reduce risk in the CP, which the agency intends to do.
- ODFW plans to take the input from ODCAC, the public meetings, and other discussions with the fleet and do some more analysis (particularly related to a bathymetric restriction). The agency is trying to determine/quantify what can be achieved through risk reduction measures, while attempting to be fair across all permits and business models.

- ODFW will be in touch with ODCAC next week about the season opener, and will continue to be available once the season opens.