

F/V J&C  
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Dear Council Members:

I pass by derelict crab gear often while I am transiting through the RCA. I am required to leave the derelict crab gear in the water because limited entry vessels, under the VMS rules for the RCA, can't stop in the RCA. What's wrong with this regulation? Regardless of the fishery, we need to create the opportunity for the retrieval of derelict crab gear, any time we see it – anywhere.

I request that you start the process for regulation changes to allow for the retrieval of derelict crab pots in the RCA when the opportunity arises. As a member of the tri-state crab commission, I have brought this up at our meetings for three years. At our May 2014 meeting all the tri-state delegates and state agencies support this change. I was given the task of making this proposal to the PFMC with the full support of the CA, WA, OR members and state agencies.

I've been a commercial fisherman for 35 years and have come to realize that it's not just about catching fish and making money, but using the resource in a way that will benefit myself and future generations. The issue at hand is the retrieval of derelict crab pots in the RCA. This affects those of us who are limited entry fixed-gear, shrimpers, and draggers or any vessel under the VMS regulations. An example is the complication of salmon trollers, they have the ability to pick up derelict gear but can't do it if they have any groundfish bycatch on the boat. Another example, crabbers are able to retrieve pots outside the RCA boundaries without any restrictions; within the RCA we are prohibited from slowing down when the opportunity presents itself to retrieve a derelict crab pot – this is a regulation that impacts VMS boats. Because of the distances involved and the nature of the environment, current, weather and wind, encountering a pot in the RCA at a specific location and time could be the only opportunity to retrieve that derelict gear. It's a moment in time to do the responsible thing—to clean up the ocean from derelict gear and return gear to the owner.

The way things are now, if we declare crabbing with NOAA VMS program, at any time of the year we can go out and search for derelict gear within the RCA. Once the crab season closes, we are trying to develop a retrieval program that will allow the fleet in an organized way to retrieve derelict gear regardless of where it is. In direct response to the willingness of Oregon Fish and Wildlife and OR Dungeness Crab Commission to develop a program to retrieve gear four years ago, Oregon received \$800K from NOAA to facilitate development of an organized crab pot retrieval program. The program obviously ranked with a lot of merit and importance from NOAA in an effort to clean up derelict crab pots. The enforcement of the RCA through the VMS program is also under the auspices of NOAA to monitor vessel activity in the RCA. This is a contradiction of the reality between the federal VMS and state program to retrieve gear. On the one hand you want to fund a crab pot gear retrieval program and on the other hand you stop us from retrieving crab gear in the RCA. Through the NOAA gear retrieval grant we do have statistics that we can draw from to see the likelihood of catching any groundfish in derelict gear if that is a concern.

To leave thousands of crab pots in the RCA in lieu of NOAA's fear someone might catch a fish if a boat slows down – when they are actually retrieving derelict crab gear – should be adaptively managed so the single opportunity to retrieve the crab pot or bouquet of pots should be allowed for a boat regardless of the fishery involved in at that time. Since 650-800 boats on the west coast have a VMS reporting system depending on the time of year this is a significant number of vessels that could retrieve derelict crab gear.

A simple solution would be through the VMS declaration reporting system where fishermen could declare in real time using their cell phones the time, date, duration, and location that they are stopping to retrieve derelict crab gear. Lacking cell phone reception or even having a cell phone, upon completion of the trip the fishermen can report via land phone to NOAA the time, date, duration, and location of the retrieval. Whether a fisherman retrieves one to any number of pots, this critical opportunity should be encouraged and adapted for because the opportunity is usually a moment in time to get that particular derelict gear out of the water. Given the potential threat that this derelict gear left in the water poses to the environment, marine life, and gear conflicts between other west coast fisheries it would behoove us to improve the present RCA regulations so commercial fishermen can do the right thing. Derelict gear poses a threat to vessel safety, entangling props, entangling with troll salmon gear, problems with shrimp and groundfish nets; these pots are a significant problem.

It is a shame that NOAA treats all fishermen as if we're out to do something nefarious. 99% of the fleet are stopped from doing the right thing because of the 1% that none of us can trust.

I am asking you to consider a change to the RCA enforcement program that will allow derelict crab gear retrieval in the RCA. We need to look at all the VMS enforcement conflicts that make retrieval of crab gear impossible and find a simple solution for everyone. This is something that has to be fixed. If (the industry accepted standard) 10% of the gear is lost annually, we can generalize that 13,000 pots are derelict just in Oregon and 70% of the crab grounds are in the RCA. That translates to at least 9,100 pots annually left in the RCA. We are missing an opportunity to be good stewards and responsible agencies and fishermen.

Sincerely,  
Christian Aiello F/V J&C