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September 25, 2020

Oregon Ocean Commercial Dungeness Crab Permit Holders, Processors, Buyers, and Interested Persons:

The Oregon Department of Fish and Wildlife (ODFW) is sending you this industry notice to provide information on the following items:

- I. Recent regulatory changes adopted by the Oregon Fish and Wildlife Commission (OFWC), September 2020.
- II. Upcoming October crab industry public meetings (Oct 8 & 22, virtual)
- III. Adjustments to preseason testing protocols due to COVID-19

I. REGULATORY CHANGES ADOPTED (September 11, 2020)

The Oregon Fish and Wildlife Commission (OFWC) adopted a number of regulatory changes to address whale entanglements and crab biotoxin management at their September 11, 2020 virtual meeting. All of the materials from this meeting, including the background, rationale, and rule language are located here:

<u>https://www.dfw.state.or.us/agency/commission/minutes/</u>. The adopted changes to reduce the risk of whale entanglements with Oregon commercial Dungeness crab gear <u>effective for the</u> <u>upcoming 2020-21 crab season</u> are listed below. For biotoxin management in the crab fishery, the OFWC aligned buffer area management and effective date of management measures to be consistent with the Oregon Department of Agriculture's crab biotoxin rules.

The whale entanglement risk reduction measures adopted include:

- 1. Reduced pot limits by 20% combined with a 40 fathom depth restriction, effective May 1. This means beginning May 1, the amount of Dungeness crab gear allocated to each Dungeness crab permit is reduced by 20% and no gear will be allowed outside 40 fa. Any gear outside of 40 fa after May 1 can be retrieved under in-season derelict gear provisions.
 - a. **Required late-season buoy tag in addition to primary season tag.** This means beginning May 1 all Dungeness crab gear in the water must have a secondary tag attached to it in addition to the primary tag. Any gear without a late-season buoy tag after May 1 can be retrieved under in-season derelict gear provisions. Late-season tags will be available for purchase from the Department at cost (\$1.15 per tag) beginning in mid-March, but cannot be attached to gear in the water before April 18, 2020.

- b. This set of provisions will sunset after three seasons (2020-21, 2021-22 and 2022-23) without further OFWC regulatory action. This means ODFW will evaluate the effectiveness of these measures and provide recommendations to continue or adjust them from 2023 onward. In order to continue pot limit reduction, depth restriction, and late-season tags as entanglement risk reduction measures in rule, the OFWC will have to adopt measures prior to the expiration date.
- 2. Eliminated two-week post-season gear clean-up period. This means that all Dungeness crab gear is required to be out of the water by 11:59PM on <u>August 14.</u>
 - a. One-time retrieval waivers for another crab permitted vessel to assist in removing gear from August 1 through August 14 are allowed. This means that any vessel can request a one-time retrieval waiver to have another vessel help retrieve their gear out of the water during the last two weeks of the season.
 - b. The amount of derelict gear that may be retrieved from August 15 through August 29 has been increased from 50 pots to an unlimited amount. This means from August 15 through October 31 an unlimited amount of derelict gear may be retrieved by any commercially licensed vessel. Any gear recovered under this provision must be returned to the original owner by law. This is separate from the post-season derelict gear recovery program, which allows permitted vessels to keep or sell recovered gear, but cannot start until 15 days after the season ends by statute.
- 3. **Required taut lines best practice.** This means that it is illegal to use Dungeness crab gear with more line than is reasonably necessary to compensate for tides, currents, and weather.
- 4. Eliminated standard 10% replacement tags. This means there will be no standard 10% replacement tag allowance after the first 30 days of the season, except for loss due to extraordinary events (defined in OAR 635-005-0480) or catastrophic loss (defined in OAR 635-005-0240).
- 5. Prohibited use of line marking that is required in any other West Coast federal or state fishery. This measure prohibits use of buoy lines with markings that are required in another West Coast fishery. In January 2020, WDFW adopted the first buoy line marking requirement for a fixed gear fishery on the West Coast for their coastal Dungeness crab fishery, effective at the start of the 2020-21 crab season. The Washington required marks will not be allowed on crab gear deployed in Oregon waters. For a description of the Washington marks, visit:
 https://wdfw.wa.gov/sites/defoult/files/2020.02/latter_to_lianses_helders_fob_2_2020.pdf

https://wdfw.wa.gov/sites/default/files/2020-02/letter_to_license_holders_feb_3_2020.pdf

6. Adopted revised Tri-State Preseason Testing Protocol. This means the meat yield criteria south of Cascade Head is now reduced from 25% (rounding allowed) to 24% (no rounding allowed) within the Tri-State protocol. The meat yield criteria north of Cascade Head remains unchanged at 23% (no rounding allowed).

II. OCTOBER CRAB INDUSTRY PUBLIC MEETINGS (Oct 8th & 22nd)

This coming winter, ODFW will be submitting Oregon's Habitat Conservation Plan (CP) draft to NOAA/NMFS, who will consider issuing an Incidental Take Permit (ITP) to Oregon for entanglements of species listed under the Endangered Species Act (ESA), particularly humpback and blue whales, and leatherback sea turtles. The CP must be approved before issuance of the ITP. The foundation of the CP will be the regulations we have already put in place (phase I accountability measures, adopted Sept 2019; phase II risk reduction measures, adopted Sept 2020) to reduce the risk of whale entanglements in Oregon Dungeness crab gear. In addition to the core regulations, the CP must also describe 1) adaptation measures that will be taken, if the core regulations are not successful, and 2) monitoring plans designed to evaluate whether the core regulations are successful.

To continue our conversations with you about these planning efforts and solicit input from you on adaptive management approaches that are a required component of this plan, we are hosting two virtual public meetings on Oct. 8th, 1-4PM and on Oct. 22nd, 1-4PM. We will also be providing information about our recently drafted Dungeness crab Fishery Management Plan (FMP) and describe upcoming opportunities to provide public comment on it. A more detailed agenda for both of these virtual meetings can be found on pg.4 of this mailer. We hope you will be able to participate in BOTH of these meetings (they will be unique and will build on each other), but we will record and post the presentation portions of both meetings and will take input via phone or email as well.

III. ADJUSTMENTS TO PRESEASON TESTING DUE TO COVID-19

There is little need to say that this year is unlike any other in our experience; this year's preseason testing will be different, as well. Due to safety concerns about the potential risk of transmission of COVID-19 to preseason testing volunteer captains, crews and ODFW staff, we do not anticipate having observers on-board any preseason test trips this fall. We are currently still investigating alternatives to help ensure testing protocols are followed and provide assurance for the integrity of the test results. This year we will be relying heavily on the Oregon Dungeness Crab Advisory Committee members from each port to recommend vessels willing to volunteer to conduct the tests following all of the requirements within the preseason testing protocol. Additionally, at a minimum we will be requiring all voluntary testing vessels to have a vessel monitoring system (VMS, AIS or other) on throughout the duration of testing trips, all captains and crew members on testing trips will be required to sign an affidavit attesting that they followed all testing procedures, and all test crab landing will be observed by dockside samplers prior to processing.

We fully understand this pre-season testing approach is not ideal, however, the health of all individuals involved with preseason testing must be the top priority.

Thank you for reviewing all of this information and please contact us if you have any questions.

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We Want to Hear From You! 2020 Oregon Dungeness Crab Industry Virtual Meetings

Virtual Meeting 1 - Thursday October 8th, 1-4PM

- Introductions, technology and agenda overview
- Recent whale entanglement mitigation regulatory changes
 - Accountability and risk reduction measures
 - 3-yr evaluation
- Conservation Plan and Incidental Take Permit application
 - Overview and timelines
 - Adaptive measures
 - Monitoring plans

Please click this URL to join:

https://pdx.zoom.us/s/97399469567?pwd=NTErU0I1Tkh1SHJyNXIFbFcyYXVxQT09 Passcode: 832591

Or join by phone: 1-971-247-1195, Webinar ID: 973 9946 9567, Passcode: 832591

Virtual Meeting 2 - Thursday October 22nd, 1-4PM

- Introductions, technology, agenda and meeting 1 overview
- Conservation Plan adaptive management follow-ups
 - Adaptive measures
 - Next steps
 - Oregon Dungeness crab Fishery Management Plan

Please click this URL to join: https://pdx.zoom.us/s/94727292811?pwd=SzBMS1djd0tsZ1pJb01iOEISWjdHQT09 Passcode: 207856 Or join by phone: 1-971-247-1195, Webinar ID: 947 2729 2811, Passcode: 207856

PLEASE JOIN US FOR BOTH IF YOU CAN! Call or text 541-270-5083