



Tri-State Dungeness Crab Committee Meeting Summary

CDFW State Rattigan Office
May 15-16, 2024

Meeting Participants

Chair: Caren Braby (PSMFC)

Tri-State Managers: Joanna Grebel (CDFW), Justin Ainsworth (ODFW), Heather Hall (WDFW)

California:

Agency Advisors: Christy Juhasz (CDFW), Ellie Brauer (CDFW), Ryan Bartling (CDFW)

Industry Advisors: Mike Cunningham, Tom Estes, Zach Rotwein, Dig Ogg, Troy Wakefield, Geoff Bettencourt

Oregon:

Agency Advisors: Troy Buell (ODFW), Kelly Corbett (ODFW), Brittany Harrington (ODFW)

Industry Advisors: Seth Whitsett, Emily Dunn, Bob Eder, Scott Hartzel, Aaron Ashdown, Brian Nolte

Washington:

Agency Advisors: Lorna Wargo (WDFW), Megan Hintz (WDFW)

Industry Advisors: Dale Beasley, Paul Burrill, Jim Long, Larry Thevik, Greg McMillan, Hank Feenstra

Guest Presenters: Dan Lawson (NMFS), Keeley Kent (NMFS)

Public Attendees: Crystal Adams (ODCC), Lisa Damrosch (PCFFA), Ben Platt (CCCA)

Summary

Tri-State crab management operates under a Tri-State MOU which has been in place since 1980. Tri-State Dungeness Crab Committee meetings, facilitated by PSMFC, provide an opportunity for the group to work together to address ongoing and new management challenges facing the crab industry. The group is industry-based by design with more industry representatives at the table than managers. The group was convened for a meeting on May 15-16, 2024 in Santa Rosa, CA to address a range of issues including the season opening protocol, line marking, gear recovery programs, an upcoming West Coast Take Reduction Team, and fishery capacity and effort reductions. Tri-State managers collectively opened the meeting by expressing appreciation

to the industry advisors for being willing to speak for the rest of the fleet and recognizing the challenge of representing so many perspectives and business types.

Season opening protocol

Managers presented information and potential options to address several issues that have been raised by industry related to the Tri-State crab season opening protocol (presentation posted [here](#)). The purpose of the protocol is to employ a standardized and consistent approach for coordinating the season opening date across the Tri-State area based on crab quality (i.e., meat yield). The objectives of the protocol include opening areas for harvest of high quality and safe crab, ensuring orderly and equitable access to the resource, minimizing waste of the resource, and reducing season opening uncertainty. The goal for this agenda item was to discuss protocol issues and potential options to address them. These issues are described in detail below.

Meat criteria

The Tri-State protocol states that a meat recovery rate must be 24% or higher for crab tested south of Cascade Head and 23% or higher for crab tested north of Cascade Head. However, this line at Cascade Head splits the Oregon North Newport meat recovery area (Cape Foulweather to Cape Lookout) in half and these crabs are tested together during pre-season testing producing a single result. During the 2023-24 preseason, testing results from this area passed 23% criteria for north of Cascade Head, but did not pass 24% criteria for south of Cascade Head which led to confusion about the season opening process and support for remedying this situation in the future.

The group discussed potential solutions including moving the meat criteria line north to Cape Falcon or Cape Lookout, moving the line south, testing harvest areas C and D as separate meat quality areas or testing all 12 Oregon harvest areas as separate meat quality areas. California advisors did not raise concerns with any of these options. Washington advisors emphasized the need to keep the 23% criteria in WA to ensure their tribal fisheries can reach their allocation and the state fleet can get access to opportunity. From Oregon, the Astoria and Garibaldi advisors expressed support for testing harvest areas C and D as separate meat quality areas, while the Newport and Coos Bay advisors expressed support for moving the 23%/24% line up to Cape Falcon. ***There was Tri-State agreement for no change to the meat recovery percentage dividing line at Cascade Head and to change protocol by keeping crab tested from meat recovery areas C and D separate.***

Protocol clarifications

Industry members have expressed concern that the quality test protocol does not define the process for storing cooked crab overnight and picking the next day and that the practice is not consistent among processors participating in the quality test. Advisors discussed that covering cooked crab with ice and a barrier (plastic bag) if stored overnight can help crab retain moisture and is more consistent with in-season industry standards. It was stated that leaving crab in a refrigerated room overnight can draw out a considerable amount of moisture which is not ideal for assessing meat recovery. ***There was Tri-State agreement to specify in the protocol that, if test crab are cooked and stored overnight, they should be layered with bags of ice and covered with a lid to maintain consistent moisture levels.***

Managers and industry have expressed concern that the protocol does not clearly define if test crab can be held in fish holds or totes with circulating seawater overnight prior to processing. Oregon managers explained this is a common practice in Oregon due to the number of test stations and the distance that crab need to travel, both at-sea and once landed, for processing. California and Washington managers said this was an uncommon practice in their states. However, Washington managers noted that this would have alleviated some timing issues if they were aware this was acceptable. Recently, California quality testing had to employ overnight storage of crab in the fish hold when crab were processed in Oregon and likely could employ this practice in the future. No one expressed concern with allowing this practice to continue. ***There was Tri-State agreement to document on posted test results when test crab are held overnight in circulating seawater prior to processing.***

Astoria area test station

Oregon and Washington industry members have expressed concern that the current Oregon harvest area A meat recovery test station does not adequately represent the crab delivered into Astoria due to its distance from Astoria. Both states' advisors supported adding a test station closer to Astoria and California advisors expressed no concern with this change. ***There was Tri-State agreement to add a second test station within harvest area A that would result in a two-test-station area (36 pots total), from which all crab would get combined for a single harvest area A meat recovery result.*** Oregon managers stated they would work with their northern fleet advisors for siting the new test station.

December 1 target opening date

Since removal of meat recovery projections from the protocol, there has been some industry concern expressed about having December 1 as the target opening date due to frequent opening delays in recent seasons. There have only been two seasons that opened on December 1 in the last 11 years. There is some concern that delays and partial state openers cause undue confusion and uncertainty.

Most advisors from all three states supported keeping December 1 as the target date for the opener to retain maximum flexibility for length of season and to capitalize on holiday markets when possible. A few advisors expressed a preference for moving the target date later in December or to January 1 to provide a higher likelihood that opening could occur. Many advisors stated staggered season openings in recent history have proven beneficial to crab markets despite the uncertainty it causes. Also, managers and industry expressed the desire to start the fishery on good quality crab when entanglement risk to whales is lowest. ***There was Tri-State agreement for no change to December 1 as the target opening date in the season opening protocol.***

February 1 last season opening date

Managers described the recent trend of crab season openers occurring as late as February 1 due to low meat recovery results. This has raised management concern about increased risk of entanglements, as peak effort can be pushed later into the spring and summer when whales are more prevalent off the West Coast. The group discussed potential options for changes including moving the last opening date for the season from February 1 to something earlier, maintaining the February 1 last opening date but strengthening the caveats for its use, or maintaining status

quo. It was discussed that, by California statute, delaying the season to February 1 based on meat recovery is not allowed and California is not requesting that change due to entanglement risk. Most advisors supported maintaining February 1 in Washington and Oregon to allow maximum flexibility for opening all parts of the coast on the highest quality crab. There was some interest in defining more caveats for delaying openings until February; however, the group decided it was not possible to do so at this meeting. Managers agreed to evaluate possible sideboards and bring those to future discussions if warranted. ***There was Tri-State agreement for no change to February 1 as the last possible opening date for meat recovery in Washington and Oregon and to clarify that delaying to February 1 based on meat recovery is prohibited in California by statute.***

30-day fair start provision

Since the protocol was amended to allow for more than two area openings, there has been some concern expressed by industry that a 30-day fair start is too long. There was limited time to discuss this agenda item; however, in the brief discussion period, there were strong and diverse opinions expressed in support of both shortening fair start and maintaining status quo. There was also a suggestion to consider making the duration of the fair start period dependent on the number and size of area openings; however, it was acknowledged that this option would require more discussion within each state and again with this group. It was also stated that differing fair start period lengths within each state could also be a consideration. Managers agreed to further examine potential impacts of shortening the fair start period. ***There was Tri-State agreement for no change to 30-day fair start within the protocol at this time.***

Line marking

Managers provided an overview of the purpose of line marking which is to improve gear attribution rates for future entanglements and provide an opportunity to rule out certain fisheries when line marks are not present (presentation posted [here](#)). Line marking is also a critical component of the monitoring strategies being developed in all three states' Conservation Plans. Tri-State managers have been coordinating with each other and with industry on development of line marking for several years. Managers briefly reviewed the shared Tri-State goals for line marking, which include line marking that is: identifiable and accurate, visible (primarily in photos/videos), reasonable and cost-effective, coordinated across West Coast Dungeness crab fisheries and potentially other fixed gear fisheries, and environmentally friendly. Managers also shared summary conclusions from NMFS' forensic analysis of the gear documented from recent entanglements, with the potential for detection of line marks in mind. The three states' current line marking proposals have been largely informed by the conclusions drawn from this NMFS analysis.

Managers from each state presented an overview of their current line marking proposal and plans for implementation. The specific details of those proposals and a comparison of the similarities and differences can be found in the comparison matrix posted [here](#).

At the request of Tri-State managers, NMFS staff provided a brief update on line marking progress in the federal sablefish fishery. Line marking development began with a workshop convened by Oregon Sea Grant in 2022 which generated a lot of ideas. The sablefish line marking plan is nearing the end of the development process and will be different by gear type.

Sablefish fishery managers spent a lot of time looking at what is being developed in the crab fisheries and designing a plan that will be distinctive from Dungeness crab fishery line marking efforts. The Pacific Fishery Management Council has selected a [Preliminary Preferred Alternative](#) and will be completing development by selecting a Final Preferred Alternative at their June 2024 meeting. NMFS will then carry out rulemaking for January 1, 2026 implementation; however, there is still time to solicit input on whether this date allows sufficient time for implementation.

Discussion

There was brief discussion about the current involvement of industry in reviewing entanglement documentation and providing input on the gear involved. Some industry members shared that they have been consulted regarding gear identification, but others agreed that they would like to see more industry involvement in that process. There were also some questions about the availability of data on the effectiveness of line marking on the East Coast or internationally. NMFS commented that line marking on the East Coast has been used to make identifications. Managers and industry agreed that it would be beneficial to see data on East Coast line marking effectiveness.

Some industry members expressed concern with requiring the upper 15 fathoms of the main line to be marked and shared a preference for only the top 5 or 10 fathoms to be marked. NMFS explained that, while their analysis indicates that the top of the main line is the most documented portion of line found on entangled animals, there is a portion of entanglements where buoys are not visible or present and so it is unclear which portion of the line is involved. The more line that is marked, the greater the probability it will be observed. NMFS stated that it is the role of the states to articulate the rationale for the length of marked line required. State managers requested NMFS confirm past statements made by NMFS Office of Protected Resources that a reasonable target would be to have 30% of the overall line marked. NMFS West Coast Region staff that were present at the meeting did not recall those statements being made and are not familiar with a 30% standard. Tri-State managers requested that NMFS follow up internally to reconcile these statements and provide clarification to the states.

NMFS feedback on the states' specific proposals was favorable. They said that they are strong proposals with a good chance of working, that they are supportive of using manufactured line to serve as the mark, and that they haven't identified any red flags at this time.

Several industry advisors emphasized the importance of consistency between state line marking requirements. While there are small differences between proposals, the major aspects of each proposal are the same (e.g., marking surface line and upper 15 fathoms of main line, phasing implementation starting with surface line, coordinating unique dual colors). It was also pointed out that line marking is being considered in other fisheries, or may be in the future, so it is important to have a scheme that can account for multiple fisheries.

A few industry advisors expressed an interest in knowing what the requirements will be so they can begin transitioning to manufactured line now as they replace some line every year. California and Oregon are planning to get line marking requirements into regulation in fall 2024, Washington is planning to present additional line marking regulatory proposals to the Fish and

Wildlife Commission in Spring of 2025. Manufactured line is currently only available by special order, but managers have heard from gear manufacturers that they should be able to make it more widely available in a matter of months. Several industry advisors highlighted the importance of an adequate implementation time to allow the fleet to use up the line that they have on hand and replace over time. Tri-State managers asked NMFS to comment on when line marking must be implemented on the water in order to get an incidental take permit. NMFS answered that it's going to come back to the states' providing a logical explanation of why whatever they land on is the best that they can do. Managers were asked if they can guarantee that the proposed colors won't change and that the proposed length of marked line is the maximum that will be required. The managers shared that they don't anticipate deviating from the proposed colors nor requiring more line to be marked; however, they could consider whether less marking would be acceptable. In California, a Department rulemaking to implement line marking was in the public comment period. In Oregon, rulemaking will be subject to Commission action in September, so there could be changes made to what the Department recommends. Washington managers will follow California and Oregon rulemaking and are open to aligning with that.

Gear recovery programs and funding

Managers and industry reviewed the similarities and differences between gear recovery efforts across California, Oregon and Washington. CDFW presented an overview of each state's in-season and post-season gear retrieval efforts including requirements of both unpermitted retrieval and permitted programs, applicable time periods, number of traps and incentives. See comparison matrix posted [here](#). In general, a permitted program allows traps to change ownership to retrieval permittees while unpermitted efforts retain ownership of the original crab permitholder. The [presentation](#) also showed the relationship between the number of active permitted program participants and the number of pots recovered for each state over time since implementation of each program.

In-season retrieval

Washington has a permitted program timed with the summer portion of their crab season when late-season tags are used starting May 1. Permitted Dungeness crab vessels can retrieve an unlimited number of traps and retain the Dungeness crab caught, and ownership of that gear is transferred to the retriever. The bulk of gear retrieval efforts tend to occur during this time, with less retrieval during the post-season. Oregon does not have a permitted in-season program but increases the number of derelict traps allowed to be retrieved per trip as the season progresses. Dungeness crab can also be retained in Oregon by vessels permitted in the fishery, while any vessel is allowed to retrieve these traps. California only allows a limited number of six traps to be picked up by other Dungeness crab vessels with no allowance for retention of Dungeness crab.

Oregon has also been collaborating with the Oregon Dungeness Crab Commission (ODCC) on an in-season charter program. ODFW has issued waivers that remove in-season retrieval limits, while ODCC contracts with captains to recover gear for a daily retrieval trip rate of \$1,000 per day, plus fuel costs and \$100 per pot.

Post-season retrieval

California and Oregon have unpermitted post-season retrieval efforts that allow any number of traps to be retrieved. Permitted post-season programs have been implemented in Washington, Oregon, and California since 2009, 2014, and 2020, respectively. All three programs have logbook requirements with efforts limited to commercial crab traps (no allowance for sport crab gear). Oregon and Washington have staff register traps retrieved under their respective programs with specialized tags signifying ownership change. California has developed a requirement that the original crab permit holders must buy back the trap to fund the gear retriever permittee's gear retrieval efforts.

Discussion

Industry advisors raised a few concerns about the various gear recovery programs while noting the need to recover lost or derelict gear for entanglement risk reduction. There were some issues brought up about ownership changes under permitted programs creating bad feelings among the fleet. There was also concern expressed about very old or poor condition gear being left behind due to the burden of retrieving and then discarding it once brought ashore. Some Oregon industry members were interested in the California program's incentivization of trap removal. Previous and current California industry participants struggle with the administrative burden of gear recovery that includes a complicated notification process. Washington industry advisors think the Washington gear recovery program generally works well but acknowledge that problems exist including the lack of ability to collect tribal gear and a lack of incentive to recover very poor condition derelict gear.

All industry advisors agreed that more financial incentive would improve participation in gear recovery programs with the goal of getting all the gear out by the end of the season. There was some interest in pursuing a revolving fund program that incentivized participation by reimbursing participants on a trip retrieval basis or daily rate like the ODFW-ODCC pilot program. ***There was Tri-State agreement that managers will consider organizing future discussions about scoping alternative derelict gear program approaches and how to fund them.***

Take Reduction Team

At the request of Tri-State managers, NMFS staff provided an update on the West Coast Take Reduction Team (TRT) that NMFS is in the process of forming. The TRT is a condition of a settlement agreement because of litigation surrounding NMFS' authorization under the Marine Mammal Protection Act (MMPA) of marine mammal take by the federal sablefish pot fishery. NMFS solicited and received significant public comment about the scope of the team and determined that, to address all the major commercial fishery sources of marine mammal mortality and serious injury, the TRT will include not just the federal sablefish pot fishery, but also the three state Dungeness crab fisheries and the California spot prawn fishery. NMFS considers it now unlikely that they will be able to successfully issue the MMPA authorizations required to grant a Section 10 incidental take permit (ITP) under the Endangered Species Act to the three state Dungeness crab fisheries without their involvement in the TRT.

TRT planning by NMFS is currently underway and will follow applicable MMPA processes. By court mandate, the team will be established by October 31, 2025 and the first meeting will be convened by November 30, 2025. NMFS is aware that this timing is not ideal because it conflicts

with the start of the commercial crab season in all three states and they are currently exploring options to begin earlier or request an extension.

NMFS reviewed the MMPA-specified TRT short- and long-term goals, and described what is known so far about TRT membership including the processes that will be used for recruitment, vetting, and selection of members. Membership will be balanced between user and non-user representatives. The TRT is a consensus-based process and, as such, there is an important balance to strike between a group size large enough to ensure good representation and small enough to be able to reach consensus. NMFS emphasized that the TRT process is intensive and resource heavy. The team will meet for multi-day meetings between three and five times over a six-month period. At the end of that process, the TRT provides consensus recommendations to NMFS, and then NMFS executes what is needed to implement the take reduction plan.

Discussion

Industry members asked a series of questions about the current population status of humpback whales off the West Coast and emphasized the importance of accounting for growing populations when considering impacts. NMFS shared that under the MMPA, TRT goals are set in relation to the Potential Biological Removal (PBR) which accounts for several variables including abundance. PBR is periodically updated based on new stock assessment information, but the frequency can't be guaranteed.

There was considerable discussion about how membership will be determined and what role the three states will play in recommending members. NMFS stated that very few details of the membership make-up have been decided; however, they indicated that they have already received some names and are compiling a list of potential representatives to vet. NMFS also said it is unlikely that the membership list will be released publicly until just before the team is convened. The managers emphasized that none of the states have provided recommendations on TRT membership since the only public comment opportunity on the TRT scope occurred prior to being notified that the Dungeness crab fishery would be included. State managers stated that it is essential they be consulted in this process and would like NMFS to follow up on this soon.

The group discussed the challenges with putting together a TRT that is representative of the crab fishery and equitable. There was also discussion around the major time commitment that is required to participate in this group, including getting everyone to a common level of understanding. The timing of the TRT meetings will be very important for active fisher participation.

Crab fishery capacity and gear reductions

Fishery capacity and gear reduction was on the agenda as a discussion item only, with the purpose being to gauge interest in future conversation around this topic and to explore potential objectives (e.g., address competition for space, minimize entanglement risk). Each state shared past efforts and recent feedback from industry advisors and/or participants to see how these ideas might resonate coastwide.

Capacity reduction has been a long-standing topic but how to fund a buyback program was a common hurdle all three states identified. In Washington, previous efforts to seek federal permit

buyback support failed. Funding via a model like groundfish and pink shrimp was not favored. Alternatively, pursuing permit/license and or pot stacking to reduce permits and pots may be a more viable pathway. IFQs were also suggested but the complexity of such programs was noted as well as potential impacts to processors, the risk of consolidating permits, and the changing nature of the fishery. Other ideas included reducing pot limits in special harvest areas. Overall, capacity reduction was deemed worthy of further consideration but there was sensitivity to timing in recognition that all three states are seeking incidental take permits to reduce entanglement risk to the maximum extent practicable. ***There was Tri-State agreement that articulating how the fishery would benefit from capacity reduction would be important for any future consideration and identifying clear goal(s) could then guide selection of the appropriate mechanism(s).***