

TEMPORARY RULE ALLOWING TRANSPORT OF CRAB POTS WITHOUT OREGON BUOY TAGS THROUGH WATERS ADJACENT TO OREGON. Effective Dec. 1, 2006 – March 7, 2007.

635-005-0055

Temp Rule ef. 12-01-06 thru 3-7-07

Fishing Gear

It is *unlawful* for commercial purposes to:

- (1) Take crab by any means other than crab rings or crab pots (ORS 509.415); a crab ring is any fishing device that allows crab unrestricted entry or exit while fishing.
- (2) Use any crab pot which is greater than thirteen cubic feet in volume, calculated using external dimensions.
- (3) Use any crab pot which does not include a minimum of two circular escape ports of at least 4 -1/4 inches inside diameter located on the top or side of the pot. If escape ports are placed on the side of the pot, they shall be located in the upper half of the pot.
- (4) Use any crab pot which does not have a release mechanism. Acceptable release mechanisms are:
 - (a) Iron lid strap hooks constructed of iron or "mild" steel rod (not stainless steel) not to exceed 1/4-inch (6mm) in diameter;
 - (b) A single loop of untreated cotton or other natural fiber twine, or other twine approved by the Department not heavier than 120 thread size between pot lid tiedown hooks and the tiedown straps; or
 - (c) Any modification of the wire mesh on the top or side of the pot, secured with a single strand of 120 thread size untreated cotton, natural fiber, or other twine approved by the Department which, when removed, will create an opening of at least five inches in diameter.
- (5) Place, operate, or leave crab rings or pots in the Pacific Ocean and Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, rings or pots may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited crab rings or pots with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.
- (6) Use commercial crab pots in the Columbia River or Pacific Ocean unless the pots are individually marked with a surface buoy bearing, in a visible and legible manner, the brand of the owner and an ODFW buoy tag, provided that:
 - (a) The brand is a number registered with and approved by the Department;
 - (b) Only one unique buoy brand shall be registered to any one permitted vessel;
 - (c) All crab pots fished by a permitted vessel must use only the Oregon buoy brand number registered to that vessel in the area off of Oregon;
 - (d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-006-1015(1)(g)(E);
 - (e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear; and
 - (f) Buoys attached to a crab pot must have the buoy tag securely attached to the first buoy on the crab pot line (the buoy closest to the crab pot) at the end away from the crab pot line;
 - (g) Additional buoy tags to replace lost tags will be issued by the Department as follows:
 - (A) After 45 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or
 - (B) For a catastrophic loss, defined as direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports.
 - (C) Permit holders must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the specific tag number of each lost tag, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.
- (7) Remove, damage, or otherwise tamper with crab buoy or pot tags except when lawfully applying or removing tags on the vessel's buoys and pots.
- (8) Possess, use, control, or operate any crab pot not bearing a tag identifying the pot as that vessel's, or buoys not bearing tags issued by the Department to that vessel, except:
 - (a) To set gear as allowed under OAR 635-006-1015; or
 - (b) Under a waiver granted by the Department to allow one time retrieval of permitted crab gear to shore by another crab permitted vessel provided that:
 - (A) Vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or sinking;

(B) Circumstances beyond the control of the permit holder created undue hardship as defined by OAR 635-006-1095(7)(d);

(C) A Request must be in writing and a waiver approved and issued prior to retrieval.

(D) A copy of the waiver must be on board the vessel making the retrieval. (Contact Oregon Department of Fish and Wildlife License Services, Salem for guidelines.)

(c) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon while possessing crab pots not bearing Oregon buoy tags provided that:

(A) The vessel is authorized to participate in the Dungeness crab fishery of an adjacent state; and

(B) The ODFW Marine Resources Program in Newport has received notice in writing 48 hours prior to transit with vessel name, number of pots, departure location and destination, and approximate time of departure and arrival.

(9) Attach one crab pot to another crab pot or ring net by a common groundline or any other means that connects crab pots together,

(10) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

(11) Operate more than 15 crab rings from any one fishing vessel in bays or estuaries, except the Columbia River.

(12) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a crab pot allocation has been issued to the permit required under OAR 635-006-1015(1)(g).

(13) Deploy or fish more crab pots than the number of pots assigned by the crab pot allocation certificate or to use any vessel other than the vessel designated on the crab pot allocation, except to set gear as allowed under OAR 635-006-1015.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 and 506.129

Hist.: Adopted 11-28-06, ef. 12-01-06

If you plan on transporting crab pots without Oregon buoy tags across waters adjacent to Oregon, you **must** notify ODFW (by FAX, email, or US mail) by providing the information required in the underlined section (8 c) of the temporary OAR **635-005-0055**. This notification must be received in the Newport office 48 hours prior to gear transport. A separate notification must be received for each day gear is transported.

Information that must be provided:

Vessel name _____

Number of pots _____

Departure location and destination _____

Approximate time of departure _____

Approximate time of arrival at destination _____

FAX notification to: 541-867-0311

Email notification to: crab.pots@state.or.us

Mail notification to: Crab Pot Transport Notification
ODFW – Marine Resources Program
2040 SE Marine Science Dr.
Newport, OR 97365

For further information, please contact the ODFW office at 541-867-4741
Mitch Vance ext. 233, or Cyreis Schmitt ext. 265