

# **Exhibit C**

**Supplemental Public Correspondence  
Received as of February 18, 2026**

**From:** Sam W  
**E-mail:** [samuel.s.weber@gmail.com](mailto:samuel.s.weber@gmail.com)  
**Sent on:** Wednesday, February 18, 2026 10:07 AM  
**Subject:** Crab Fishery Petition  
**Comment:**

I am writing to urge the Commission to accept the petition to implement immediate and stringent protections for humpback whales within the Oregon Dungeness crab fishery.

The situation is plain and simple: Humpback whales are a protected species, yet they continue to be killed and injured by current crabbing gear.

If our current methods are proven to be lethal to these animals, change is not a suggestion—it is an absolute Legal requirement.

I support the following immediate actions:

- \* Suspension of High-Risk Crabbing: Any crabbing activity that cannot be proven safe for whales should be cancelled until a solution is established.
- \* Burden of Proof: The responsibility for developing and implementing "whale-safe" gear rests with the industry. Fishing should only resume once non-lethal methods, such as pop-up buoy technology, are fully operational and verified.
- \* Mandatory Gear Reductions: I support the 40% reduction in pots and depth restrictions as a necessary first step toward total gear reform.

Preserving Oregon's marine life must take priority over "business as usual." We cannot continue to authorize a fishery that results in the death of endangered species.

Thank you for your time and for prioritizing the protection of our whales.

Sincerely,

Samuel Weber

Proud Oregonian  
Combat Veteran  
Coastal Boating Enthusiasts

**From:** Lori Steele  
**E-mail:** [lori.wcseafood@gmail.com](mailto:lori.wcseafood@gmail.com)  
**Sent on:** Wednesday, February 18, 2026 11:58 AM  
**Subject:** Crab Fishery Petition

**Comment:**

OR Fish and Wildlife Commissioners,

Attached are comments submitted 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. These comments supplement our letter submitted to the Oregon Department of Fish and Wildlife on February 3, 2026.

Please contact me if you have any problems accessing the document or if you have any questions.

Thank you,

Lori Steele

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**Lori L. Steele, Executive Director**

West Coast Seafood Processors Association

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Astoria, OR 97103

(503) 227-5076

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

February 18, 2026

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

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

**RE: Exhibit C: Petition to Change Commercial Dungeness Crab Fishery Rules  
(February 20, 2026)**

Dear Chair Wahl and Commissioners:

On behalf of the West Coast Seafood Processors Association (WCSPA), I am writing to express support for the Oregon Department of Fish and Wildlife (ODFW) Staff Summary and recommended approach regarding the Petition to amend commercial Dungeness crab fishery rules, as outlined in the February 20, 2026, Exhibit C, [Agenda Item Summary](#). As we stated in our February 3, 2026, letter to ODFW ([Public Correspondence, pp. 35-42](#)), we still believe there is sufficient information and justification to deny the petition. However, we also the Department's position and we want to preserve ODFW's authority to manage the Dungeness crab fishery and balance the needs of crabbers, processors, marine mammals and the public. This letter supplements our February 3 comments.

### The Petition Misses the Mark

The Staff Summary makes clear the issues raised in the Petition are not new to the Department. ODFW has already developed and implemented a comprehensive entanglement risk-reduction strategy that includes adaptive management measures, monitoring, depth restrictions, pot reductions and derelict gear removal. Importantly, ODFW is actively developing a formal Conservation Plan (CP) and pursuing an Incidental Take Permit (ITP) under the Federal Endangered Species Act (ESA) in coordination with the National Marine Fisheries Service (NMFS). This is a structured, multi-year process designed to ensure durable ESA compliance.

The Petition's publicly described goals do not fully account for this broader regulatory framework. The requested rule changes are presented largely as standalone fixes, without clearly addressing how they would integrate into — or potentially disrupt — the Department's ongoing CP development, Federal coordination, and scheduled regulatory review process. Additionally, the Petition does not account for the balance with other fishery management

concerns, such as biotoxins, fishery start dates, or the Tri-State Dungeness Crab process. **The Commission should weigh the proposed changes within the full context of these other, long-term management strategies.**

## Additional Considerations

The Petition also fails to comprehensively address the concerns identified below. Conversely, a robust ODFW rulemaking process would include these:

- **Stakeholder/Public Engagement:** The Staff Summary document reflects substantial stakeholder engagement already underway. ODFW has convened advisory committees, participated in industry meetings, solicited public comment through listservs, and incorporated feedback from harvesters, processors, conservation interests and the public. The petition narrative does not emphasize the breadth of this outreach or the technical and economic concerns. Regulatory change of this scale benefits from continued collaboration rather than abrupt structural shifts.
- **Operational and Enforcement Complexity:** These are not peripheral concerns – They are central to any lawful and effective regulation. The Staff Summary notes that adopting the changes in the Petition would substantially increase regulatory complexity. Rules that are currently clear and enforceable would become harder to implement, difficult to monitor, and harder to enforce in practice. Management measures that cannot be consistently enforced will not achieve their intended results. The Petition fails to adequately address these realities.
- **Socioeconomic Considerations:** The commercial Dungeness crab fishery is a primary economic driver of coastal communities, sustaining multigenerational fishing families and seafood processors. The Agenda Item Summary identifies concerns about financial strain, operational disruption, and prolonged uncertainty tied to the proposed changes. These are not abstract risks — They threaten livelihoods and the stability of coastal communities. Major structural changes should not be imposed without rigorous economic analysis and a clear understanding of their real-world consequences, tasks ODFW would assume for future rulemaking.
- **Pop-up/Ropeless Gear:** Finally, while the Petition emphasizes expanded authorization of pop-up (on-demand) gear, ODFW appropriately notes that such gear has not yet been tested at scale statewide in Oregon conditions. Questions remain regarding effectiveness, cost, retrieval reliability, gear conflicts, and enforceability. A measured approach — including structured pilot testing and evaluation, as ODFW has already planned — is more consistent with sound fisheries management than immediate broad mandates.

## Conclusion

The Petitioners' arguments reflect a fundamental misunderstanding of the Dungeness crab fishery and the complex, multi-objective management framework under which it operates. Managing the fishery requires balancing conservation mandates, marine mammal protections, economic viability and public benefit — considerations that demand technical expertise and regulatory precision. ***ODFW is uniquely qualified to perform this role.*** ODFW staff are the most knowledgeable about crab fishery management. They apply rigorous scientific analysis and implement adaptive management measures that protect marine mammals, sustain a successful Dungeness crab industry, and serve the broader public interest.

For these reasons, the Commission should adopt ODFW's recommended course of action: Initiate rulemaking and continue the structured, collaborative development of durable long-term solutions. This is the only responsible path forward that includes sound science and adaptive management. It secures measurable conservation progress, maintains regulatory integrity, and protects a viable and sustainable commercial Dungeness crab fishery in Oregon's coastal communities.

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

Sincerely,

A handwritten signature in black ink that reads "Lori L. Steele". The signature is written in a cursive, flowing style.

Lori Steele  
Executive Director

**From:** Heather Harter  
**E-mail:** [hdtramp94@gmail.com](mailto:hdtramp94@gmail.com)  
**Sent on:** Wednesday, February 18, 2026 12:17 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Oregon Fish and Wildlife Commission  
c/o Public Comment Clerk  
Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

Dear Commissioners,

My name is Heather Harter, and I am part owner of Lucky Landings Guide Service, a business built on introducing Oregon visitors and families to ocean recreation including fishing and crabbing experiences that fuel local economies.

I am writing to express concern with proposed rule changes being considered to address whale entanglement risk in the Oregon commercial Dungeness crab fishery and to urge the Commission to balance biological conservation with economic sustainability.

While we share a desire to protect marine mammals, the current proposals, including earlier late-season restrictions, depth changes, and a potential transition to expensive “pop-up” gear, threaten to significantly escalate costs and disrupt operations for small commercial crabbers who are the backbone of coastal communities. These changes may place undue burden on operators in smaller ports that depend on late-season crab revenue, potentially reducing local jobs and visitor opportunities.

As a business that enhances coastal tourism, we see first-hand how crabbing complements sport fishing and coastal visitation. Restrictive rules that reduce participation, drive up gear costs, or limit access without clear pathways for implementation could reduce overall tourism activity and undermine the industries that depend on Oregon’s coastal economy.

I respectfully encourage the Commission to seek balanced approaches that maintain healthy crab populations and protect marine life without imposing disproportionate economic harm on coastal communities and small fishing families.

Thank you for your thoughtful consideration of these important issues.

Sincerely,

Heather Harter  
Part Owner, Lucky Landings Guide Service

**From:** Kevin Harter  
**E-mail:** [harterseafood@gmail.com](mailto:harterseafood@gmail.com)  
**Sent on:** Wednesday, February 18, 2026 12:58 PM  
**Subject:** Crab Fishery Petition

**Comment:**

Oregon Fish and Wildlife Commission  
c/o Public Comment Clerk  
Oregon Department of Fish and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

Dear Commissioners,

My name is Kevin Harter, owner and captain of Lucky Landings Guide Service. I have spent my life on Oregon's waters, and I am proud to be part of a fishing and crabbing heritage that supports coastal families and local economies.

I am submitting this comment regarding the proposed crab fishery rule changes triggered by petitions intended to reduce the risk of whale entanglements. While the intent to protect marine wildlife is important, I fear the current proposals such as a further reduction in gear usage, shifting management depths, and costly "pop-up" gear requirements will have damaging practical and economic effects on the commercial crab fleet in Oregon.

The proposed changes represent significant cost increases and operational challenges, especially for those of us working with smaller vessels and tighter margins.

Transitioning to new gear systems that may cost thousands of dollars per unit without reliable testing or support places undue risk on fishermen and may accelerate the loss of crab fishing opportunities in traditional ports.

I strongly urge the Commission to ensure that any regulatory changes:

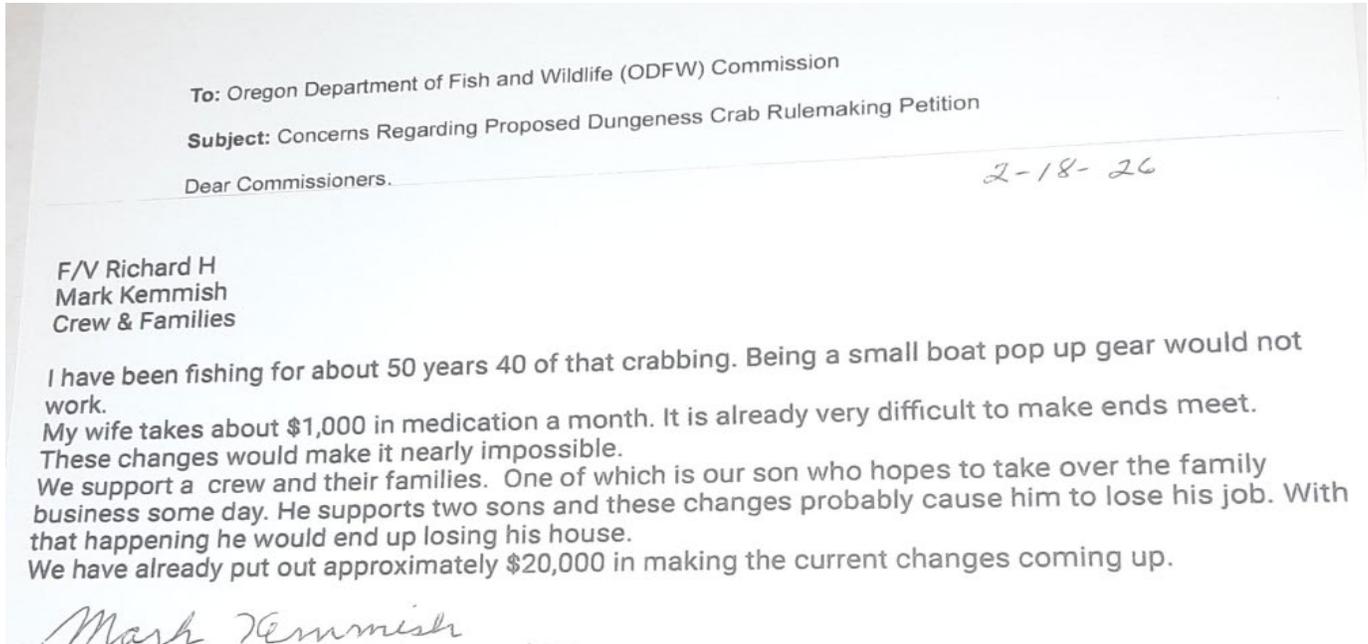
- Are based on sound science and realistic cost assessments;
- Protect workers, families, and coastal communities that depend on the crab fishery;
- Include phased implementation, adequate funding, and training for gear changes if needed;
- Preserve the viability of late-season fishing that is crucial for many boats and ports.

We must find solutions that protect both our marine ecosystems and working waterfronts not force difficult trade-offs that harm the very communities the fishery has sustained for generations.

Thank you for considering my perspective.

Sincerely,  
Kevin Harter  
Owner & Captain, Lucky Landings Guide Service

**From:** Mark Klemish  
**E-mail:** [chat2cat66@msn.com](mailto:chat2cat66@msn.com)  
**Sent on:** Wednesday, February 18, 2026 4:34 PM  
**Subject:** Crab Fishery Petition  
**Comment:**



**From:** Court Boice  
**E-mail:** [Rep.CourtBoice@oregonlegislature.gov](mailto:Rep.CourtBoice@oregonlegislature.gov)  
**Sent on:** Thursday, February 19, 2026 7:02 AM  
**Subject:** Crab Fishery Petition  
**Comment:**

*Thank you – please review at your earliest convenience...*

*Court Boice  
State Representative – Oregon District 1  
[Rep.CourtBoice@OregonLegislature.gov](mailto:Rep.CourtBoice@OregonLegislature.gov)  
Phone (503) 986-1401*

*Coos, Curry, and Douglas Counties – The beautiful Southwest Corner of Oregon - The Timber Capitol of the World, Greatest Ocean, Most Pristine Rivers, Funnest Fishing, Best Golfing, Healthiest Cranberries, Finest Wines, Rarest Easter Lilies, Sawdust Theatre, Coos, Curry and Douglas County Fairs and our World Wildlife Safari! We invite you to visit soon.*

**Winston to Harbor - Myrtle Point to Langlois - Port Orford to Bridge - Bandon to Agness - Powers to Green Acres - Gold Beach to Looking Glass - Coquille to Ten Mile - Eastside to Carpenterville - Brookings to Dillard - Camas Valley to Fairview - Greens to Pistol River and Allegany to LookingGlass ...**





# Oregon Coastal Caucus

Rep. Court Boice, Chair  
Sen. David Brock Smith, Vice Chair  
Sen. Dick Anderson  
Sen. Suzanne Weber  
Rep. Boomer Wright  
Rep. Cyrus Javadi  
Rep. David Gomberg

February 11, 2026

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

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

**Re: Petition to Amend OAR Chapter 635, Division 5 – Oregon Commercial Dungeness Crab Fishery**

Dear Chair and Members of the Commission,

The Oregon Coastal Caucus is a bicameral, bipartisan group of Oregon State Legislators representing all legislative districts along the Oregon coast. We address issues through a geographic lens rather than a partisan one, with particular attention to how state and federal policy decisions affect coastal communities, working waterfronts, and natural resource-based economies.

On behalf of the Coastal Caucus, we respectfully urge the Commission to deny the petition filed in December 2025 requesting substantial amendments to OAR Chapter 635, Division 5 related to the Oregon commercial Dungeness crab fishery.

While we support continued, science-based efforts to reduce whale entanglement risk, we do not believe this petition meets the threshold necessary to justify rulemaking through the petition process. The proposed changes are premature, duplicative of ongoing work, and inconsistent with adaptive fisheries management that has long served Oregon and its coastal communities well.

**Federal precedent is directly relevant**

In April 2022, the National Marine Fisheries Service (NMFS), acting on behalf of the National Oceanic and Atmospheric Administration (NOAA), denied a petition submitted by the Center for Biological Diversity that raised arguments substantially similar to those presented in the current petition. That petition asserted urgency under the Endangered Species Act and Marine Mammal Protection Act, cited conservative biological reference points, and sought mandatory regulatory triggers.

After review of the best available science, NOAA concluded that West Coast whale populations were stable or increasing, that existing management measures were not impeding recovery, and that the requested regulatory actions were not necessary or appropriate at that time. NOAA



# Oregon Coastal Caucus

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Rep. David Gomberg

emphasized the importance of proportional, science-based decision-making and the use of adaptive management tools rather than rigid, petition-driven mandates.

The Coastal Caucus believes this federal precedent is instructive and should be carefully considered by the Commission.

## **The petition duplicates and undermines ongoing Oregon processes**

ODFW and the Commission are already engaged in substantial work to address whale entanglement risk, including development of an experimental or exempted fishing permit framework for pop-up gear, scheduled Commission consideration of additional risk-reduction measures in 2026, and continued coordination with NMFS to finalize Oregon's Conservation Plan and advance toward an Incidental Take Permit under ESA Section 10.

Accepting this petition would preempt these established processes, divert limited agency resources, and risk delaying completion of work that is already underway through transparent, public, and collaborative channels. From a legislative oversight perspective, bypassing these processes is neither efficient nor appropriate.

## **Coastal economic, safety, and enforcement impacts must be weighed**

The Dungeness crab fishery is Oregon's most valuable single-species commercial fishery and is foundational to coastal employment, port infrastructure, and year-round processing capacity. The petition does not include a credible economic or operational analysis commensurate with the scope of the proposed regulatory changes.

Concerns raised by processors and fishery participants include loss of fishing opportunity associated with proposed seasonal prohibitions, substantial unfunded capital costs related to mandatory gear conversion, safety risks associated with large-scale deployment of untested gear configurations, and unresolved enforcement and gear-conflict challenges.

From the perspective of coastal legislators, these impacts are significant. Conservation policy that destabilizes working waterfronts without demonstrated necessity is not sustainable for the communities we represent.

## **Adaptive management remains the appropriate framework**

Oregon has already adopted a suite of risk-reduction measures through temporary and permanent rulemaking, including seasonal adjustments, pot reductions, depth restrictions, gear marking requirements, and derelict gear recovery programs. Recent actions for the 2025–26 season demonstrate that ODFW has the authority and flexibility to respond proactively to changing conditions.



# Oregon Coastal Caucus

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Rep. David Gomberg

The Coastal Caucus believes it is essential that the Commission retain this adaptive capacity rather than replace it with permanent, inflexible mandates imposed through petition.

## Conclusion

For these reasons, including federal precedent, duplication of ongoing regulatory work, insufficient analysis of impacts, and the importance of preserving adaptive management, the Oregon Coastal Caucus respectfully urges the Commission to deny the December 2025 petition as submitted.

Should additional measures warrant consideration, they should proceed through established Commission rulemaking processes, informed by Oregon-specific data, experimental fisheries, and continued coordination with federal partners.

Thank you for your consideration and for your continued stewardship of Oregon's marine resources and coastal communities.

Sincerely,

Rep. Court Boice, Chair

Sen. David Brock Smith, Vice Chair

Sen. Suzanne Weber

Sen. Dick Anderson

Rep. Boomer Wright

Rep. Cyrus Javadi

Rep. David Gomberg

**From:** Heather Mann  
**E-mail:** [heathermunromann@gmail.com](mailto:heathermunromann@gmail.com)  
**Sent on:** Thursday, February 19, 2026 9:33 AM  
**Subject:** Crab Fishery Petition

**Comment:**

The link to submit public comment does not seem to be working and I was hoping to include this written public comment regarding the Dungeness Crab petition.

Thank you!

Heather

--

Heather Munro Mann  
Midwater Trawlers Cooperative  
Newport, Oregon  
(541) 272-4544



## MIDWATER TRAWLERS COOPERATIVE

P.O. Box 2352 | Newport, OR 97365 | 541-272-4544 | [www.midwatertrawlers.org](http://www.midwatertrawlers.org)

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

February 17, 2026

**RE: Please Reject the Dungeness Crab Petition from Center for Biological Diversity and Oceana**

Dear Chair Wahl & Commissioners:

Midwater Trawlers Cooperative (MTC) represents 30 catcher-vessels, many of which are home-ported in Oregon. In addition to groundfish, whiting, and shrimp fishing, Many MTC members are also involved in the Dungeness Crab fishery. **MTC strongly urges the Commission to reject the petition submitted by Center for Biological Diversity and Oceana.**

We all share the goal of protecting whales and the marine ecosystem. The question before the commission is not whether whale entanglements are serious- they are. That is why the industry has already implemented substantial risk reduction measures. The question before the commission is **whether the petition's sweeping regulatory changes are necessary, proportional, and supported by the best available science.**

In denying a similar petition concerning West Coast whales, NMFS concluded: whale populations off the West Coast are increasing or stable and mortality levels did not appear to be preventing recovery. ESA and MMPA do not require agencies to impose new restrictions simply because take occurs. They require action when recovery is being jeopardized.

**The Commission should apply the same disciplined framework here.** Further, the Commission should require evidence that current Oregon management is **impeding recovery**, not merely that entanglements occur.

The petition implies that any ESA-listed entanglement requires immediate closures and sweeping restrictions. That is not the legal standard under federal law, and it should not become the standard under Oregon law.

Adaptive management is a better approach than over-reaching mandatory closures or other mandatory management measures. What is being proposed in the petition are not incremental

adjustments, they fundamentally restructure the fishery and frankly, they threaten the continued existence of the fishery itself.

**The Commission must decide:**

- **Are current entanglement levels preventing whale recovery?**
- **Are the petition's requested measures necessary and appropriate currently?**
- **Or are they precautionary expansions beyond what science and law require?**
- **Should Oregon abdicate their management authority of the Dungeness crab fishery to extreme environmental groups?**

The petitioners have shown time and again their disdain for commercial fishing in general. They threaten litigation to bully management bodies into submission as they are attempting to do now. Litigation is a focal point of their respective organizations' funding strategy. Stand up to this pressure and applaud the industry and ODFW for the ongoing collaborative work they are already engaged in.

We take whale entanglements seriously. But regulation must be grounded in population-level science, proportional to demonstrated risk, and consistent with adaptive management principles. The petition's proposed measures go well beyond what the best available science currently justifies. The Commission should continue data-driven mitigation efforts and reject the petition as drafted.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script that reads "Heather Mann".

Heather Munro Mann  
Midwater Trawlers Cooperative