

Agenda Item Summary

BACKGROUND

In consultation with the Developmental Fisheries Board, the Commission is required to adopt the Developmental Fisheries species list annually for underutilized species. The Commission has the authority to add or remove a species from the list and when a species is removed from a list, shall establish an alternative management plan or terminate it as a commercial species.

A 2007 Developmental Fishery Program Activity Report is also included in this packet.

PUBLIC INVOLVEMENT

A Developmental Fishery Board meeting was held, with a conference call option, in Newport on August 29, 2007 to discuss potential changes to the Developmental Fishery Program regarding rule amendments resulting from SB241, the annual species list and the box crab fishery. A review of the flat abalone fishery and a discussion regarding the sustainability of the fishery was also conducted. Four voting Board members, one non-voting Board member, department staff and the abalone permit holder participated.

ISSUE 1

ADOPT THE DEVELOPMENTAL FISHERIES SPECIES LIST

ANALYSIS

Oregon Administrative Rule (OAR) 635-006-0820 describes that the Commission shall annually adopt the list of food fish species that are to be considered developmental. The Commission has the authority to remove a species from the previously adopted list. There are three categories of underutilized species:

- Category A contains species not currently under another state or federal management plan but managed by the Oregon Department of Fish and Wildlife (ODFW) through a limited number of permits that allow harvest with permit and gear limitations and are considered economically viable.
- Category B species are not currently under another state or federal management plan, do not require a permit for harvest, and have not been shown to be economically viable.
- Category C species are currently under another state or federal management plan that already have established permit and/or gear limitations.

The Commission also has the authority to reduce the number of permits for a particular species due to a reduced catch per unit of effort. A system for permit reduction may include revoking a permit by the last date of issue.

In addition, an emergency suspension of permits by the ODFW Director in consultation with the Developmental Fisheries Board may be done due to a “resource emergency.”

Flat Abalone

On October 22, 1999 the Commission heard recommendations regarding the addition of flat abalone to the developmental fisheries species list. The Commission opposed adding abalone to the Developmental Fishery Species List, consistent with the staff recommendation, due to sparse abundance, ease of overexploitation, difficulty in distinguishing flat abalone from red abalone, and staff’s limited resources to monitor the dive fishery.

On November 17, 2000, the Developmental Fisheries Board presented the same recommendation to develop a fishery for flat abalone. The Commission at that time, decided to add flat abalone to Category A of the developmental fisheries species list. Additionally, a harvest program was adopted which allowed one permit with an annual quota of 3000 pounds, 4.5 inch minimum size limit, annual renewal requirements of 10 landings of 20 pounds each, and allowed harvest by abalone iron from depths greater than 10 feet. Additional measures were added that require the permittee to survey harvest areas collecting density and size information, maintain a logbook, and provide biological samples upon request by ODFW. A lottery was held the following year for the single permit.

CURRENT FISHERY

Appendix B (in Attachment 2) contains an informational report regarding the abalone fishery. It includes information on harvest trends, catch per unit effort (CPUE), species density surveys, and shell size frequency of occurrence.

The harvest from this fishery is routinely sampled to determine size ranges and monitor the frequency of larger individuals. A reduction in size frequency may indicate that the fishery is being “fished down” to a level in which the number of reproducing females and males may be too low for successful reproduction. Figures 1 through 5 of Appendix B show a reduction in size frequencies based on fishery sampling data. CPUE (pounds per hour of bottom dive time) is calculated using dive logbooks. Tables 1 through 6 of Appendix B show reef specific and aggregated total CPUEs. Reef specific and aggregated declines in CPUE are seen for most years.

The Developmental Fisheries Board and the flat abalone permit holder met with staff on August 29, 2007 to discuss several options for this fishery. The final options range from status quo to removal of flat abalone from the list and cessation of the fishery.

The option of status quo (i.e. no change to the developmental fisheries

species list) allows the flat abalone fishery to continue with the following measures: one available permit; annual harvest of 3,000 pounds; minimum size restriction of 4.5 inches; and minimum landing requirements of 10 landings of 20 pounds each. This will require a clarification in shellfish rules (OAR 635-005-0005) that currently prohibits commercial abalone fishing in Oregon, creating a specific exemption for harvest under the authority of a Developmental Fisheries Program permit (Attachment 6).

The second option, as suggested by the holder of the flat abalone permit, is to adopt the Developmental Fishery Species List as is, but reduce the allowable quota for flat abalone from 3,000 pounds to 2,000 pounds per year and increase the minimum size limit from 4.5 inches to 4.75 inches. This option leaves flat abalone on the category 'A' Developmental Fishery Species List and allows one permit for harvest. Staff has not analyzed what the long term affect a reduction in harvest may have on the population as we are uncertain of the current biomass available for harvest. Since the minimum size limit of 4.5 inches is currently understood as the average minimum size in which all abalone are sexually mature, a minimum size increase may ensure that more sexually mature abalone will remain in the harvest areas. This option also requires a clarification in shellfish rules that currently prohibits commercial abalone fishing in Oregon, exempting fishing as allowed in the Developmental Fisheries Program (Attachment 6).

The final option is to remove flat abalone from category 'A' of the Developmental Fishery Species List due to a reduced CPUE and concerns over the sustainability of the resource. The species would not be placed on category 'B' or 'C' list as these allow harvest without a state permit. This option would leave all other species on the list status quo. Given the life history of flat abalone, the risk of severe population depletion to the point of consideration as threatened or endangered status seems too great for a sustainable fishery. The fishery has depleted the density and size range in some areas severely and may have depleted others that have not been surveyed. Monitoring of flat abalone may continue through agency sponsored surveys.

OPTIONS

1. Status quo Developmental Fishery Species List with rule clarification exempting abalone harvest under the Developmental Fishery Program as proposed in Attachment 6 under Issue 1 Option 1 pertaining to OAR 635-005-0005(1)&(2).
2. Status quo Developmental Fishery Species List. Adjust management measures for flat abalone as follows: annual harvest quota of 2000 pounds and a minimum size limit of 4.75 inches. Adopt administrative rules as proposed in Attachment 6 under Issue 2 Option 2 pertaining to OAR 635-005-0005(1)&(2) and OAR 635-006-0850(1)(b)(G).

3. Remove flat abalone from the Developmental Fishery Species List, leaving all other species as status quo and adopt administrative rules as proposed in Attachment 6 under Issue 2 Option 3 pertaining to OAR 635-006-0850(1)(b)(G).

**STAFF
RECOMMENDATION**

Option 3

ISSUE 2

REQUIREMENT OF A DUNGENESS CRAB PERMIT AND A DEVELOPMENTAL FISHERIES PERMIT TO HARVEST BOX CRAB

ANALYSIS

The box crab, grooved tanner crab, Oregon hair crab and scarlet king crab fisheries were added to the Developmental Fishery Species List in 1995. It is stated in OAR 635-006-0900 that these species and red rock crab (not a developmental species) may be harvested by fishers provided that pot fishing gear complies with Dungeness crab gear configurations. There are no pot limits for these fisheries and incidental take of the developmental species of crabs in other fisheries, such as the Dungeness crab fishery, is allowed without a developmental fisheries permit.

As the prosecution of the grooved tanner, Oregon hair and scarlet king crab fisheries differs greatly from the Dungeness crab fishery in gear used and location fished, modifications to pot gear restrictions are proposed to coincide with commercial food fish rules in OAR 635-004-0035 (Attachment 6 OAR 635-005-0065(1)). These adjustments will independently define these fisheries, separating them from the Dungeness crab. Buoys will be assigned a unique number upon issuance of a grooved tanner, Oregon hair and scarlet king crab developmental fishery permit, identifying the gear appropriately (Attachment 6 OAR 635-006-0850 (1)(b)(B)).

Since 1995, twenty-five developmental permits for box crab have been available annually and the number of permits issued has ranged from zero to twenty-five. Table 1 below is a summary of box crab landings (in pounds) by holders of a developmental fishery permit and incidentally by holders of a Dungeness crab permit (individuals can hold both permits). Landings of box crab have been variable throughout, though no landings have been made by individuals having only a developmental fishery permit. Those that held only a Dungeness permit landed minor amounts of box crab. The majority of landings were made by individuals that held both box crab and Dungeness crab permits. There is concern that an individual could obtain a box crab permit and fish an unlimited number of pots in conjunction with a Dungeness crab permit, which has pot limits.

Table 1. Box crab landings in pounds by permit type from 1/1/1995 to 10/24/2007.					
Year	Landings by Devo Permit Holders Only	Landings by Dungeness Permit Holders Only	Landings by Devo and Dungeness Permit Holders	Number of Devo permits Issued	Number of harvesters
1995	0	786	0	18	3
1996	0	272	3,374	8	5
1997	0	117	67,103	25	13
1998	0	333	0	14	2
1999	0	0	115	4	1
2000	0	2,478	0	4	6
2001	0	309	62,231	25*	12
2002	0	15	3,896	15	2
2003	0	0	0	6	2
2004	0	0	0	1	0
2005	0	0	0	0	0
2006	0	87	0	2	1
2007	0	0	2,281	11	2

* Lottery was held

Staff proposes to require a Dungeness crab permit to harvest incidental amounts of box and red rock crabs in the Pacific ocean and the Columbia River; to conduct a targeted fishery for box crab, an individual must possess both a box crab developmental fishery permit and a Dungeness crab permit (Attachment 6 OAR 635-006-0850 (1)(b)(A)). Since all of the box crab landed in recent years has been made by fishers in the Dungeness crab fishery, only a limited number of fishers will be affected by this rule. The current Dungeness gear restrictions (including pot limits) would continue to be used for box and red rock crab as stated in the proposed commercial shellfish rules (Attachment 6 OAR 635-005-0065) to provide consistency between the fisheries and prevent potential violations of the current Dungeness crab pot limits. Adjustments to the box crab and red rock crab closed season and fishing areas are also proposed to further provide consistency with the Dungeness crab fishery (Attachment 6 OAR 635-005-0064(1) and 0066).

OPTIONS

1. Requirement of a Dungeness crab permit and a developmental fisheries permit to harvest box crab as proposed in Attachment 5 under Issue 3 pertaining to OAR 635-005-0064(1)&(2), OAR 635-005-0065(1)&(2), OAR 635-005-0066 and OAR 635-006-0850 (1)(b)(A)&(B).
2. Status quo – no change.

**STAFF
RECOMMENDATION**

Option 1

Please refer to Attachment 2 for the annual review of the Developmental Fisheries Program.

DRAFT MOTION

I move to adopt administrative rules as proposed by staff in Option 3 of Issue 1 to adopt the annual Developmental Fishery species list as status quo with the exception of removing abalone from the Category A list; and Option 1 of Issue 2 that require both a Dungeness crab permit and a Developmental Fishery permit to harvest box crab.

Upon filing

EFFECTIVE DATE