



Oregon

John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife

Marine Resources Program
2040 SE Marine Science Drive
Newport, OR 97365
(541) 867-4741
Fax: (541) 867-0311
www.dfw.state.or.us



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Subject: Recent Ocean Commercial Crab Rule Changes

Oregon Ocean Commercial Dungeness Crab Permit Holders and Interested Persons,

On April 20th, 2012 the Oregon Fish and Wildlife Commission (OFWC) adopted a number of Oregon Administrative Rule (OAR) changes to the current commercial Dungeness crab regulations. These changes were developed over the past two years by Department staff, Oregon State Police and stakeholders to provide clarity, increase staff efficiency, improve enforceability, and lessen the regulatory burden on industry. A description and rationale for each of the changes are listed below and the adopted rule language can be found on our website at <http://www.dfw.state.or.us/OARs/>.

- 1. Require buoy tags on rings (throughout Dungeness crab OARs) – Industry, OSP, and Department staff have the common understanding that the intent of the pot limit program was to limit the total amount of gear that may be fished in the ocean by a permitted vessel regardless of gear type. The change will require fishermen to affix buoy tags to their ring gear in order to legally fish with them for Dungeness crab in the ocean. This change was adopted by temporary rule for the current 2011-12 season and there have been no known issues with its implementation to date. The permanent rule change will continue to require fishermen to affix buoy tags to their ring gear in order to legally fish with them for Dungeness crab in the ocean.**
- 2. Allow hold inspection date flexibility (OAR 635-005-0045) – Dungeness crab permitted vessels are required to obtain a hold inspection to ensure their vessel is free of crab immediately prior to fishing in the upcoming crab season. The hold inspection rule language only allowed for hold inspections on a single day, November 30, and the vessels not receiving a hold inspection on that day were prohibited from participating in the fishery until after January 1. The rule was modified to allow officials to conduct hold inspections beginning on the day prior to the opening of the season and by appointment any day thereafter, thus allowing flexibility and the opportunity for vessels that miss the first inspection day to participate in the fishery prior to January 1. Vessels are still required to obtain a hold inspection before delivering crab within the first 30 days of the season. This change was adopted by temporary rule for the 2011-12 season and there have been no known issues with its implementation to date.**
- 3. Allow retention of crab from derelict gear (OAR 635-005-0055(9)(b)(D)) – The rules governing derelict gear retrieval required crab from all derelict gear picked up in-season to be returned to the ocean. At the 2011 Summit many crabbers expressed that this regulation serves as a disincentive to recover derelict gear. The rule was modified by temporary rule for the current season to allow vessels to retain crab from any derelict crab gear brought in during the ocean crab season.**

The permanent rule change will continue to allow crab permitted vessels to retain legal-sized male crab from any derelict crab gear brought in during the ocean crab season.

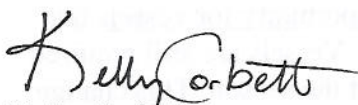
4. Clarify transiting rule language (OAR 635-005-0055(9)(e)) – The rule for transiting with untagged gear onboard only required a vessel to be authorized to participate in the Dungeness crab fishery of an adjacent state. This rule language allowed a loophole for bi/tri-state permit holders to transit between ports in Oregon with untagged gear onboard even if they were not actually en route to participate in or returning from participating in another state’s crab fishery. The rule was changed and now requires fishermen to be actively en route to participate in, or returning from participating in, an adjacent states’ fishery in order to have untagged gear aboard their vessel. The additional rule clarification will strengthen OSP’s ability to enforce pot limits and combat crab and pot theft by reducing the amount of time vessels are allowed to have unmarked crab gear onboard.

5. Reduce temporary rule changes when a season is delayed (throughout Dungeness crab OARs) - To reduce the complexity of temporary rule development that facilitates delayed/split area season openings two permanent rule modifications were adopted by the OFWC. First, the derelict gear retrieval period that did begin on December 1 was changed to begin instead at “the start of the season”. The modification retains the intent of the derelict gear rules by prohibiting derelict gear retrieval from October 31 until the start of the next crab season, but makes the rule effective at the start of the next season regardless of the actual date.

Secondly, the temporary suspension of permit transfers in years when the coast is divided into two areas with differing opening dates to facilitate the 30 day “fair start” provision was put into permanent rule. This provision restricts vessels that started fishing in the first opened area, from fishing in the second area until 30 days after the second area opens. If permit transfers are allowed during the fair start period, permit holders can circumvent the intent of the fair start provision by transferring a permit from a vessel that participated in the earlier opening to one that did not, and then participate in the later opening before the 30 day period is over. Permit transfers will still be allowed after the expiration of the fair start period, so 30 days after the later opening date.

Both of these changes put into permanent rule changes that have historically been made through temporary rule when there is a delay in the opening of the season in one or more areas. These changes will result in more rule transparency and staff efficiency in seasons when there are delays.

Thanks to all who participated in developing these changes to better suit the needs of the fishery and its participants. Please contact me if you have any questions.



Kelly Corbett
Commercial Crab Project Leader
541.867.0300 ext. 244