

# **Exhibit C**

**Public Correspondence Received  
as of February 3, 2026**

**From:** Joan & Mark Davis  
**E-mail:** [joanmarkdavis@yahoo.com](mailto:joanmarkdavis@yahoo.com)  
**Sent on:** Thursday, December 25, 2025 1:04 PM  
**Subject:** Crab Fishery Petition

**Comment:**

I understand that a petition from several conservation groups has been presented to the Commission to adopt whale-safe crabbing gear that eliminates lines and buoys. I understand that four whales have been entangled in crab gear this year. As a merchant marine professional I would like to add my knowledge and opinion about the present crab pot use. I am retired now after three decades piloting the USACE Dredge Yaquina on the west coast. When working Oregon ports the dredge would snag these buoys and break the line. This would leave the pot on the bottom capturing crabs where they would die. This was almost a daily occurrence because the buoys are unlit and sometimes pulled underwater by waves and current. We tried very hard not to snag a crab pot but the dredge has gear in the water that can grab these lines. We never had an issue of safety because of the size of the dredge and the line cutters on our propellers but a line wrapping around a vessels propeller could cause the loss of propulsion. This would be a severe safety issue on the Oregon coast. We did have problems with these lines in our dredge pumps where they would wrap around the impeller and stall the engine. This was not a safety issue but it would delay our projects. Basically, the crab pot buoys and lines are a hazard to navigation and if the line is lost then this is a death trap for crabs with no benefit. It would be a wonderful improvement to remedy this issue with a new technology. I would recommend that the ODFW Commission explore this possibility.

Thank you, Mark Davis; 541-815-8223

**From:** Spencer Lennard  
**E-mail:** [spencerlennard@gmail.com](mailto:spencerlennard@gmail.com)  
**Sent on:** Wednesday, January 14, 2026 7:25 PM  
**Subject:** Crab Fishery Petition

**Comment:**

As an Oregonian and conservationist I strongly support all efforts to strengthen Dungeness Crab extraction methods to reduce likelihood of entanglement of whales.

**From:** Orion Ashdown  
**E-mail:** [paiute7@gmail.com](mailto:paiute7@gmail.com)  
**Sent on:** Thursday, January 15, 2026 10:27 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear commissioners as a lifelong second generation commercial crab fisher fishing out of Port Orford Oregon I am disheartened once again by the demands on myself and my industry to force pop up gear as our only option by these environmental groups. The focus on the small boat mom and pop summer participants as targets for their plans is sad as we don't have the legal means to be fully represented against their demands. I have fished full crab seasons for over 31 years and am proud of our local stewardship areas and creation of the first Maine reserve in Oregon. I personally take offense of being a target of these organizations as I have never had an entanglement in my career. My businesses and my pursuit of happiness is being threatened by them with no response and complete disregard to our attempts to mitigate encounters with any marine life. All our efforts and actions are never enough for them always demanding more and more of the fleet every passing year. The so called pop up gear should not be shoved down our throats by these unrelenting people. Please tell me that you represent and will choose the small boat fleet of Port Orford right to sustainably fish over these overzealous non profit lawyers who's whole goal is to put me out of buisness. Sincerely yours Orion Ashdown F/V Aries, F/V Angie, F/V Maxx, F/V Paiute, F/V Misty, F/V Friendship, F/V Attitude and our 14 employees that rely on a healthy crab fishery.

**From:** Gary Motsinger  
**E-mail:** [garym97141@aol.com](mailto:garym97141@aol.com)  
**Sent on:** Thursday, January 15, 2026 5:34 PM  
**Subject:** Crab Fishery Petition

**Comment:**

To whom it may concern,  
My name is Gary Motsinger, I on the F/V Two Captains. I have been in this industry 34 years and I am a current ODCAC advisor. I'm writing concerning the proposed rule changes from the center of biological diversity and several others. First, let me say that I believe there is an obvious agenda here. They are asking ODFW to make changes to a season that has had zero entanglements to reduce entanglements. Not only are they asking to make changes, but they are asking to make substantial changes. Ones that would destroy our small boat summer fleet. I'm not sure what their agenda is, but what they are asking is not grounded on any data whatsoever. As I stated, no whale has been found to be entangled with a summer season Oregon tag. Please ask yourself why they would be asking to further restrict a fishery that appears to be free of entanglements. When we put in the depth requirements of 40 fathoms and the summer reductions of 10%, it worked!! Please take a look at all the facts and do not do something for the sake of doing something. Sincerely, Gary Motsinger

**From:** Judith Huck  
**E-mail:** [judith.huck@comcast.net](mailto:judith.huck@comcast.net)  
**Sent on:** Wednesday, January 21, 2026 5:45 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear ODFW Commission,

We encourage you to embrace the proposed new measures and amend existing rules to save marine animals from entanglement during crabbing and fishing seasons.

Thank you for your consideration,

Judith and Joe Huck  
2885 Mill Pond Lane  
Astoria, OR 97103  
503-936-6661

**From:** Sheila Eichenberger  
**E-mail:** [eichenhelp@gmail.com](mailto:eichenhelp@gmail.com)  
**Sent on:** Wednesday, January 21, 2026 6:07 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Please support the petition. Oregon is known for giving a damn. Don't ruin us. Thank you.

Sheila Eichenberger, South Beach

**From:** Larry Demmerg  
**E-mail:** [alaskapremium@frontier.com](mailto:alaskapremium@frontier.com)  
**Sent on:** Wednesday, January 21, 2026 9:43 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Deny it. Pop up gear is too much. The marine mammal population has increased significantly and all if them should be removed from endangered status.

**From:** Paul Mirante  
**E-mail:** [paulmirante@gmail.com](mailto:paulmirante@gmail.com)  
**Sent on:** Thursday, January 22, 2026 4:36 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Justin Ainsworth,

I'm writing to urge you and the Commission not to yield prematurely to pressure from whale conservation advocacy groups regarding Oregon's Dungeness crab fishery.

If we concede ground now without justification, Oregon risks heading down the same path California did—where precautionary closures and gear mandates were implemented despite a lack of fishery-specific evidence, with devastating consequences to fishermen, ports, processors, and coastal communities.

We have solid data showing that the spring crab season does not require additional adjustments. To date, there has not been a single documented whale entanglement involving a pot fishing under a spring tag. On top of that, the fleet has already implemented meaningful precautions for both the spring and summer fisheries. These facts matter, and they should carry weight in management decisions.

Pop-up or ropeless gear should not even be on the table for Oregon's most productive and economically critical fishery. This technology remains unproven at scale, extremely costly, operationally unrealistic, and would fundamentally undermine efficiency, safety, and viability for working fishermen. Imposing it where there is no demonstrated risk is not sound management.

The Dungeness crab fishery supports thousands of jobs—on the water, in processing plants, in trucking, shipyards, fuel docks, gear suppliers, and small coastal businesses. Entire communities up and down the Oregon coast depend on this fishery staying open and functional. The economic and social ripple effects of unnecessary restrictions would be severe and long-lasting.

This is a moment to make a stand for science-based management, not policy driven by litigation threats or advocacy pressure. There is abundant data showing whale populations on the West Coast are increasing, not declining. Sustainability exists in every mammal population, and it is reasonable to acknowledge that some whale stocks may be approaching natural population peaks. That reality should be part of the conversation—not ignored.

Oregon has an opportunity to lead by standing on facts, data, and responsible stewardship rather than fear-driven regulation. I strongly believe now is the time to defend our fishermen, our communities, and a fishery that has demonstrated both accountability and sustainability.

Respectfully, Paul Mirante  
F/V Sea Spirit

**From:** Jessica Ginsburg  
**E-mail:** [newburgjessica@gmail.com](mailto:newburgjessica@gmail.com)  
**Sent on:** Thursday, January 22, 2026 8:17 AM  
**Subject:** Crab Fishery Petition

**Comment:**

To whom it may concern-

There are a lot of proposed rule changes that could/will drive the Dungeness Crab industry into the ground. There are multiple coastal cities that rely on the crab/fishing industry to survive and they will also suffer.

By moving the summer fishery from May 1st to April 1st and reducing the gear by 40% the crab fleet will be faced with reduced income. In previous years this time frame is also when the price per pound starts to increase and not being able to have all your gear out will be detrimental to the fleet.

By requiring boats to participate in the pop up gear program if they want to/have to fish in certain areas can bankrupt a business. The crab fleet has to "follow" the crab therefore, by limiting where they can crab and with what gear their income will be affected which then flows into the community in various ways. Currently the fleet is having to replace all their rope for the new rope guidelines which is very very expensive. Therefore by adding the expense of pop up gear the smaller boats who are already struggling will effectively be put out of business.

By allowing zone closures due to one entanglement then a statewide closure due to 2 entanglements is irresponsible. According to research between Washington, Oregon and California there are on average 30+ entanglements annually. With that information and being told after 2 there will be a statewide shut down we will almost certainly be closed early every year.

Look at the crab industry in California. They close early a lot of the time due to entanglements. They have gear reductions while still having to pay for all the tags knowing they are not allowed to use them all. Their crab permits have been devalued to a fraction of what they used to be.

All of the changes that have been proposed will devastate the amazing coastal communities that thrive and survive on the Dungeness crab commercial fishing industry.

Jessica Purkey  
F/V Alice Faye

**From:** Eric Green  
**E-mail:** [betterfishllc@gmail.com](mailto:betterfishllc@gmail.com)  
**Sent on:** Thursday, January 22, 2026 10:06 PM  
**Subject:** Crab Fishery Petition

**Comment:**

To whom it may concern:

The petitioned rule changes to the current Dungeness crab regulations would put our operation out of business. During the spring and summer we crab on a 25 ft vessel on which longlining pots with pop up buoys would simply not be feasible. The cost of buying new pop up gear may be insurmountable, but the logistics of landing a whole string of pots on our little boat is simply not possible.

The Spring and Summer crab fishery make up over 50% of our business most years and allows us to provide small local markets and the Oregon coast tourists and locals who frequent them during these high visitation months with a quintessential local Oregon delicacy. We already crab these months with less than 60% of our allocated 200 pots we are permitted and do so well inside of 30 fathoms to catch our weekly limits of 1200 pounds.

Have there been any confirmed marine mammal entanglements with Oregon crab gear with late season tags? I think there are better options to consider for reducing entanglements. There should be more research done into what actually causes the entanglements. Is it lead line weights, carrick bends vs spliced eyes, or the buoys themselves? What about reducing the pot allocation by 10 % across the board, or allowing traditional surface gear longlined trawls of up to a designated number of pots? Both of these measures could drastically reduce the number of vertical lines deployed without costing hundreds of small businesses a large sum of capital and causing a bunch of additional unnecessary waste of viable and currently valuable fishing gear and equipment.

Maybe there could be some innovation into using a section of biodegradable line like the cotton on the pot that would be sacrificial and deteriorate over time to free entangled mammals or a breakaway section of line that is rated at a substantially lower test strength. Also, if the humpback whale population is increasing in our area at the rate people claim, then perhaps moving toward delisting the species is in order.

I think if these new rules are adopted Oregon permit holders permit value will decrease substantially overnight and the fishery will deteriorate rapidly. Imagine paying 9% interest to the bank on a \$100,000 permit that is suddenly really only worth \$50,000 or even \$25,000. Imagine trying to sell your boat/business you've just spent years of hard work and x number of dollars building just to find out it's suddenly worth .25x and you still owe x to the bank. Maybe consider buying back some permits? There are probably 50-100 permit holders that would be happy to sell out. That too would reduce entanglement risk.

These rule changes would be devastating to our business personally and I'm sure the same would be true for many other fisher families, seafood markets, restaurants, processors, gear suppliers, tourists etc.

Sincerely, Eric Green

FV Majek / Better Fish LLC

**From:** Kurt Englund, President – Englund Marine Supply  
**E-mail:** [www.englundmarine.com](http://www.englundmarine.com)  
**Sent on:** Monday, January 26, 2026 3:58 PM  
**Subject:** Crab Fishery Petition

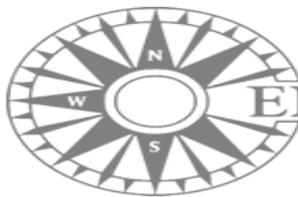
**Comment:**

Dear Commissioners,

Please see the attached letter from Englund Marine Supply. As stated in the letter, we are available any time to assist the department in this matter.

Thank you, Kurt Englund, Englund Marine & Industrial Supply

503-325-4341



## ENGLUND MARINE & INDUSTRIAL SUPPLY

95 Hamburg Ave \* PO Box 296 \* Astoria, Oregon 97103  
Phone: 503-325-4341 \* Fax: 503-325-6421  
[www.englundmarine.com](http://www.englundmarine.com)

January 26<sup>th</sup>, 2026

Dear Commissioners,

I am writing today with regards to the recent petition filed concerning whale entanglements in Oregon's commercial Dungeness crab fishery.

Englund Marine Supply is in the business of supplying both commercial and recreational fishers with fishing gear and boat supplies. In Oregon we have three retail locations located in Astoria, Newport and Charleston. We have a life raft servicing facility in Warrenton, and a wholesale warehouse in Portland called U.S. Distributing.

The commercial Dungeness fishery comprises a large part of our business. There are more boats active in this fishery than others, and the economic impacts are far greater for vessels of all sizes. Any restrictions put on the fishery will not only cause harm to the harvesters and processors, but to a large industry support sector that we are a part of. There are many specialized support businesses that rely on healthy commercial fisheries in our coastal communities. A hit to the crab industry will be felt throughout these communities.

We encourage you to make science-based decisions in this matter. Whale populations have been growing under the current rules for the Dungeness crab fishery. Please look at the entire picture of the economic impact of this fishery to the coast vs. the relatively low impact to the whale populations under current rules.

For many years, our company has been active in various groups looking at the whale issue in multiple states. As a gear supplier we were able to comment on what is practical with our vendors with regards to manufacturing of the gear, especially with the state-colored ropes. We would like to remain active in that capacity and volunteer to assist ODFW in any way we can.

I appreciate your attention in this matter as it is highly critical for the future of our rural coastal economies.

Sincerely,

Kurt Englund, President  
Englund Marine Supply  
503-325-4341

880 SE BAY BLVD NEWPORT, OR 97365 (541) 265-9275	101 W WILSON PUBLIC BOAT LAUNCH WESTPORT, WA 98595 (360) 268-9311	123 HOWERTON WAY MOORING BASIN ILWACO, WA 98624 (360) 642-2308	91146 CAPE ARAGO HWY COOS BAY, OR 97420 (541) 888-6723	191 CITIZENS DOCK RD CRESCENT CITY, CA 95531 (707) 464-3230	590 W WATERFRONT DR. EUREKA, CA 95501 (707) 444-9266
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**From:** ythgfcxhgg  
**E-mail:** [ibshrimpdb@gmail.com](mailto:ibshrimpdb@gmail.com)  
**Sent on:** Monday, January 26, 2026 10:43 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Not good.. I have been a commercial fisherman for almost fifty years. And this is the dumbest proposal by environmentalist yet.. im pretty sure they have never been on the ocean much ... there are probably ten times the whales now then there was 20-30 years ago....i really hate to see this happen.

**From:** Jason McGuire  
**E-mail:** [518mcguire@gmail.com](mailto:518mcguire@gmail.com)  
**Affiliation or Type of Stakeholder** Dungeness Crab Fisherman  
**Sent on:** Wednesday, January 28, 2026 9:40 AM  
**Subject:** Crab Fishery Petition

**Comment:**

To the Oregon Department of Fish and Wildlife Commission,

My name is Jason McGuire, and I am a commercial Dungeness crab fisherman. I am writing to provide professional testimony regarding the proposed expansion of entanglement regulations ahead of your February 20th meeting.

The Oregon Dungeness crab fishery is more than just a business; it is a \$230 million economic engine that supports over 3,000 jobs and sustains the cultural identity of our coastal towns.

While the fleet is committed to whale stewardship, the recent acceleration of the "late-season" rules to April 1—and the proposed move toward 40% pot reductions—threatens the viability of the entire industry without a clear, data-backed guarantee of increased safety for whales.

I ask the Commission to consider the following three points:

\* **The Safety Risks of Depth Compression:** Forcing the entire Oregon fleet into a narrow corridor (inside 40 or 30 fathoms) creates "gear crowding." This significantly increases the risk of gear tangles and requires more frequent trips to manage gear, which ironically puts more vertical lines in the water over time and increases the risk of vessel accidents in heavy seas.

\* **Recognition of the "Success Paradox":** West Coast humpback populations are growing at an estimated 8% per year. Increased sightings and occasional interactions are a result of a booming whale population, not a lack of industry diligence. We have already adopted 20% pot reductions and new line-marking requirements for the 2026-27 season; we must allow these data-driven measures time to work before imposing further "emergency" restrictions.

\* **The Impracticality of Ropeless Technology:** The push for ropeless (pop-up) gear ignores the reality of the Oregon coast's high-energy environment. These systems are cost-prohibitive for independent owners

and, without visible buoys, will lead to massive "gear conflict" where other vessels accidentally trawl over or set gear on top of our pots, leading to more lost gear and potential entanglements.

We are not just fishermen; we are the primary funders of the research that tracks these whales. We want a solution that works, but it must be one that doesn't sacrifice the safety of our crews or the economic survival of our communities. I urge the Commission to maintain the current 40-fathom/20% pot reduction limits and reject the petition for further reductions.

Sincerely, Jason McGuire

**From:** CJ Beckman  
**E-mail:** [cbeckman551@gmail.com](mailto:cbeckman551@gmail.com)  
**Sent on:** Wednesday, January 28, 2026 5:43 PM  
**Subject:** Crab Fishery Petition  
**Comment:**

Dear Oregon Fish and Wildlife Commission,

I am writing to formally oppose the proposed commercial crab rule changes outlined in the January 22, 2026 Industry Notice.

These proposals represent a direct threat to Oregon's coastal economy, port employment, and the financial stability of the state's most valuable commercial fishery.

The Dungeness crab fishery is not only the backbone of many coastal communities, it also represents approximately **43% of ODFW's commercial fishery revenue** through permits, landings fees, and related funding sources. Damaging this fishery directly undermines the agency's own long-term financial stability.

Mandatory pot reductions, depth restrictions, gear bans, and forced transitions will:

- Reduce landings and state revenue
- Eliminate crew jobs and seasonal employment
- Increase operating costs and fuel consumption
- Harm processors, trucking, fuel docks, marine suppliers, and ports
- Drive consolidation and push small family operations out of business

This is not sustainable fisheries management, it is economic erosion.

### **Alternative Solution**

Instead of reducing fishing opportunities, ODFW should implement **two pots per buoy after April 1, with each buoy having 2 buoy tags attached**. This reduces vertical lines in the water by 50 percent while maintaining production, revenue, and employment. It is a practical, low-cost solution that does not destroy fishing capacity.

### **Federal Pressure Must Be Challenged**

ODFW must also take a leadership role in pushing back on the harmful application of the Marine Mammal Protection Act to Oregon's crab fleet. Blanket federal-driven restrictions based on uncertain gear attribution threaten the survival of this fishery and the communities it supports. **There should be lobbying efforts to remove the whales from the Mammal Protection Act.**

## **Conclusion**

The Commission should reject these proposals and engage directly with the fleet on science-based, economically responsible solutions that protect both marine life and working waterfronts.

Destroying Oregon's most valuable fishery is not conservation, it is mismanagement. Coming from a multigenerational fishing family I care deeply about the preservation of our resources!

**I strongly oppose all proposed commercial crab rule changes including pot reductions, depth restrictions, pop-up gear mandates, and conventional gear bans.**

**Pop-up gear is extremely expensive, unreliable in real ocean conditions, and will lead to widespread gear failure and loss. When release mechanisms fail, fishermen will permanently lose entire strings of gear — creating more ghost gear, not less.**

**These proposals also ignore real fishing conditions. When gear is laid on top of other gear, pop-up systems will create tangled, unrecoverable messes that increase gear loss, conflict between boats, and safety hazards on deck.**

**Reducing buoy lines — not reducing fishermen — is the solution. Allow two crab pots per buoy after April 1 instead of cutting pot limits.**

**I also urge ODFW to challenge the Marine Mammal Protection Act's harmful application to the Dungeness crab fishery. Oregon fishermen should not be sacrificed to federal regulatory pressure without proven local benefit.**

**Reject these proposals and work with fishermen on real solutions.**

Sincerely, CJ Beckman

Pacific Breaker  
Astoria, OR

**From:** Kathleen Hornstuen  
**Sent on:** Thursday, January 29, 2026  
**Subject:** Crab Fishery Petition

**Comment:**

TO:

Dr. Debbie Colbert, Director  
Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Dr. SE  
Salem, OR 97302

Shaun Clements, Deputy Director

Justin Ainsworth, Marine Resources Program Mgr  
2040 SW Marine Science Drive  
Newport, OR 97365

Barry Thom, Executive Director  
Pacific States Marine Fisheries Commission  
6720 S Macadam Ave. Suite 200  
Portland, OR 97219

From:

Kathleen Hornstuen  
90046 Cape Arago Hwy  
Coos Bay, OR 97420

Date: January 29, 2026

Concerning: Over-regulation of Commercial Crab Fishermen on the West Coast due to whale entanglement, specifically Oregon Department of Fish and Wildlife.

I am a 73 year old resident of Charleston, Oregon, a fishing village on the coast of Coos County, Oregon. I decided to write to NOAA as the lead agency in the Marine Mammal Protection Act. While important in the protection of a magnificent creature, whales, is being used as a tool to place regulations on west coast commercial crabbers that make no common sense what-so-ever. Crabbing is already a tough life weathering winter storms and hard work to provide seafood to the people. I have had two husbands, and many friends names engraved on the Fishing Memorial here.

In Oregon, we had several humpback whale entanglements in the last year, and even though it was sad, it did not effect the species as a whole. Most entanglements result from derelict gear, or already sick animals, keep those rules in place. Studies confirm that whale populations are growing, since whaling was stopped world-wide. I am not the only one who worries that overpopulation of one species over others leads to starvation and disease. Case in point: the California Sea Lion, that now is so overpopulated they are moving North and decimating the Salmon population, in the quest for more food.

My concern, today, are that the regulations being implemented now, and planned in the future, will put the multi-million dollar crab industry out of business in Oregon. The crab fishery is a very sustainable fishery, there are strict size limits and only males can be caught. But it seems the crabbers themselves are not sustainable.

The environmental groups: 1) The Center for Biological Diversity, (2) Oceana, (3) NRDC, (4) American Cetacean Society, have written a petition to the Oregon Department of Fish and Wildlife (ODFW) threatening them with suet if not adopted. This petition includes items that are not fiscally possible for the fishermen to stay in business. They advocate that "pop-up crab pots" must be used and they are very expensive and not even proven to work here in or stormy waters. Fund some studies here. How can those be mandated when no one has even tried them anywhere but in central California?

The ODFW placed line restrictions on the crabbers this year that cost them thousands of dollars, and before they even studied if those regulations would improve anything. Fishermen were told they reviewed fiscal impacts, but were those impacts added to the impacts over the past 5 years of regulations placed on them? Now they are placing new regulations that would seal the fate of the smaller vessels to bankruptcy. If the environmental petition is adopted, it will reduce pots 40%! Who can survive with a 40% reduction in income?! This will not only effect the crabbers. What will be the fiscal impacts to the Port, the seafood processors, retailers, the county with decreased taxes, and the families here as well?

When I wrote to NOAA, I was not advocating to abolish the mammal protection act, but to add some common sense addendum to it. Over-population of one species over others can be just as catastrophic as not protecting them when it leads to starvation and disease, whether it is wildlife or people. When I see the multi-generation fishermen so angry and so defeated, it breaks my heart. Oregon Department of Fish and Wildlife has fallen to the environmentalists for many years and continues to do so, indicating there may be only two weeks to try to stop these regulations from happening. Please do not cave in to the environmental extremists this time. Use your common sense and give things time to see if a difference can be made before jumping into the fire.

Thank you for your attention to this matter. It means so much to so many families here.



Kathleen Hornstuen

**From:** Ryan Frome  
**E-mail:** [ryanfrome@gmail.com](mailto:ryanfrome@gmail.com)  
**Affiliation or Type of Stakeholder** Public  
**Sent on:** Thursday, January 29, 2026 9:57 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Whale entanglement, or simply derelict gear washing ashore (I saw commercial crabbing gear recently laying among the seals at Strawberry Hill) or littering the ocean floor, is something no one wants. I have been a recreational crabber in the bays for years. I put my pots down and retrieve them over the span of a couple hours. I don't know the mechanics of economics of commercial crabbing, but it seems that they leave their pots out for much longer than a couple hours. Whether it be anoxic dead zones that kill crab trapped in pots for several days, or whale entanglement, I don't understand why we can limit the length of time pots 'soak' to hours, not days. My pots in the bay are as full as they can be in the matter of 30 minutes. It doesn't take days on the ocean floor to catch crab.

**From:** Cameron Severson  
**E-mail:** [seversc13@gmail.com](mailto:seversc13@gmail.com)  
**Sent on:** Thursday, January 29, 2026 3:17 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Cameron Severson here, part owner/operator of the FV Odin involved in the Northern Oregon and Southern Washington dungeness crab fishery. I urge the commission to either deny the proposal or come up with a realistic alternative to the demands put forth by the conservation groups. Pop up gear may sound nice on paper but from word of mouth testimony it is not a valid alternative to conventional gear for the hundreds of small business operating in the dungeness crab fishery. To allow our fleet to be forced into an unproven method of harvesting crab would likely result in economic disaster for the coastal communities and fishing fleet as a whole. I urge the commission to fight for us and our way of life. In less than 10 years since California went down this road it has gone from a robust fishery to barely functioning. Please don't let Oregon be next without a fight.

Cameron Severson

**From:** Jonah Kubecka  
**E-mail:** [Jonahkubecka@gmail.com](mailto:Jonahkubecka@gmail.com)  
**Affiliation or Type of Stakeholder** General Public  
**Sent on:** Thursday, January 29, 2026 5:10 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Stop caving to special interest groups and wasting tax payer/license funded dollars in the process. If the whales are doing well enough population wise to get tangled in crab gear, they must be doing well enough to not need intervention. At least do some proper studies to quantify whatever these groups are trying to claim. Furthermore, do it with their money, not ours. I just started paying 10\$ a year just to fish in the ocean, and it sounds like thats going toward saving the whales instead of rockfish. I didn't donate to save the whales in the 90s and I dont want to be doing it now.

In all seriousness this needs proper scientific review and a solid plan of action that won't limit or further restric our commercial fisheries. People like to eat crab and commercial fisherman are already underpaid and undervalued.

**From:** Karie Silva  
**E-mail:** [jeanettemarrie.93@gmail.com](mailto:jeanettemarrie.93@gmail.com)  
**Sent on:** Friday, January 30, 2026 9:28 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear Madam Chair Wahl and Members of the Commission,

Please accept the attached written comment opposing the petition for adoption and amendment of OAR Chapter 635, Division 5, submitted for inclusion in the official administrative record.

I have provided my responses in Addendum form, addressing most of the rule changes requested by the petitioners. My response may be substantial, however, I did manage to trim it down to 6 pages. I believe it ought to be that lengthy due to the significant financial impacts these changes would have on smaller and multi-generational fishing operations.

Thank you for the opportunity to provide comment.

Respectfully submitted, Karie Silva  
Charleston, Oregon

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

**Re: Petition for Adoption and Amendment of OAR Chapter 635, Division 5 Oregon Fish and Wildlife Commission:**

Dear Madam Chair Wahl and Members of the Oregon Fish and Wildlife Commission,

My husband and I are co-owners of the fishing vessel Jeanette Marrie, homeported in Charleston, Oregon. We have participated in the Oregon Dungeness crab fishery for over 24 years, and these comments reflect our direct operational experience and the realities faced by fishing families working on the water today.

I appreciate the opportunity to provide input on the proposed amendments to multiple Oregon Administrative Rules affecting the Dungeness crab fishery. I share the Commission's commitment to marine conservation and whale entanglement risk reduction. **However, effective management must be grounded in proportional, evidence-based measures that are evaluated before additional regulatory burdens are imposed.**

I write to express opposition to the petition seeking adoption of new rules and amendments to Oregon Administrative Rules Chapter 635, Division 5 as a result of the recent petition. I believe the Oregon Dungeness crab fishery should first be afforded the opportunity to implement and evaluate the regulations already scheduled to take effect in 2026, including the designated state-federal vertical line reduction measures, for the Oregon crab season. These measures are part of a coordinated, three-state approach intended to improve safety and reduce the risk of whale entanglements and should be allowed to proceed and be assessed before additional regulatory changes are considered.

It is unclear how it would be appropriate or feasible to implement new regulations requiring the use of pop-up (on-demand or ropeless) gear while the technology remains in a testing phase. Although field trials and pilot programs have demonstrated that pop-up gear could reduce entanglement risk by eliminating persistent vertical buoy lines during limited fishing activities, the gear has been tested primarily under controlled conditions, at limited scale, and with significant oversight. It has not yet been evaluated under full fleet-wide use or across the range of ocean, weather, and operational conditions typical of the Oregon Dungeness crab fishery.

In addition to technical and economic uncertainties, unresolved safety concerns remain. The absence of surface markers raises navigational and operational risks, including reduced gear visibility to other fishing vessels, enforcement, and emergency responders; increased potential for gear conflicts; and challenges associated with unexpected gear deployment during retrieval. These risks may be amplified in congested fishing areas or adverse conditions and are compounded by reliance on electronic systems for gear location, coordination, and enforcement. Such safety considerations have not yet been fully evaluated at scale.

Further uncertainties persist regarding scalability, operational complexity, and cost. Widespread adoption would require substantial new investments, ongoing maintenance, and new skills related to acoustic coordination and gear management. It is anticipated that full operational conversion to buoy gear would cost well in excess of \$100,000 per vessel. These costs would disproportionately affect smaller and multi-generational fishing operations who are already dealing with rising costs of fuel, bait, insurance, and providing stable income for reliable crew. While pop-up gear has shown reliability in testing, broader implementation presents unresolved operational, economic, enforcement, and safety challenges.

**For these reasons, I respectfully urge the Commission to deny the petition at this time and allow the existing 2026 measures to be implemented and evaluated before considering additional regulatory changes.**

## **Addendum A: OAR 635-005-0405 — Compliance Date and Gear Reduction**

The petition proposes to move the compliance date from May to April and to impose additional gear reductions earlier in the season. These changes would significantly alter the existing management framework without sufficient justification or evaluation of the economic and operational impacts on the Oregon Dungeness crab fleet.

The Oregon Fish and Wildlife Commission first adopted the current late-season gear reduction and associated whale entanglement risk measures on **September 11, 2020**, effective beginning with the 2020–21 crab season. These regulations included a 20 percent reduction in pot limits and associated tagging and depth restrictions beginning May 1 each year. While these measures are now familiar to the fleet, they have not yet been in place long enough under stable conditions to allow for comprehensive evaluation before additional regulatory changes are considered.

The current May compliance date and associated gear reduction measures were established to address whale entanglement risk during periods of increased whale presence. April has not historically been recognized as a peak period for whale entanglement risk, and advancing the compliance date in regulation represents a precautionary expansion rather than a change grounded in new scientific evidence. A permanent change to the date in regulation also prevents the Agency from maintaining authority to provide flexibility based on changing conditions. As ocean conditions change, increases in biotoxins could push fishery start dates later making April even more critical for vessels that rely on this fishery as primary income, and potentially at no benefit to reducing whale entanglement risk.

The proposed gear reductions would impose significant economic impacts on the fleet. Under the petition, permitted pot limits would be reduced by approximately 40 percent across permit tiers, imposing substantial economic impacts on the fleet. Imposing these reductions one month earlier in the season would place significant financial strain on crabbers and their crews. Early season access is critical for recovering fixed costs, operating during safer weather windows, and maintaining crew safety. Reductions during this period have outsized impacts on smaller operations, shore-based fleets that anchor and support our coastal communities, and multi-generational fishing families.

Repeated regulatory changes at the request of petitioners outside of the fishery with no ties to our communities, before existing measures can be evaluated, or work currently in progress can be implemented, undermine confidence in the management process and make long-term compliance planning increasingly difficult. When rules are frequently modified or expanded without sufficient evaluation, it creates regulatory instability and sends a signal that compliance may never be sufficient. **The Dungeness crab fleet has consistently worked to comply with evolving regulations; however, the cumulative cost of repeated gear modifications and operational changes makes continued compliance increasingly challenging.**

## **Addendum B: OAR 635-005-0460(3) Harvest Areas and Conventional Gear Prohibition**

As proposed, this provision would make it unlawful for permitted vessels to use conventional crab gear in designated harvest areas beginning in 2028, regardless of whether that gear has been lawfully used for decades and regardless of whether existing risk-reduction measures are already in place. This represents a forced transition to a specific technology rather than a flexible approach to risk mitigation. ODF&W is already in the process of allowing the testing of buoy gear, and this petition prevents that necessary testing period.

Requiring fishermen to abandon fully functional, legally compliant gear and invest in unproven or limited-availability alternatives imposes a substantial and unfunded financial burden on the fleet. For many operations, particularly small, family-owned, and multi-generational vessels, this burden may be insurmountable. The practical effect of this provision would not be adaptation, but displacement.

Mandating exclusive use of pop-up gear on a fixed timeline assumes a level of technological readiness, availability, enforceability, and fleet-wide feasibility that does not yet exist. Until these issues are resolved and existing measures are fully evaluated, this provision is premature and should not be adopted.

#### **Addendum C: OAR 635-005-0401: Unauthorized Take Emergency Procedures**

Emergency rulemaking authority is intended to address immediate, unforeseen risks based on verified events, not modeled projections or precautionary assumptions alone. The petition proposes expanding or clarifying emergency procedures related to unauthorized take without clearly defining the evidentiary threshold that would trigger such action, or how modeled exposure risk would be distinguished from confirmed entanglement events. **By including unauthorized take emergency procedures in their petition, the petitioners disregard the fact that ODFW is already in progress building the necessary conservation plan to work with NMFS to obtain incidental take permits for the fishery under ESA and MMPA. Further, forcing ODFW to take time and resources to address this petition takes those same resources away from their ability to complete the incidental take permit process.**

As discussed further in Addendum D-1, NOAA's stock assessments do not support reliance on modeled exposure risk alone as a basis for emergency regulatory escalation.

Scientific modeling, including estimates of seasonal whale presence, can inform long-term management discussions, but it does not substitute for observed data demonstrating an actual emergency condition. Reliance on modeled risk alone to justify emergency procedures risks blurring the distinction between proactive management and emergency response, potentially resulting in repeated or prolonged restrictions absent documented unauthorized take.

From an operational perspective, emergency closures or gear restrictions imposed without clear, verified triggering criteria create uncertainty for the fleet, complicate compliance, and undermine safe fishing practices. Fishing operations depend on predictable regulatory frameworks to plan gear deployment, crew safety, and economic viability. Gearing up for the season in itself is a substantial investment for family-owned vessels; a shortened season due to a closure potentially in the beginning of the season can have serious financial impacts.

Emergency procedures should remain tightly linked to documented events, transparent thresholds, and timely review to ensure they are proportional, justified, and limited in duration. **Without clear standards for when emergency procedures begin and end, regulated participants are left uncertain whether compliance today will prevent further escalation tomorrow.**

#### **Addendum E: OAR 635-005-0480: Dungeness Crab Conventional Gear Buoy Tag and Gear Marking Requirements**

Gear marking and buoy tag requirements have long been recognized as important tools for identification, accountability, and enforcement within the Dungeness crab fishery. The fleet has demonstrated consistent compliance with these requirements, investing significant time and resources to meet evolving marking standards intended to reduce entanglement risk and improve traceability.

The petition proposes additional changes or expansions to existing gear marking requirements without clearly demonstrating that current measures are inadequate or that further modifications would materially reduce entanglement risk. While improved gear identification may assist post-incident analysis, it does not prevent entanglements from occurring and should not be treated as a substitute for evaluating the effectiveness of existing measures already in place.

From an operational standpoint, repeated changes to buoy tag and gear marking requirements impose cumulative costs on fishing operations, including material expenses, labor time, and logistical coordination, particularly for

small and multi-generational operations. These costs are borne regardless of whether entanglement events occur and without corresponding evidence that each successive change meaningfully improves outcomes.

Effective management requires periodic assessment of whether additional requirements produce measurable benefits relative to their cost and complexity. Without such evaluation, incremental rule changes risk creating a regulatory ratchet in which compliance becomes progressively more burdensome while the practical gains become increasingly marginal. At some point, adding further requirements without demonstrated necessity, simply because outside environmental organizations that fund themselves by taking legal action against agencies request these requirements, undermines confidence in the management process rather than strengthening it. As commercial fishing families, we want to maintain strong partnerships with our fishery managers and collaborate on actions based on science that provide benefits.

We believe current gear marking requirements are sufficient, enforceable, and clearly justified by documented need. Any proposed modifications should be supported by evidence that existing measures are insufficient and that the proposed changes would result in demonstrable, measurable improvements in conservation outcomes, not because national organizations tell us to.

The following addendums address the petition's broader reliance on scientific modeling and transparency requirements that underpin all proposed changes.

#### **Addendum D: Entanglement Transparency, Accountability, and Best Available Science (ORS 183.325; ORS 183.335; ORS 183.400)**

The petition relies heavily on modeled estimates of whale exposure to Dungeness crab gear, including findings from Derville et al. (2023), which suggest increased potential exposure during spring months, particularly around April. While such modeling may provide useful context for understanding seasonal whale presence, modeled exposure does not equate to observed entanglement events, nor does it substitute for empirical evidence of fishery-attributable serious injury or mortality. The petition's reliance on these models to justify earlier compliance dates and other escalations therefore outpaces the available observed data and does not meet the threshold for immediate additional restrictions.

For example, the petition quotes Derville et al. (2023) as noting that the “seasonality of Dungeness crab fishing and rorqual whale migration coincides with a peak of exposure around the month of April” (Petition, p. 29), but the study itself describes its analysis as assessing “co-occurrence between commercial Dungeness crab fishing gear and whales over a decade (2011–2020) as an indicator of exposure to entanglement risk” (Derville et al. 2023, abstract). This framing underscores that the findings are predictive indicators of potential risk based on spatial overlap, not direct measurements of confirmed entanglements or attributable take.

Transparency and accountability measures should be grounded in observed outcomes and verifiable data. Effective management depends on how regulations perform under real-world fishing conditions, including compliance, safety constraints, weather variability, and cumulative operational impacts. Advancing timelines or imposing additional requirements based primarily on modeled exposure risk at the request of outside groups risks outpacing practical implementation and undermining compliance, at the potential cost of our working waterfronts and coastal communities.

Consistent with Oregon’s Administrative Procedures Act, rulemaking must be supported by substantial evidence and a rational connection between the facts relied upon and the actions proposed. NOAA’s Marine Mammal Stock Assessment Reports constitute the primary federal scientific framework for evaluating marine mammal population status, stock structure, and fishery-related serious injury and mortality. These assessments document a sustained and substantial recovery of humpback whale populations using U.S. West Coast waters since the end of commercial whaling, reflecting decades of successful conservation under existing statutory and regulatory regimes. **It makes sense that larger whale populations could increase interactions with gear, but that does not mean that there is sufficient evidence to indicate that there is a problem.**

NOAA reports indicate that West Coast humpback whale populations are growing around 8% annually (NOAA Fisheries, 2021 Humpback Whale CA/OR/WA Stock Assessment Report, supported by related summaries), contributing to increased sightings and potential overlap but also demonstrating the effectiveness of post-whaling protections.

Importantly, NOAA does not interpret population recovery as evidence of regulatory failure, nor does it conclude that increased abundance alone warrants accelerated compliance timelines, deeper early-season gear reductions, expanded emergency authority, or mandatory transitions to specific fishing technologies. NOAA's stock assessment process distinguishes clearly between population abundance trends and observed serious injury or mortality attributable to specific fisheries. Regulatory significance under this framework is tied to documented events and verified take, not modeled exposure or whale presence alone.

For instance, NOAA notes that “pot and trap fishery entanglements are the most frequently-documented source of serious injury and mortality of humpback whales in U.S. west coast waters” (NOAA Fisheries, 2021 Humpback Whale CA/OR/WA Stock Assessment Report, p. 2), but these are based on confirmed cases, with estimates acknowledging that “most entanglements go unobserved” and true numbers “may be five times as high as reported” (Petition, p. 22, citing NOAA data). This highlights the need for verified, attributable data to determine if a threat to the sustainability of whale populations exists, rather than modeled projections to drive escalation of regulated procedures.

NOAA's stock assessments do not identify April as a historically verified peak period for fishery-attributable humpback whale entanglements, nor do they recommend advancing compliance dates or escalating restrictions absent documented evidence that existing or pending measures are insufficient. **Reliance on modeled projections without corroborating observed outcomes risks conflating conservation success with regulatory inadequacy.**

**Taken together, the best available science does not establish that current or pending Dungeness crab management measures have failed or that additional regulatory escalation is necessary at this time.** Consistent with ORS 183.325, ORS 183.335, and ORS 183.400, the appropriate course is to implement and evaluate the measures already adopted for the 2026 season before considering further restrictions. Regulatory transparency and accountability are best achieved through measured, adaptive management informed by verified outcomes, rather than precautionary expansion based primarily on modeled exposure risk.

#### **Addendum D-1: Application of Best Available Science — NOAA Stock Assessments and Modeled Exposure Risk**

This addendum applies the legal and scientific standards described in Addendum D to the specific evidence relied upon in the petition, including NOAA Marine Mammal Stock Assessment Reports (SARs) and the modeled exposure analysis presented in Derville et al. (2023). The purpose of this addendum is to clarify where the petition's proposed regulatory actions extend beyond what the best available science supports.

The petition relies on this modeled exposure analysis to justify earlier compliance timelines, expanded emergency authority, and mandatory prohibitions on conventional gear. In doing so, the petition treats modeled exposure risk as functionally equivalent to documented take and converts population recovery into evidence of regulatory inadequacy. These conclusions are not drawn by NOAA and are not supported by Derville et al. The petition thus advances misguided policy outcomes from outside organizations that exceed what either source concludes or recommends.

Consistent with the best available science and principles of reasoned rulemaking, the appropriate course is to implement and evaluate the measures already adopted for the 2026 season, and allow ODFW to continue the conservation plan and incidental take permit process, before considering additional restrictions. The petition's proposed expansions go beyond precaution and enter into mandates that are premature, unsupported by the evidentiary record, and inconsistent with NOAA's scientific framework.

As a permitted participant in the Oregon Dungeness crab fishery, I am already preparing to comply with multiple regulatory measures scheduled to take effect beginning in 2026. These measures were developed through a coordinated, multi-state process and have not yet been implemented or evaluated under stable operating conditions. Imposing additional requirements before assessing the effectiveness of existing rules risks regulatory escalation without the benefit of observed outcomes.

**I am not asking the Commission to abandon conservation goals.** I am simply asking that regulatory decisions be grounded in the best available science, evaluated in full context, and applied proportionally in collaboration with stakeholders rather than outside groups. The scientific record, including documented humpback whale population recovery, supports a measured approach that allows existing regulations to be implemented and assessed before further changes are considered.

The provisions in this petition go beyond precaution and enter into mandates that are not yet supported by evidence, feasibility, or evaluation of existing rules. In particular, expansions of emergency authority, early gear reductions, and prohibitions on conventional gear by 2028 warrant denial as proposed. A sufficient pause for evaluating a peer-reviewed report on current measures would better serve both conservation and the long-term viability of the fishery.

I am asking it to distinguish between provisions that require refinement and those that should not proceed at this time because they are premature, unsupported, or unworkable in practice.

The current measures have not been in place long enough to allow for meaningful assessment of their effectiveness. **For these reasons, I respectfully urge the Commission to deny this petition as I have expressed in the Addendums above, allowing the current regulations to be implemented and evaluated before considering additional changes to the rules.**

Respectfully submitted,  
Karie Silva  
jeanettemarrie.93@gmail.com  
Charleston, Oregon

From: Chuck Erickson  
E-mail: [cerickson97838@yahoo.com](mailto:cerickson97838@yahoo.com)  
Affiliation or Type of Stakeholder: public  
Sent on: Friday, January 30, 2026 9:52 AM  
Subject: Crab Fishery Petition

**Comment:**

Comment on ODFW statement: “This rise is linked to a growing humpback whale population, changing ocean conditions that increase overlap between whales and crab gear, and improved reporting.”

It’s no surprise humpback whale population movements from the North Pacific feeding grounds is largely based on searching for food. The North Pacific feeding grounds are being depleted by massive salmon hatchery releases by the state of Alaska and non-profit Alaska private hatcheries. At the peak, over 5 billion hatchery fish were being released into the ocean annually.

Overgrazing the ocean is no different than overgrazing our lands. Too make matters worse, many of the fish being released were pink salmon that cycle every 2 years. Pinks are voracious eaters and have colonized in areas where they were not present in the past. Salmon, whales and other fishes often compete for the same foods.

It is not a surprise that fish relocate when food is scarce. What is a surprise, is Alaska releasing these hatchery fish when they do not have the environmental issues that Washington, Oregon, Idaho and California have incurred. It’s easy to blame these problems on global warming. If that were true, releasing hatchery fish in bad ocean years would make the problems even worse. There is a reason Alaska promotes their fish as wild caught and not wild fish. Wild fish do not come from hatcheries.

Size matters and our long-ranging fish of the lower 48 have declined in body and weight size for years. Biologists in Alaska have noted their coho salmon body size from normal to smaller size cycles with pink salmon that were released.

Our government leaders and our Attorney General along with other affected states should use our legal system and protect North Pacific feeding grounds from being used for a monopoly for Alaska’s sole benefit. Reckless exploitation through private non-profit hatcheries farming the ocean causes a serious imbalance. The imbalance has not been fairly addressed or corrected.

The North Pacific feeding grounds belong to the United States. Allowing Alaska to monopolize these fisheries is a detriment to our fisheries. Robbing Peter to pay Paul and blame the crab fisherman is not addressing the wider problems. The same holds true to salmon, allowing more problems to continue will be a recipe for extinction for our fish. Fish should be managed for future generations and not for short term profits for one state. All stake holders need a seat at the table. At this point, change will never occur without the help of our court system.

Sincerely, Chuck Erickson  
North Bend

**From:** Collin Roberts  
**E-mail:** [collinr2768@outlook.com](mailto:collinr2768@outlook.com)  
**Sent on:** Friday, January 30, 2026 10:06 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear Commissioners,

I write this letter of concern as a Commercial Dungeness Crab Fisherman, Fishing vessel owner, Small business owner, and Conservationist.

The Oregon Commercial Dungeness Crab Fishery brought in \$97,000,000 as an ex-vessel value during the 24-25 crab season. The value of this fishery to the Oregon economy is exponentially larger than that after value to processors, restaurants, grocery stores, tourism, ports, fisheries supply business, Etc. are considered. To consider Crippling this extremely valuable fishery without proper economic impact studies would be extremely irresponsible.

The Humpback Whale population has been thriving. With growth rates of 8% per year! It has grown to a population of 135,000 animals. 9 out of 14 Distinct population segments have been delisted from the endangered species list while the others continue to grow in population. What a great success story of conservation. With the thriving Whale populations it has become more common to see more whales and with that there will be more human interactions with these whales. We all live on the same planet after all. There is absolutely no scientific reason to destroy The commercial Dungeness Crab fishery, The backbone of west Coast fishing and Oregon's Coastal Economy when it has been Successfully thriving and co existing with a thriving whale population.

Pop up Gear is extremely Un tested in the Dungeness Crab fishery. California is the only State it has been tested in and the California Dungeness Crab fishery is currently in shambles. The destruction of the California Crab fishery was caused by these exact same Fishery changes being requested today by Extreme ENGO Groups.

**PLEASE DENY THE REQUEST FOR RULE CHANGES IN THE DUNGENESS CRAB FISHERY!!!**

Do not allow ENGO groups to manage our Oregon Fisheries. Thank you, Collin Roberts

Owner/Operator F/V Aurora Maid, Oregon Commercial Crab  
Owner/Operator F/V Jenny Lynn, California Commercial Crab  
President of Jenny Lynn Inc.

**From:** Jerri Baker  
**E-mail:** [delightfulthingsstore@gmail.com](mailto:delightfulthingsstore@gmail.com)  
**Sent on:** Friday, January 30, 2026 11:26 AM  
**Subject:** Crab Fishery Petition

**Comment:**

I'm sending this email to be entered in the hearing concerning the petition for change on Dungeness crabbing.

While I'm not a fisherman, I live in a community, Coos County, where many of my neighbors rely upon fishing and crabbing for their livelihood. By imposing these new "laws" it will enable their ability to continue their small business. All the while will help large companies that can afford the change to flourish.

I disagree strongly with this. If there are any petitions against these changes, consider my signature on them.

Thank you for your time.

Jerri Baker  
884 S. 7th Street  
Coos Bay Oregon

**From:** Valerie Pena  
**E-mail:** [vgpena77@gmail.com](mailto:vgpena77@gmail.com)  
**Affiliation or Type of Stakeholder** Board member of the Coos County STEP Commission and secretary  
**Sent on:** Friday, January 30, 2026 11:39 AM  
**Subject:** Crab Fishery Petition

**Comment:**

As a resident of coastal Coos County for over 30 yrs I ask the Commission to reject this petition.

This would devastate our economy as most crabbers could not meet these conditions. Consequently put crabbers out of business killing other business along with them. The ports would lose docking fees, ice plant sales. Marine supply stores, fabricators, fuel docks. Trucking transport and restaurants and groceries that sell crab would suffer. With the loss of jobs all the local economy would suffer terribly due to the domino effect. The state and the Commission would lose funds from all the loss of taxes and licenses permits from crabbers and all the local businesses. It would likely affect our tourism as well. People like to visit coastal fishing towns for the ambiance as well as the local fresh seafood. Losing exactly what the Oregon Coast is noted for.

Consequently further destroying all of the state of Oregon.

Crabbers have already implemented many good crabbing practices and need no further burdens.

**From:** Crystal Adams  
**E-mail:** [gjadars@yahoo.com](mailto:gjadars@yahoo.com)  
**Affiliation or Type of Stakeholder** Industry member  
**Sent on:** Friday, January 30, 2026 2:48 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear Chair Wahl and Commissioners,

My name is Crystal Adams, and I am writing to you not only in my professional capacity, but as a woman, a mother, a taxpayer, and a lifelong member of Oregon's coastal fishing community. I grew up in Charleston, Oregon, and the commercial Dungeness crab fishery has shaped every stage of my life — from my earliest memories on the docks to the 27 years I spent working directly in the fishery before accepting my current position at the Oregon Dungeness Crab Commission.

This fishery is not an abstract economic sector to me; it is the foundation of my family's livelihood, my community's stability, and my own path to financial independence. The petition before you would fundamentally alter that foundation. The proposed measures threaten to reduce fishing opportunities and revenue to such an extent that many families — including single-income and women-led households such as myself — would face immediate and severe financial stress. As a mother, I worry about what that means for our ability to pay our mortgages, keep up with rising costs of living, support our children's education, and remain in the communities where we were raised.

As a taxpayer, I am deeply concerned about the broader implications for Oregon's coastal economy.

When our fleet suffers, the impacts ripple outward to local businesses, schools, ports, and essential public services that

depend on a healthy working waterfront and a stable tax base. When boats tie up or go out of business, the long-term costs to our communities and to the state far exceed what is captured in a single season's landings data. Decisions made in this process will directly affect not only my household, but also the economic health of Charleston and other coastal towns that have few alternative industries.

I also want to emphasize that the people in this fishery — many of whom I have worked with for nearly three decades — care deeply about the ocean and marine life. We are parents raising the next generation on these shores, and we want a thriving ecosystem as much as anyone. My concern is not with the goal of protecting marine mammals, but with the pace and structure of the proposed petition's changes, which do not provide sufficient time or support for the development and adoption of practical, economically viable alternatives. These sudden, sweeping restrictions risk collapsing the very communities that have the most incentive to be long-term stewards of the resource.

I respectfully ask the Commission to consider the human side of this decision: the men and women working on the docks and in shore-based jobs, the crews and families behind each vessel, and the taxpayers in small coastal communities who will bear the consequences if this petition is approved. I urge you to deny this petition and instead continue working through the existing rulemaking processes, advisory bodies, and collaborative efforts that allow for meaningful stakeholder input, adaptive management, and science-based, balanced solutions.

Thank you for your time, your service, and your thoughtful consideration of the very real impact this petition would have on my life, my family, and the community that raised me.

Respectfully submitted, Crystal Adams

Coos Bay, Oregon  
[gjadars@yahoo.com](mailto:gjadars@yahoo.com)  
541-404-8703

**From:** Violet  
**E-mail:** [mviolette3@hotmail.com](mailto:mviolette3@hotmail.com)  
**Affiliation or Type of Stakeholder** General public, Partner of fisherman  
**Sent on:** Friday, January 30, 2026 5:17 PM  
**Subject:** Crab Fishery Petition

**Comment:**

These regulations would pose a large burden on the local fishing industry, one of the biggest industries of the area, including a large financial burden. Would each individual vessel/business get funding to offset the cost to implement these regulations? I fear it would cause many vessels and businesses to go under, which would then greatly impact our community in a variety of ways, including economically and socially.

**From:** Bernie Lindley  
**E-mail:** [bernie97415@gmail.com](mailto:bernie97415@gmail.com)  
**Affiliation or Type of Stakeholder** crab boat permit holder/boat owner/operator  
**Sent on:** Friday, January 30, 2026 6:50 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Some of the proposed changes to the Oregon Dungeness Crab industry to reduce whale entanglements would cause a huge burden on our crab fleet, especially the smaller operations. Changing the dates and depths for the spring fishery is somewhat tolerable. However, the proposal to require "pop-up" gear would put most of the fleet out of business, including me. Please do not entertain an unproven, experimental, high cost requirement that will undoubtedly ruin an otherwise well-managed fishery.

**From:** Christina Sanders  
**E-mail:** [christinampulver@gmail.com](mailto:christinampulver@gmail.com)  
**Sent on:** Saturday, January 31, 2026 7:01 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear Oregon Fish and Wildlife Commission Members,

I am writing to oppose the petition filed by the Center for Biological Diversity, Oceana, NRDC, and the American Cetacean Society to adopt new rules and amend Oregon Administrative Rules Chapter 635, Division 5, regarding the commercial Dungeness crab fishery. While the goal of reducing marine mammal and sea turtle entanglements is important, the proposed changes would disproportionately harm smaller boat fishing fleets, prove impractical in Oregon's coastal waters, and represent an excessive response given the low number of confirmed entanglements.

The petition seeks to strengthen entanglement risk reduction measures, create a pathway for authorizing pop-up (ropeless) fishing gear, and establish timely public reporting of entanglements. Oregon's current regulations, including late-season pot reductions and depth limits starting May 1 (recently advanced to April 1 in response to recent data), already address risks effectively. NOAA's 2024 West Coast Whale Entanglement Summary reported 36 confirmed entangled whales across Washington, Oregon, and California, with humpback whales most common. For Oregon specifically, reliable sources including ODFW advisories and news reports based on NOAA and ODFW data indicate three humpback whales (and one fin whale) entangled in Oregon Dungeness gear in 2024, and four humpback whales in 2025. This totals seven confirmed cases over two years, a low number relative to the scale of the fishery and whale migrations. These figures remain modest compared to historical highs in the region and do not justify sweeping new mandates that could disrupt a sustainable fishery generating over \$230 million in economic activity and supporting thousands of coastal jobs.

The push to authorize and potentially phase in pop-up gear is particularly problematic for smaller vessels. Pop-up gear, which keeps lines and buoys on the seafloor until activated for retrieval, has been tested primarily in California's calmer spring and summer conditions with some success in reliability and profitability during trials. However, Oregon's coastal waters present distinct challenges: stronger currents, rockier bottoms, and severe winter swells during the December-to-August season make retrieval difficult and increase failure risks. Reports note that pop-up systems struggle in big swells, with potential gear loss rates that could render the approach unfeasible without significant adaptations. For small fleets, often operating with limited crews and hundreds of pots, the high upfront costs (potentially thousands per unit) and need for new technology would impose severe financial burdens. These operators lack the capital reserves of larger fleets, and mandatory or incentivized shifts to pop-up gear could force many out of business, concentrating the fishery among bigger players and harming rural coastal economies dependent on family-run boats.

Oregon's unique conditions further undermine the petition's assumptions. The fishery operates in rough, dynamic waters where conventional gear with surface buoys allows quick location and retrieval, essential for safety and efficiency in frequent storms. Eliminating visible buoys in favor of pop-up systems risks gear conflicts in crowded grounds, increased loss, and reliance on acoustic releases or grapples that small vessels cannot easily manage. The petition's redefinitions (e.g., distinguishing "pop-up gear" from "conventional gear" and requiring sinking lines) set the stage for restrictions or prohibitions on traditional methods, which would not align with Oregon's spatio-temporal patterns of whale presence and crab distribution.

The proposed timely public reporting process adds unnecessary bureaucracy. Entanglements are already reported through established channels to ODFW and NOAA, with investigations and fleet advisories issued promptly (as seen in the 2025 juvenile humpback case). Mandating rapid public disclosures could lead to market disruptions or premature closures without improving outcomes, while burdening small operators with additional administrative tasks that reduce fishing time.

In summary, the petition overlooks Oregon's effective existing measures, the low entanglement numbers (three to four confirmed per year recently), and the practical infeasibility of pop-up gear in local conditions. Adopting these changes would disproportionately impact smaller boat fleets, which form the backbone of sustainable coastal fishing communities, without commensurate benefits to marine life protection. I urge the Commission to reject the petition and continue science-based, collaborative approaches that balance conservation with the economic vitality of Oregon's Dungeness crab fishery.

Thank you for considering this comment.

Sincerely, Christina Sanders  
Coos Bay

**From:** John Blanchard  
**E-mail:** [sharkyscharters@gmail.com](mailto:sharkyscharters@gmail.com)  
**Sent on:** Saturday, January 31, 2026 11:34 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear Oregon Fish and Wildlife Commission Members,

My name is John Blanchard, and I am a licensed commercial fisherman and wholesale crab dealer based in Charleston, Oregon, operating under the name Captain Johns Fishermans Wharf. I have benefited from the Dungeness crab industry for 17 years as both a fisherman and wholesale dealer, sourcing crab from key coastal ports including the Charleston Marina in Coos Bay. As a board member of the Charleston Marina Advisory Committee, I am deeply invested in the sustainability and economic health of our local fisheries. My livelihood depends on a viable fishery, particularly in regions like the south coast where communities rely heavily on this industry. I am writing to express my strong opposition to the petition submitted on December 11, 2025, by the Center for Biological Diversity, Oceana, Natural Resources Defense Council, and American Cetacean Society, which seeks to impose additional regulations on Oregon's commercial Dungeness crab fishery to reduce the risk of humpback whale entanglements.

While I share the goal of protecting marine wildlife, including humpback whales, I believe the petition's proposed changes—such as further pot reductions, depth restrictions, mandatory shifts to pop-up gear by 2028, and emergency closures based on single entanglements—are unnecessary, overly burdensome, and not supported by the totality of available data. These measures would severely impact my business by reducing supply, increasing operational costs, and potentially driving smaller operators out of the industry, with ripple effects felt most acutely in economically depressed areas like the south coast. Below, I outline my concerns, supported by relevant data.

#### Low Incidence of Entanglements Relative to Whale Population and Fishery Scale

The petition emphasizes entanglements as a significant threat, but data shows these events are rare relative to the growing humpback whale population and fishery scale. NOAA Fisheries' 2024 West Coast Whale Entanglement Summary reports only 3 confirmed humpback whale entanglements attributed to Oregon Dungeness crab gear in 2024, and 4 in 2025. This is a tiny fraction of the estimated 4,973 humpback whales in the California/Oregon/Washington stock, increasing at about 8.2% annually since the 1980s. With thousands of pots deployed seasonally, the risk is minimal and well-managed under existing rules.

A 2023 study on whale exposure to entanglement risk in Oregon's Dungeness crab gear (2011–2020) found peak co-occurrence in April nearshore, varying with climatic patterns like lower risks during the 2014–2016 marine heatwave. ODFW has proactively advanced late-season regulations (20% pot reduction and 40-fathom depth limit) to April 1 starting in 2026, aligning with these findings. Combined

with buoy tagging, line marking, and lost gear recovery, current frameworks suffice without extreme proposals.

#### Lack of Evidence for Drastic Increases in Regulations

The petition claims each entanglement violates the Endangered Species Act, but overlooks underreporting, misattribution, and whale recovery rates. NOAA estimates true entanglements may be 5 times reported, yet with only 7 confirmed Oregon cases over two years, this does not justify statewide closures or unproven pop-up gear. Humpback populations are rebounding post-whaling, with no evidence of fishery-driven declines—increased interactions reflect conservation success, not fishery failure.

#### Severe Economic Impacts on the Industry and Coastal Communities

Oregon's Dungeness crab fishery generates over \$68 million annually in ex-vessel value, with a record \$97.1 million in 2024-2025. The petition's 40% pot reductions, 30-fathom limits, and gear prohibitions would devastate revenues by 20-40%, per bio-economic models, hitting small operators and buyers like me hardest. Pop-up gear costs up to \$1,000+ per unit and remains untested at scale in Oregon's conditions.

Impacts would be devastating for the south coast, including Coos Bay and Charleston Marina, a critical lifeline post-timber decline. With 18% poverty in Coos County and limited alternatives (farming, fishing, retail, tourism), fisheries contribute over \$40 million annually to the area, supporting essential jobs. As a fisherman, dealer, and board member at Charleston Marina, reduced harvests would worsen job losses and strain these vulnerable communities, with statewide ripple effects in the hundreds of millions. The petition fails to balance these under the Administrative Procedure Act.

#### Recommendations and Conclusion

Deny the petition and refine current measures, like expanding gear recovery and researching affordable technologies. ODFW's Incidental Take Permit work offers a balanced path.

In summary, data does not support these regulations, which would harm my occupation, reduce earnings, and threaten the fishery—especially in depressed south coast regions. Deny the petition in full.

Thank you for considering my comments. I am available at (541) 260-9110 if I can offer any assistance.

Sincerely,

John Blanchard  
Licensed Commercial Fisherman and Wholesale Crab Dealer  
Fishermans Wharf  
Charleston, Oregon

Sharky's Charters  
Capt. John Blanchard  
(541) 260-9110

Visit our website: <http://sharkyscharterfishing.com>

**From:** James Sulikowski  
**E-mail:** [james.sulikowski@oregonstate.edu](mailto:james.sulikowski@oregonstate.edu)  
**Affiliation or Type of Stakeholder** academia  
**Sent on:** Monday, February 2, 2026 9:05 AM  
**Subject:** Crab Fishery Petition  
**Comment:**

Dear Members of the Oregon Fish and Wildlife Commission,

I respectfully submit this public comment in support of the Oregon Dungeness crab fishery and in response to the Commission's consideration of proposed regulatory changes that could significantly affect this fishery and the coastal communities that depend on it. Any regulatory action that substantially constrains fishing opportunity or imposes rapid, untested gear transitions risks serious economic harm not only to fishermen, but to the broader working waterfronts of Oregon.

As Director of the Coastal Oregon Marine Experiment Station (COMES), I want to emphasize that our program has been working proactively with the Oregon Fish and Wildlife Commission, industry partners, and technology developers since 2025 to identify and evaluate practical, science-based solutions that address both conservation objectives and fishery operational realities. This collaboration has been focused on generating data—not assumptions—about what technologies can perform reliably under Oregon's high-energy ocean conditions.

Importantly, COMES has proactive research planned for the summer of 2026 to test two specific approaches that show near-term promise for Oregon conditions: (1) Smart-Buoy Satellite Tracking Systems, and (2) GPS / Anti-Theft Beacon Systems. These studies are designed to generate the data needed to evaluate effectiveness, feasibility, and limitations before large-scale regulatory adoption. We are also considering research on the use of pop-up fishing gear technology if resources are available.

Past experiences in this indicate no single technology currently solves all management, conservation, and operational challenges. Premature mandates, particularly those requiring rapid conversion to unproven systems or large-scale pot reductions, risk unintended ecological and economic consequences. Rigorous field testing, phased evaluation, and adaptive management are essential if Oregon is to implement durable, defensible solutions.

COMES strongly supports continued investment in applied research, pilot programs, and collaborative testing with the fishing fleet. This approach allows Oregon to meet conservation responsibilities while maintaining a viable, resilient Dungeness crab fishery that continues to sustain coastal communities and the state's economy.

Thank you for your consideration and for your continued commitment to science-based fisheries management. COMES stands ready to continue working with the Commission and industry partners to ensure that future decisions are informed by data, field validation, and a clear understanding of tradeoffs. Sincerely,

James Sulikowski, Ph.D.  
Director, Coastal Oregon Marine Experiment Station  
Oregon State University

**From:** Dan Hulburt  
**E-mail:** [danielhulburt@gmail.com](mailto:danielhulburt@gmail.com)  
**Sent on:** Monday, February 2, 2026 9:26 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Hello, my name is Daniel Hulburt. I own fv 4-banger and a 300 pot crab permit. I was unable to attend the meeting on 1/29/26 regarding the threat of pop up gear requirements that are potentially coming down the pipeline to our crab fishery. So I was told to write you guys weighing in my 2 cents. The fact that the population of these whales is growing at 9% a year and have a very healthy population seems irrelevant to my argument. Because it seems like these environmental groups operate simply on feelings, instead of facts, and have a way of ignoring the science when it goes against their narrative. Rather than getting into all that I'd just like to leave my opinion on the pros and cons requiring pop up gear vs. doing a pot reduction. If we were to require the use of pop up gear it would wipe out about 2/3 of the fleet that is made up of boats under 50 ft. Smaller boats offer a more sustainable way of catching seafood that is often sold to smaller markets and consumed much more locally than the big operations that sell to the few big processors to be shipped all over the country and world. The smaller boats in the fleet already have an uphill battle competing against these multi million dollar big boat operations that are able to fish in just about any weather and catch up a majority of the biomass while the rest of us are tide up at the docks waiting for safe oceans. The required investment that it would take to switch to pop up gear would hit the smaller operations a lot harder than the deep pocket big boats and push most of the little guys out of the industry. I don't think that's what we want. Besides the extra cost of pop up gear, smaller boats simply cannot efficiently longline crab gear which will need to be done for a pop up style fishery. It does not make sense or seem fair to implement a way of fishing that pushes half of the fleet out of business. Family's will lose houses, people who have been feeding their families running these "ma and pa" operations will lose their boats, I see no good coming from it. Not to mention the fact that the pop up gear simply will not work. Electronics and saltwater don't mix, there will be problems with the actuators not releasing the rope and letting it float to the surface. Without some Bouy's floating guys will be setting gear on top of each other because they won't know there is already a string of pots below them. Tangles like these are very hard to undo so guys will be cutting others gear in order to get theirs back. There are a lot of ways the pop up fishing will end up leaving a lot of gear on the ocean floor with no way to recover it. If something needs to be done, which I don't think is the case since it is very rare for a whale to be caught in crab gear, and certainly isn't making a big impact on their thriving population. But if something must be compromised, it seems like the obvious answer is just doing a gear reduction. I don't feel like it's necessary to have so many pots out there that 80% of the crab get caught in the first 2-3 weeks. If we all fished with 2/3 the pots that we have now, there would be 2/3 the gear for tangles to happen. We would all still be able to make a living and I don't feel like it would be that big of a deal if it took us a moth to catch that 80% of the crab compared to 2-3 weeks. It seems like the obvious solution to this problem to me if we are going to have to give something up. It certainly beats having to invest \$200-300k in pop up gear and the other half of the fleet that doesn't have that money or doesn't have a big enough boat to longline poo up gear going out of business. It does not seem fair to implement a style of gear that 1/2 the fleet is not able to use when we could just reduce the amount of pots out there. Thanks for listening.

**From:** Mike Szumski  
**E-mail:** [mjszumski@gmail.com](mailto:mjszumski@gmail.com)  
**Sent on:** Monday, February 2, 2026 12:48 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Oregon Department of Fish and Wildlife/Oregon Fish and Wildlife Commission,

I am responding to your request for public comment on the petition to adopt new rules concerning the commercial Dungeness Crab fishing industry in Oregon. The petition requests that pop-up crabbing gear replace the traditional gear used in this fishery. I am in favor of these proposed rules as a rational means to reduce whale entanglements. In my opinion, even one whale entanglement due to the Oregon crabbing industry is unconscionable, especially when a safer alternative is available. I believe all commercial crabbers should be required to switch to the new pop-up gear this year.

I also believe that the crabbing industry should fund a program to attempt to save entangled whales, and remove derelict crabbing gear found along the coast. I have personal experience with attempting to remove derelict crabbing gear from our beautiful beaches and ocean. I routinely kayak on the ocean around Cascade Head where I explore the many "pocket beaches" in the area from God's Thumb to Hart's Cove. These beaches are natural collection points for all types of marine trash, including commercial crabbing gear. I have removed (with the help of fellow kayakers) many feet of crabbing line, damaged crab pots, and crabbing buoys from these beaches. Each year when I return to these beaches, I encounter more derelict crabbing gear originating from the previous crabbing season.

In addition to the beach debris, I usually encounter 1-3 derelict crab pots still in the ocean in the area between Three Rocks and God's Thumb. Unfortunately, these traps are too heavy to remove safely by kayak and are left in place. To my knowledge, there is no agency/program with the mandate to remove such gear. I urge ODFW and OFWC to develop a way to remove this derelict crabbing gear from our ocean and beaches, as a further means to reduce the potential for whale entanglements.

Thank you.

**From:** Thomas E. Benz  
**E-mail:** [tbenz3330@gmail.com](mailto:tbenz3330@gmail.com)  
**Sent on:** Monday, February 2, 2026 5:28 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Dear Commission Members:

I am an Oregon Citizen of 76 years, Having served 28 years as an Oregon State Trooper, of which 3 were as a Commercial Fish Enforcement Trooper. I have no relatives or close friends involved in crab fishery. I, however, do recognize the importance of commercial crab fishing to our coastal communities and the many families it supports. This proposed rule change would significantly and adversely affect our crab fishery and the many businesses and families which it supports. The unfortunate loss of a few marine mammals annually is a reasonable price to pay in exchange for our healthy crab fishing

communities and industries. Please do not cave into a bunch of environmental extremists, many of which are not Oregon residents.

Thank You for Considering My Public Comment

Thomas E. Benz

**Thomas E. Benz**

P.O. Box 1607

67586 East Bay Rd.

North Bend, Oregon 97459

Home 541-756-3201

E-mail [tbenz3330@gmail.com](mailto:tbenz3330@gmail.com)

Cell 541-297-2263

**From:** Tracy Pierce

**E-mail:** [tpierce2970@gmail.com](mailto:tpierce2970@gmail.com)

**Affiliation or Type of Stakeholder** Private Citizen

**Sent on:** Tuesday, February 3, 2026 8:34 AM

**Subject:** Crab Fishery Petition

**Comment:**

To further impede on local fisheries is a cruel and unnecessary step toward further economic decline of coastal communities and families. Poverty is already a common reality for these areas, your plans will push some out of generational livelihoods.

**From:** Michael Retherford

**E-mail:** [retherfordmichael@yahoo.com](mailto:retherfordmichael@yahoo.com)

**Sent on:** Tuesday, February 3, 2026 9:39 AM

**Subject:** Crab Fishery Petition

**Comment:**

Dear Chair Wahl and Members of the Oregon Fish and Wildlife Commission,

My name is Mike Retherford, and I am writing to formally express my opposition to the petition requesting amendments to Oregon Administrative Rules Chapter 635, Division 5 related to the commercial Dungeness crab fishery.

I respectfully urge the Commission to reject this petition.

I am a multi-generation commercial fisherman whose livelihood, family, and future are directly tied to the Oregon Dungeness crab fishery. I grew up fishing with my father, and today my father, my two brothers, and I all work as fishermen. I intend to pass this business on to my son, just as it was passed on

to me. This fishery is not only our income—it is our heritage, our identity, and the backbone of our coastal community.

I do not believe the science or the facts presented in this petition support the scope, severity, or intent of the proposed regulatory changes. The petition relies heavily on assumptions, models, and attribution methods that remain uncertain and contested, particularly with respect to identifying the source, timing, and responsibility for marine mammal entanglements. Management decisions of this magnitude should not be based on incomplete data or probabilistic modeling alone.

Equally concerning is the complete lack of a comprehensive economic impact analysis. No credible studies have been conducted to assess how these proposed rules would affect:

- Small and family-owned fishing operations
- Multi-generation fishing families
- Rural coastal ports and communities
- Processors, buyers, and supporting industries

Without this analysis, the Commission cannot reasonably evaluate whether the petition's proposals are proportional, feasible, or economically survivable for the industry. The proposed restrictions, closures, and technology mandates would impose severe financial burdens—particularly on small operators—while threatening the long-term viability of the fishery itself.

I strongly support responsible conservation and sustainable fisheries. Fishermen have always been stewards of the ocean, and our livelihoods depend on healthy ecosystems. However, conservation must be science-based, balanced, and workable, and it must meaningfully include the voices of those who fish these waters every day. This petition does not meet that standard.

The Oregon Dungeness crab fishery has operated for generations and remains one of the most carefully managed fisheries on the West Coast. The sweeping changes proposed in this petition risk dismantling that legacy without clear evidence that they will achieve the stated conservation outcomes.

For these reasons, I respectfully request that the Oregon Fish and Wildlife Commission reject this petition and instead pursue collaborative, transparent, and economically informed approaches that genuinely balance conservation goals with the survival of Oregon's fishing families and coastal communities.

Thank you for your time and consideration. Respectfully, Mike Retherford

F/V Winona J  
Commercial Fisherman  
Oregon | Sent from my iPhone

**From:** Lori L. Steele  
**E-mail:** [lori.wcseafood@gmail.com](mailto:lori.wcseafood@gmail.com)  
**Sent on:** Tuesday, February 3, 2026 11:01 AM  
**Subject:** Crab Fishery Petition

**Comment:**

Good morning,

Attached for your consideration are comments on behalf of the West Coast Seafood Processors Association regarding the December 11 petition to adopt new measures and amend existing rules in the Oregon commercial Dungeness crab fishery to reduce the risk of marine life entanglements. Please contact me if you have any problems accessing the document or if you have any questions.

Thank you, Lori Steele

**Lori L. Steele, Executive Director**

West Coast Seafood Processors Association

P.O. Box 1127

Astoria, OR 97103

(503) 227-5076

Cell (978) 479-8632

Fax (503) 296-2824

[www.wcspa.com](http://www.wcspa.com)



West Coast Seafood Processors Association  
P.O. Box 1127  
Astoria, OR 97103  
(503) 227-5076

February 3, 2026

To: Debbie Colbert, Director, Oregon Department of Fish and Wildlife (ODFW)

Submitted electronically to [odfw.commission@odfw.oregon.gov](mailto:odfw.commission@odfw.oregon.gov)

**Re: Petition to Modify Commercial Dungeness Crab Fishery Rules**

Dear Ms. Colbert:

On behalf of the West Coast Seafood Processors Association (WCSPA), I submit the following comments regarding the December 11, 2025, petition requesting regulatory changes to the Oregon Dungeness crab fishery to further reduce whale entanglement risk.

WCSPA represents shoreside seafood processors in Oregon, Washington, and California whose members are major participants in the Dungeness crab fishery. WCSPA member companies process, on average, more than 20 million pounds of Dungeness crab annually and rely on the crab fishery to sustain thousands of jobs in Oregon's fishing communities. WCSPA members also participate in the State-managed Pacific pink shrimp fishery and virtually every Federally managed West Coast fishery, including groundfish (numerous species of rockfish, sablefish, and flatfish/sole), Pacific hake (whiting), as well as salmon and albacore tuna, among others. Our companies range from small "mom-and-pop" operations to the largest, vertically-integrated seafood processors on the West Coast. Our companies are responsible and accountable seafood producers, and we have a long history of working in close partnership with ODFW to conserve natural resources and manage our fisheries in a sustainable manner. We appreciate the opportunity to provide our comments regarding the petition.

**WCSPA Recommendation: Deny the Petition**

After reviewing the petition and considering the current regulatory landscape as well as ODFW's ongoing efforts to reduce entanglement risk, **we strongly urge ODFW to recommend the Commission deny the petition.** Acceptance of the petition is not justified given: 1) the ongoing and upcoming regulatory actions already under way; 2) the improving biological status of humpback whale populations based on the best available science; 3) the lack of credible economic analysis to support the proposed measures; 4) the substantial risk of economic harm to the fishery and Oregon's coastal economies; and 5) concerns about potential impacts on safety at sea.

*The Petition is Unnecessary and Duplicates ODFW's Ongoing Efforts to Further Reduce Entanglement Risk*

ODFW has demonstrated a longstanding commitment to both whale conservation and responsible fisheries management, and in recent years, ODFW implemented significant measures to reduce whale entanglement risks (pot reductions, tagging requirements, gear marking requirements, derelict gear recovery programs, etc.). The Agency already invests significant time and resources into entanglement risk reduction. The petition's proposed measures represent clear overreach, are unnecessary, and completely undermine ODFW's ongoing work.

Moreover, several of the measures requested by the petitioners are already scheduled for consideration in the very near future through established and public processes with the Fish and Wildlife Commission. In particular:

- ODFW is actively developing an experimental or exempted fishing permit framework for evaluating pop-up gear, scheduled for Commission consideration in August 2026 ([ODFW Proposed Permanent Rulemaking Schedule, 2025 – 26](#));
- The Commission is planning to consider additional measures in Dungeness crab fishery to further reduce entanglement risk in August 2026. Those measures may provide greater chance of success at reducing whale entanglements and provide flexibility to the Department to manage the fishery and reduce risk in real time.

The petitioners entirely ignore that ODFW and the Commission are already working on these issues and instead seek to bypass the public and rulemaking process.

Accepting the petition would duplicate efforts, divert limited Agency resources from ongoing efforts, and would undermine the analytical, science-based approach to evaluating pop-up gear that is already underway.

*Acceptance of the Petition Would Disrupt the ODFW's CP and ITP Process*

ODFW is currently finalizing its Conservation Plan (CP) in coordination with the National Marine Fisheries Service (NMFS), a prerequisite to applying for an Incidental Take Permit (ITP) under the Endangered Species Act (ESA §10). This work already has been delayed due to unforeseen circumstances (Federal shutdown, changes in staffing at NMFS, etc.), so it is imperative this process remain on track to comply with Federal law.

- The [Draft Conservation Plan](#) was published in 2021, and ODFW has been engaged in ongoing consultation with NMFS since then. Additionally, ODFW has made incremental changes to the Dungeness crab fishery to reduce the risk of entanglements since the Draft Plan was published. These include both temporary and permanent rules that relate to pot reductions, in-season depth restrictions, area management, derelict gear programs, etc. As a reminder, these have been developed in conjunction with the advice and consideration of industry users; and

- Finalizing the plan and applying for an ITP will require full review under the National Environmental Policy Act (NEPA), likely taking several years once submitted. Thus, ***finalizing the plan already in process is a much better path forward than delaying the process further*** through the acceptance of this petition.

Making permanent regulatory changes as proposed in the petition would:

- Complicate the CP/ITP process;
- Delay finalization of Oregon’s Conservation Plan; and
- Extend the period during which the fishery remains without an approved Incidental Take Permit.

This outcome rebuts petitioners’ contention that adoption of their demands is the best avenue for achieving Federal compliance in the fishery. We completely disagree. We believe the best way to reduce the risk of whale entanglements off Oregon is to continue implementing incremental changes to the fishery under a management system that can be adaptable and responsive to constantly changing conditions – and encourages gear innovation through cooperative research and experimental fisheries.

*Humpback Whale Population Status — Populations are Increasing, Not Declining*

The petition claims urgency by citing generalized whale entanglement and population concerns. However, the best available scientific data indicate that *populations of humpback whales in the California-Oregon-Washington region have increased substantially since the late 20<sup>th</sup> century*:

- The [Humpback Whale \(\*Megaptera novaeangliae kuzira\*\) Mainland Mexico - California/Oregon/Washington New stock assessment \(revised 5/30/23\)](#) notes that “... humpback whale abundance appears to have increased within the California Current at approximately 8.2% annually since 1989.” This figure covers a number of humpback whale populations, not just the Mainland Mexico – CA/OR/WA and Central America – CA/OR/WA demographically independent populations (DIPs). It is conceivable that not all of these stocks are growing at the same rate. However, it also indicates that humpback whale populations in general are *increasing*. The current population status of 3,479 whales may also be underestimated, indicating potentially higher population increases.
- More recent draft assessments for the newly delineated Central America/Southern Mexico stock estimated an abundance of 1,494 whales for 2019–2021, roughly double earlier estimates from 2004–06 (which were approximately 755 whales) — suggesting continued positive trends over time. ([NOAA Fisheries](#)) The annual population growth rate for this stock, though uncertain, is estimated at 1.8%. These positive trends continued over the same time despite the growth, then contraction of the Dungeness crab fisheries across all three states.

These figures reflect a long-term recovery trend for humpback whales following decades of protection under the Marine Mammal Protection Act and the Endangered Species Act, not an abrupt decline. The onus of the *rebuilding paradox* – the potential/likelihood for increased encounters with a species due to its population growth – should not be borne solely by the Dungeness crab fishery through hastily-implemented regulations absent thorough consultation with fishermen and processors.

#### *The Petition Fails to Account for Existing Risk-Reduction Measures Implemented by ODFW*

ODFW has already implemented and continues to refine a suite of management measures designed to reduce whale entanglement risk while also allowing a viable Dungeness crab fishery, including:

- Surface buoy line requirements and line-length restrictions;
- In-season gear reductions and depth restrictions adopted through temporary and permanent rulemaking;
- Consideration of electronic monitoring, already required in Washington and California Dungeness crab fisheries and under discussion for Oregon; and
- Temporary, adaptive rules responding to real-time conditions.

Collectively, these actions have already delivered tenable benefits to the fishery, including reducing entanglement risk without imposing blanket closures, draconian gear changes/reductions, preserving fishing opportunities during safe operating windows and providing regulatory flexibility that allows the fleet and managers to adapt to changing conditions. This has helped sustain economic viability for crabbers and processors, improved Tri-state management coordination and demonstrated adaptive management can work for both whales and the OR Dungeness crab fishery.

#### *The Petition's Economic Analysis and Technical Claims Lack Credibility*

The petition asserts that pop-up gear is both effective and economically viable with little to no credible economic analysis to support these claims. However:

- Petition data show roughly 824 pounds of crab per haul using pop-up gear (229,000 pounds over 277 trips) in California; this rate may generate about \$4,000-\$5,000 per trip, which is still not economically viable for most Oregon operators;
- There is no comprehensive analysis of the cost of pop-up gear, which can range widely per pot (roughly between \$300 and \$4,000 per pot) and would likely be borne by individual permit holders absent clear cost-sharing mechanisms. With permit holders operating dozens of crab pots, the capital investment required per vessel could range from \$50,000 to \$150,000 or more; and
- Petitioners fail to quantify additional economic impacts across the fleet or on associated sectors such as processing, logistics, and coastal employment.

It is *unjustified* and *irresponsible* to adopt an expensive gear mandate without: 1) authorizing an experimental fishery to manage expectations, evaluate real-world performance in Oregon waters, and provide an opportunity to work directly with the industry and manufacturers to refine both gear and deployment practices; and 2) completing a comprehensive socio-economic analysis. Such an approach would predictably fail to gain industry support and would cause substantial economic harm to fishermen, processors, and the coastal communities that rely on this fishery.

#### *The Petition Would Cause Substantial Economic Harm to Oregon Coastal Communities*

Dungeness crab is a key economic driver for many coastal communities throughout the year, even though harvest potential drops off later in the season (April-August). Port communities including Newport, Charleston, Coos Bay, Brookings, Astoria, Garibaldi, Port Orford and others depend on crab fishing. Oregon's commercial Dungeness crab fishery is the state's most valuable single-species fishery, with landings generating upwards of \$90 million dollars in ex-vessel revenue annually in recent years. After the primary season, seafood processors continue to depend on crab meat and variations of other crab products in their suite of offers to wholesalers and other businesses. Thus, Dungeness crab still plays an important role in year-round processing goals.

The measures proposed in the petition would cause substantial and unnecessary economic harm to the fishery and the communities that depend on it:

- Prohibiting conventional gear after April 1 would eliminate approximately 40% of the traditional fishing season (April through August 15). Based on recent seasons, this could result in direct losses of up to \$24 million annually ([Pacific States Marine Fisheries Commission PacFIN](#)) in ex-vessel revenue;
- The 40% pot reduction and 30-fathom depth restriction during late-season months would significantly limit catch capacity during periods when crab prices are typically highest;
- Smaller vessels lack the hydraulic systems, deck space, and crew safety capabilities to operate pop-up gear configured in longline pot strings or with the lines stored differently on deck. This could force many smaller operators out of the fishery entirely; and
- Costs associated with maintenance and retrieval of lost pop-up gear as well as lost fishing time due to gear repairs and losses have not been considered.

Arbitrary restrictions such as those proposed by the petitioners only increase the restrictive management measures but do not account for other management actions necessary for a successful Dungeness crab fishery. Rules for biotoxin management, for example, create an added layer to the regulations regarding entanglement risk. Already, fishermen must navigate delayed openings, shortened seasons, and gear constraints. These produce regulatory impacts for seafood processors that include uncertainty affecting procurement, workforce stability, and capital investment. It also puts West Coast processors and Dungeness crab at a competitive disadvantage relative to other species of crab (e.g., snow crab from Alaska) that have fewer regulatory burdens and potentially lower price points.

### *The Petition Doesn't Account for Safety Concerns or Enforcement of Pop-up Gear*

Introducing ropeless or pop-up gear may also create significant safety and enforcement concerns, especially if no experimental fishery is developed first to identify problems and potential solutions. For example:

- Crabbers in California reported ropeless gear took longer to service, especially during the early trials. If the same happens in Oregon, it could expose crabbers to weather conditions that may threaten their safety and/or the safety of the vessel.
- Some types of ropeless gear must store the line outside of the pot, necessitating changes in how the gear is stacked on deck while transporting the gear to a new place in the ocean or to port. That may affect the stability of the vessel, creating dangerous conditions at sea.
- Other fishermen will not know the location of ropeless or pop-up gear. Crabbers may set their gear on top of another fisherman's gear, which could result in tangled pots and ropes. Additionally, non-pot/trap fishermen using trawl or purse seine gear likely would not know the location of the pop-up gear either. Snagging a crab pot in a trawl or purse seine net could cost \$100,000 or more to fix or replace.
- Similarly – How will ODFW enforcement track the use of pop-up gear? It is unlikely law enforcement can run the gear to check whether it is being fished legally, with appropriate tags, escape mechanisms, etc., like they can with traditional crab gear.

It is imperative that ODFW is provided adequate time to create a pop-up/ropeless gear experimental fishery, alongside traditional gear, in cooperation with the industry, to evaluate the best time and best way to implement new gear into the fishery. For example, should pop-up gear be used exclusively in longlines or as individual traps? How can their use be improved to avoid gear conflicts? These questions need to be considered, and testing need to be vetted by experienced gear users in the fishery.

### *Recent Actions Demonstrate ODFW's Ability to Act in an Adaptive and Proactive Manner*

ODFW's Temporary Rules for the 2025-2026 season, including advancing late-season whale entanglement risk reduction measures from May 1, 2026, to April 1, 2026, with pot limit reductions and depth restrictions, clearly demonstrate that ODFW *already has the authority and tools* to respond to elevated risk without accepting this petition. We fully support preserving ODFW's ability to respond in an adaptive and proactive manner based on a combination of whale presence, changing ocean conditions (hypoxia, harmful algal blooms, for example), and biotoxin potential, among other important factors. Accepting this petition and implementing the regulatory changes proposed in the petition reduces ODFW's flexibility to be responsive to changes in conditions.

Adaptability and flexibility are key components of a successful management system focused on minimizing entanglement risks. On the contrary, the petition's proposal to limit management to three coastal zones would significantly reduce ODFW's flexibility to manage the fishery in-season. The current zonal structure exists for specific biological, operational, and enforcement reasons that

enhance effective management. The petitioners' recommendation for closing or limiting a fishery to one or more zones is completely arbitrary.

*Conclusion*

There is no immediate need to adopt additional permanent restrictions on the Oregon Dungeness crab fishery through acceptance of this petition. Humpback whale populations in the Pacific Northwest are recovering over recent decades. ODFW has already implemented multiple mitigation measures and continues to engage in science-based planning and responsible management, including preparation of the Conservation Plan and progression toward an ITP.

For these reasons, we respectfully urge the Commission to deny the petition. If additional measures warrant consideration, we encourage the Commission to pursue them through existing processes — including the August 2026 rulemaking docket and ongoing CP/ITP work — to ensure balanced, adaptive management that protects the fishery, coastal economies and marine mammals.

Thank you for the opportunity to provide comments and for considering our recommendations.

Sincerely,

A handwritten signature in black ink that reads "Lori L. Steele". The signature is written in a cursive style with a large initial "L".

Lori Steele  
Executive Director

Cc: Oregon Fish and Wildlife Commission

**From:** David Willem-Herrera  
**E-mail:** [dwillemherrera@gmail.com](mailto:dwillemherrera@gmail.com)  
**Sent on:** Tuesday, February 3, 2026 7:52 PM  
**Subject:** Crab Fishery Petition  
**Comment:**

Dear Chair Wahl and Commission members,

I strongly support preventing whales from becoming entangled in fishing gear off the Oregon coast. I urge you to create a pathway for a more sustainable Dungeness crab fishery that does not pose a risk to wildlife.

The tragic death of a humpback whale that beached on the Oregon coast entangled in Oregon Dungeness crab gear—one of four such entanglements last year alone—should be a wake-up call that current management measures are not working. Whales are central to Oregon’s coastal economy and ocean ecosystems, and the growing number of entanglements off our coast further jeopardizes them.

The petition under consideration contains reasonable solutions that are already working in California and should be applied here in Oregon. This includes stronger management measures that reduce the number of lines in the water during whale feeding and migration seasons, plus closing areas to conventional crab gear during the times when whales are known to be here in concentration. Doing so, while creating a pathway for fishers to use pop-up fishing gear that can avoid such entanglements, will protect whales and allow fishers to stay on the water and safely catch Dungeness crab. Consumers will also benefit knowing their Oregon crab was caught without harming wildlife.

I urge you to move forward with the whale entanglement petition. I request that you develop stronger management measures for the Oregon Dungeness crab fishery to protect whales while they feed and migrate off our coast and establish a pathway for pop-up gear that can keep fishers on the water while avoiding entangling whales.

Thank you, David Willem-Herrera

**From:** Josh Whaley  
**E-mail:** [fvmisssarah@gmail.com](mailto:fvmisssarah@gmail.com)  
**Sent on:** Wednesday, February 4, 2026 7:04 PM  
**Subject:** Crab Fishery Petition  
**Comment:**

Commissioners,

I was advised that the attached letter from April of 2022 responding to a petition from CBD may be useful information, in particular the justification for denial. I do not have a specific reference for where this document was sourced as it has simply circulated amongst fishermen. I would also caution that I do not know if any follow up legal action resulted from this denial and would encourage the department to exercise due diligence in confirming such information.

Thank you, -Josh Whaley  
FV Miss Emily, Miss Sarah, Prolifik



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

Catherine Kilduff, Senior Attorney  
Center for Biological Diversity  
1212 Broadway, St. #800  
Oakland, CA 94612

Dear Ms. Kilduff:

We are responding to your April 28, 2021, petition to the Secretary of Commerce, the National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service (NMFS) Office of Protected Resources Acting Director, and NMFS' West Coast Regional Administrator requesting that we promulgate a rule to prevent deaths and injuries of endangered blue, humpback, and fin whales from vessel strikes off California's coast. NMFS appreciates your summary of the information available, copies of your references, and your perspective on the need for regulatory action at this time. This letter serves as a full and final response to your petition. After careful consideration, we are denying the petition.

You requested that NMFS utilize its authorities under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA) for three actions:

- Implement a year-round mandatory 10-knot speed limit in NOAA's current voluntary vessel speed reduction zones in the San Francisco Bay Region and the Southern California Region for vessels greater than or equal to 40 feet in length.
- Establish shipping routes or vessel tracks for all commercial shipping vessels transiting between ports in Southern California and San Francisco Bay Area at least 24 nautical miles from shore.
- Identify areas of seasonal importance for blue whales, humpback whales, and fin whales, and set a vessel traffic threshold above which additional management measures will be triggered. The measures considered must include a ban on nighttime traffic.

The large whale populations off the California coast continue to increase or remain stable despite the ongoing effects of vessel strikes. Humpback whale populations have been increasing at a rate of approximately 7 to 8 percent and recent abundance estimates indicate a total west coast population of ~4,800 humpback whales (Calambokidis and Barlow 2020; Carretta et al. 2020). Fin whale populations off the U.S. West Coast number approximately 8,000 animals and have

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



been increasing over the last several decades at rates similar to humpback whales (Carretta et al. 2021). The 2019 stock assessment of the Eastern North Pacific blue whale population evaluated a population of approximately 1,000 animals and noted that some researchers had posited that the population may be near carrying capacity in this area (Carretta et al. 2020). Based on the best available information, a default growth rate of 4 percent for this stock was assumed. More recent abundance estimates using NMFS survey data through 2018 indicate the population of blue whales along the west coast is approximately 1,800 animals (Calambokidis and Barlow 2020).

Your petition notes that estimated vessel strike levels exceed the Potential Biological Removal (PBR) levels established for the stocks of these large whales that occur off the U.S. West Coast, and therefore claims that recovery of these species is impeded. Several aspects of this claim bear clarification in relation to both the ESA and the MMPA. NMFS assesses and protects large whale populations under both statutes, but the units of management and the requirements of both statutes differ.

First, the units of management under the MMPA are stocks. The term “population stock” or “stock” means a group of marine mammals of the same species or smaller taxa in a common spatial arrangement, that interbreed when mature. 16 U.S.C. 1362, Sec. 3(11). PBR is estimated for three stocks of large whales off of the U.S. West Coast pertinent to this petition - the California/Oregon/Washington stock of humpback whales, the Eastern North Pacific stock of blue whales, and the California/Oregon/Washington stock of fin whales. These stocks differ from the species that are protected under the ESA, which are the globally-listed species of fin and blue whales and the two Distinct Population Segments of Central America and Mexico humpback whales. The stocks are generally a subset of the ESA-listed species and findings made for a stock are not necessarily indicative of a similar finding for the larger ESA-listed unit. PBR is specific to MMPA stocks and not applicable under the ESA’s statutory standards for listed species.

Second, under the MMPA, PBR is neither the level of vessel strike mortality nor the maximum amount of mortality or serious injury of animals within a stock beyond which no recovery to an optimum sustainable population (OSP) is possible. PBR is a conservative estimate of the level of mortality and serious injury that would allow a stock to reach OSP with a high probability of certainty. Given the way PBR is calculated in practice, a stock can still achieve or maintain OSP even with mortality and serious injury levels that exceed PBR. In limited circumstances, exceedance of PBR can trigger action under the MMPA. Specifically, if the level of direct human-caused mortality and serious injury is greater than PBR, a stock becomes “strategic” (per MMPA Sec 3(19)); although in this instance, these stocks of large whales are already “strategic” by virtue of their ESA-listed status.

A “strategic” status under the MMPA allows for:

- Conservation or management measures to alleviate impacts on rookeries, mating grounds, or other areas of similar ecological significance that may be causing decline or impeding recovery. (MMPA Section 112(e))
- Take Reduction Plans to reduce incidental take in commercial fisheries. (MMPA Section 118)
- Annual reviews of Stock Assessment Reports (MMPA Section 117)
- Higher prioritization of monitoring in commercial fisheries that have incidental mortality or serious injury of marine mammals from strategic stocks. (MMPA Section 118(d)(4)(B))

As noted above, recent stock assessments of the blue, fin, and humpback whale stocks off the U.S. West Coast do not support an assertion that the level of estimated vessel strikes are impeding the recovery of these stocks, nor that specific action to address the level of estimated strikes is required under the MMPA or ESA.

If NMFS determines there is a need to reduce vessel strikes to meet the goals of the MMPA and/or ESA, we can do so under MMPA section 112(a) (16 U.S.C. 1382(a)),<sup>1</sup> and ESA section 11(f) (16 U.S.C. 1540(f)).<sup>2</sup> As you are aware, NMFS has taken regulatory action in other geographic areas and for other species of large whales when it was determined to be necessary and appropriate for the conservation of the species or stock. However, at this time, it is not necessary and appropriate to regulate vessel speeds in the manner requested in the petition for the conservation of the ESA-listed species or MMPA stocks of blue, fin or humpback whales. NMFS, NOAA’s Office of National Marine Sanctuaries, and the U.S Coast Guard (USCG) continue to encourage vessel speed reductions via seasonal voluntary measures in areas around the primary port complexes in California.

Your petition also requests that NMFS establish vessel lanes between San Francisco and Southern California at least 24 nautical miles from shore. It is not necessary or appropriate to modify or create new vessel lanes since, as mentioned above, vessel strikes are not impeding recovery of any of these three stocks. NMFS cannot unilaterally establish vessel lanes or tracks absent coordination and collaboration with other Federal partners such as the USCG. Further, the establishment of such lanes would require proposals to and approval by the International Maritime Organization (IMO) for tracks applicable to the commercial shipping industry. For example, the IMO approved recommended vessel routes within the Monterey Bay National Marine Sanctuary in May 2000.<sup>3</sup> As you may know, the USCG has announced the Pacific Coast

<sup>1</sup> The Secretary, in consultation with any other Federal agency to the extent that such agency may be affected, shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this title.

<sup>2</sup> The Secretary [is] authorized to promulgate such regulations as may be appropriate to enforce this Act.

<sup>3</sup> [https://nmsmontereybay.blob.core.windows.net/montereybay-prod/media/materials/maps/vessel\\_lanes1\\_full.jpg](https://nmsmontereybay.blob.core.windows.net/montereybay-prod/media/materials/maps/vessel_lanes1_full.jpg)



Port Access Routing Study (PAC-PARS)<sup>4</sup> and comments may be submitted to the USCG for recommendations for their consideration. In addition, NMFS will be coordinating and collaborating with the USCG on the PAC-PARS within our authorities and jurisdiction.

Finally, your petition requests the implementation of measures designed to establish vessel traffic thresholds to trigger additional measures related to vessel strikes, including a ban on nighttime traffic. As noted above, NMFS has not determined that vessel speed regulation is necessary and appropriate; therefore, further measures, including additional lanes and nighttime measures, are also not necessary and appropriate at this time. Absent a conservation need such as that identified for the conservation of North Atlantic right whales, we decline to exercise our authority under the ESA and MMPA to establish vessel speed regulations or establish area-specific or general additional measures.

### **Going Forward**

NMFS acknowledges that vessel strikes of large whales occur as a result of a wide range of vessel types and activities. As noted above, we have been collaborating for many years with partners within and external to NOAA on measures designed to reduce the risk of vessel strikes within the traffic separation schemes off of the ports of San Francisco/Oakland and Los Angeles/Long Beach. As a result of efforts to expand awareness of the issue and encourage voluntary cooperation with vessel speed reduction requests and notifications to all mariners regarding the presence of large whales in the waters off of southern and central California, cooperation with these speed reduction requests has been steadily increasing (Rockwood et al, 2020, and see below).

NMFS notes that cooperation levels with our West Coast vessel speed reduction requests continue to increase every year. Based on information provided to NMFS by the staff of Whale Safe,<sup>5</sup> from May 15 - December 15, 2020, there were 941 vessels that transited a total of 634,366 nautical miles in the Southern California Vessel Speed Reduction Zone with an overall cooperation rate of 54.26 percent with the 10 knots or less request. In addition, another 18.99 percent of transit distance occurred at speeds of 12 knots or less. In other words, nearly 75 percent of the traveled nautical miles occurred at speeds less than 12 knots. In 2021, from May 15 - December 15, there were 1,159 vessels that transited a total of 714,749 nautical miles in the Vessel Speed Reduction Zone with an overall cooperation rate of 58.83 percent. In addition, another 16.31 percent of transit distance occurred at speeds of 12 knots or less. Similar to 2020, nearly 75 percent of the traveled nautical miles occurred at speeds less than 12 knots. NMFS intends to continue existing efforts to expand awareness and encourage vessel slowdowns.

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<sup>4</sup> <https://www.regulations.gov/document/USCG-2021-0345-0001>

<sup>5</sup> <https://whalesafe.com/>



In addition, NMFS intends to continue the long-standing partnerships and efforts to provide guidance and recommendations to the shipping industry and other mariners to avoid or minimize the risk of vessel strikes. This includes annual notices of voluntary vessel speed reduction requests and provision of information to mariners and other interested parties of the presence and likelihood of large whales in certain areas. These include support of efforts like WhaleAlert<sup>6</sup> and WhaleWatch.<sup>7</sup>

NMFS will also continue to provide support to our NOAA National Marine Sanctuaries via their Sanctuary Advisory Councils and working groups and in support of joint NOAA proposals to the IMO for revisions to existing shipping lanes. As you are also aware, NMFS is working with the USCG on the reinitiation of the ESA section 7(a)(2) consultation on the codification of the current IMO-approved Traffic Separation Schemes off San Francisco and Los Angeles. Finally, NMFS will be engaged in the PAC-PARS effort with our partners at the USCG to provide input on vessel traffic effects on our NOAA trust resources and commercial fisheries.

In conclusion, NMFS appreciates your concern for the welfare of these animals and the survival of these species and we hope you will remain partners with us in future efforts to reduce the risk and severity of vessel strikes. However, based on the best available information, we are denying your petition because vessel strikes do not appear to be preventing or impeding the recovery of blue, fin, or humpback whales off the U.S West Coast, and other measures to address vessel strikes show signs of success. Therefore, we do not deem it either necessary or appropriate, under MMPA section 112(a), or as may be appropriate, under ESA section 11(f), to regulate vessel speeds and locations in the manner requested in your petition at this time. This letter serves as a full and final response to your petition.



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Janet Coit  
Assistant Administrator for Fisheries,  
National Marine Fisheries Service

04/07/22

Date

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<sup>6</sup> <http://www.whalealert.org/>

<sup>7</sup> <https://www.fisheries.noaa.gov/west-coast/marine-mammal-protection/whalewatch>



## References

- Calambokidis, J. and J. Barlow. 2020. Updated abundance estimates for blue and humpback whales along the U.S. west coast using data through 2018, U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-634.
- Carretta, J.V., Karin. A. Forney, Erin M. Oleson, David W. Weller, Aimee R. Lang, Jason Baker, Marcia M. Muto, Brad Hanson, Anthony J. Orr, Harriet Huber, Mark S. Lowry, Jay Barlow, Jeffrey E. Moore, Deanna Lynch, Lilian Carswell, and Robert L. Brownell Jr. 2020. U.S. Pacific Marine Mammal Stock Assessments: 2019, U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-629.
- Carretta, J.V., Erin M. Oleson, Karin. A. Forney, Marcia M. Muto, David W. Weller, Aimee R. Lang, Jason Baker, Brad Hanson, Anthony J. Orr, Jay Barlow, Jeffrey E. Moore, and Robert L. Brownell Jr. 2021. U.S. Pacific Marine Mammal Stock Assessments: 2021, U.S. Department of Commerce, NOAA Technical Memorandum NMFS-SWFSC-646.
- Conn, P. B., and G. K. Silber. 2013. Vessel speed restrictions reduce risk of collision-related mortality for North Atlantic right whales. *Ecosphere* 4(4):43. <http://dx.doi.org/10.1890/ES13-00004.1>
- Rockwood RC, Adams J, Silber G, Jahncke J (2020) Estimating effectiveness of speed reduction measures for decreasing whale-strike mortality in a high-risk region. *Endang Species Res* 43:145-166. <https://doi.org/10.3354/esr01056>
- Vanderlaan, A. S. M., and C. T. Taggart. 2007. Vessel collisions with whales: The probability of lethal injury based on vessel speed. *Marine Mammal Science* 23: 144– 156.