



Crab Industry Public Meeting

October 8th, 2020 – 1-4PM

Attendance: Caren Braby, Troy Buell, Kelly Corbett, Brittany Harrington, Jill Smith, Eric Anderson, Maggie Sommer, Jessica Watson, Megan Dugan, Josh Metzler (PSU tech support), Mika Sakai (PSU tech support), Karie Silva, Shannon Davis, Ben Enticknap, Tony Pettis, Sarah Fiskens, Seth Whitsett, Mike Retherford, George Shillinger, Tim Novotny, Amanda Gladics, Joe Conchelos, Kathy Latimer, Jonathan Gonzalez, Kristin Reed, Colleen Weiler, Clint Funderburg, Dean Fleck, Hugh Link, Kenny Bushnell, Bob Eder, Mike (last name?), Dan Ayers, Victoria Knorr, Alex Enriquez, Cari Brandberg, Casey Bushnell, John Corbin, Gway Kirchner, Scott Benson, Sheila Garber, 10 call-in participants without names displayed

Summary

To open the meeting ODFW staff provided welcome and [agenda](#) overview, followed by 2 sessions.

The Session 1 staff presentation covered an introduction to the whale entanglement issue, then reviewed the public process for and overview of phase 1 and phase 2 regulatory changes ([slides here](#)). On September 11, 2020, the OFWC adopted multiple risk reduction measures including primary measures that will be evaluated over a 3-season pilot program; the pilot program requires a 20% reduction in pots for each permit, starting May 1 (2021-2023), and requiring gear to have a seasonal tag and to be deployed inside 40 fathoms. The OFWC meeting materials can be found [here](#) (Exhibit C) and the notice to industry regarding all of the new regulations that were reviewed can be found [here](#).

The Session 2 staff presentation covered the Conservation Plan and Incidental Take Permit process and development, focusing on concept of adaptive management and the existing and future tools we have to adaptively manage the fishery to reduce whale entanglement ([slides here](#)). Staff provided a description of the proposed requested take that will be the basis of adaptive management triggers, considerations for determining a response if triggers are exceeded and potential adaptive measures that could be considered if they are triggered in the short-term. Also, staff introduced potential future measures which require some additional development time to be ready to implement. These measures could be considered in addition to the existing measures, or as possible alternatives that could replace existing measures.

After each session presentation, there was significant discussion and input on these topics. The presentation portions of both Session 1 and 2 of the meeting were recorded and posted ([here](#)). The discussion portions of the Sessions were not recorded, to facilitate open dialog of concerns and suggestions. Instead, brief summaries of both discussions are provided below. In closing the meeting, staff asked industry members to talk to port groups and professional networks about the adaptive and future measures, to bring back priorities and preferences to the 2nd public meeting on October 22nd. All meeting materials are available on our whale entanglement website [here](#).

Session 1 Discussion Summary – Recent Regulatory Changes

Clarifying Questions

Industry question – Any chance of getting the ability for groundfish limited entry boats to pick up crab pots in the RCA through Council, now that we'll have the 40 fathom closure?

Staff response – We can follow-up internally with Council on the status of those discussions.

Industry question/concern - Has there been any consideration of boats that can't get out early in the season? Seems like these will impact small boats a lot more, larger boats will be out of the fishery by the time it kicks in. There are concerns these measures are taking away opportunity for the small boats to fish during the bulk of their season and requiring them to pay for the late-season tags.

Staff response – We recognize differential impacts, but the reality is whales are here at certain times and in certain depths, and we need to work around them. If the primary consideration is a particular port or size vessel, we'll miss the mark of targeting getting out of the way of the whales. We need to keep this fishery from impacting whales, which is really the driving force for having a strong Conservation Plan so that we can get NMFS approval and the fishery can keep operating.

Industry question – How will the specifics of taut lines rule be enforced?

Staff response – It will likely rely largely on reporting from the fleet and will mostly be used in very extreme circumstances.

Industry question – How will enforcement work on late-season tags in regards to lost traps. What happens when gear is down for 2-3 weeks before May 1? Will there be a violation issued?

Staff response - Any pot after May 1 will be considered derelict and can be retrieved. We understand that can be a challenge, but that's the regulation. Derelict gear retrieval will be allowed under normal in-season regulations, so will have to be returned to owner. OSP could issue violations for untagged gear or gear outside 40fa but has discretion to work with individuals.

Industry question - When will late-season tags be issued? When can they be placed on the gear?

Staff response – Tags can be purchased beginning in early March, April 18th is first day tags can be on the water. Late-season tags are not valid all season but you will be able to purchase just the number of tags you plan to fish in the late-season. Part of our goal with late-season tags is to get better information on when whale entanglements happen, given that they can be entangled well before they are observed.

Industry comment – Multiple comments about the concern that the two week period allowed for tags to be attached will be difficult for many vessels to adhere to if they can't find all of their gear before putting on the tags prior to May 1 (e.g. due to weather) and then they will be at risk of getting a violation.

3-year Evaluation Discussion/Input

Staff questions to the group – Is the list of fishery impact monitoring metrics in line with what you want us to be monitoring in this timeframe? Are there other metrics we should be thinking about tracking? What concerns do you have about the impacts that these risk reduction measures may have and do you have ideas on how to monitor those impacts over the next few seasons?

1) Important to monitor for the uneven impacts on the fleet. Some large vessels that exit won't have any impact but small vessels in ports with bad bars will be impacted by all of these measures, including just getting out to switch buoy tags within the specified timeframe. This will reduce fishing time and cost money. Make sure to monitor how changes affect fishery in months of March and April (e.g., if they actually have to start removing gear early to make sure they get gear by May 1).

Staff response – We will definitely be looking at the entire season for impacts, port level, boat size, pot tier, etc.

2) ODFW should try to lessen the uneven impact of all of these measures by considering making the late season tags free, lower ad valorem rate for the late season and/or subsidize late-season fisherman by paying them to stop fishing early. Other industry members mentioned interest in these but also thought there could be problems with incentivizing fishing later in the season by reducing tax, which we want to avoid because of whales.

Staff response – We will do some more thinking about all of these but don't have the ability for large scale fishery subsidy programs. Those need big financial backing from somewhere to implement, similar to vessel buy-back.

3) Consider monitoring the average number of pots as of May 1 and if we want to reduce to that number by 20%, there may be years where you don't actually have to reduce individual's pot limits if enough boats have already left the fishery. Also could think about that over the next three years, an overall pot reduction for the entire fishery from the start to the end of the fishery. You could maybe adjust the reduction based on the numbers leaving the fishery – if more pots have left for whatever reason, then you could let the remaining vessels fish more pots.

Staff response – We have considered an LE program for the late-season but there has been lots of concern from the about that kind of program. Attrition of boats over the season is normal activity. It's tough to figure out how to modulate changes based on in-season behavior and have the reduction enforceable.

Session 2 Discussion Summary – Conservation Plan and Incidental Take Permit Application

Clarifying Questions

Industry questions - What is the trigger? And are these the numbers that would initiate a response? Would this float with new population estimates? Does that mean 2 entanglements along the whole west coast?

Staff response – The take estimates on slide 8 is our starting place for minimum triggers for a consultation, not an automatic action. The take estimates are based off the entanglement record. They should float, but the scale of time for change is unclear. Our take estimates are just for Oregon take, not the entire West Coast.

Short-term Adaptive Management Input

- 1) Going from 40 fm to 30 fm in spring would be least impactful of the three. Smaller boats will be disadvantaged once you start adjusting inside depth from 20-30 fm. Bigger boats have more opportunity to fish shallow because they can move gear quicker.*
- 2) Some concerns with adjusting the depth that might concentrate gear in a smaller space. Whales are in shallow water too and just adjusting depth might not achieve the desired effect.*
- 3) Need to consider if a depth change would require a gear reduction as well to avoid gear crowding.*
- 4) Gear reductions are almost a straight-line loss on revenue.*
- 5) Need to consider when and where entanglements are happening as well in our adaptive management approach.*

Long-term Adaptive Management Input

- 1) Consider overall pot reduction for the entire fishery from the start to the end of the fishery.*
- 2) Consider giving people choice of when to take gear reductions depending on their fishing patterns historically. Give fishermen the option of fishing full capacity at the beginning and the taking them all out, versus later season fishermen doing 90% the whole time. This would shift some impact to larger boats.*
- 3) Consider adaptive management being more geographically specific. Whale hotspot management would be less impactful to the fleet and more targeted for conserving whales.*
- 4) Need to keep considering maintaining and strengthening efforts on getting better information on when and where whales are off Oregon.*