Agenda Item Summary

BACKGROUND

Oregon commercial fishing regulation, OAR 635-005-0055, requires that Dungeness crab pots have a release mechanism that allows for the escape of legal-sized crab from lost or derelict gear in addition to, at least, two 4 ¼ inch diameter escape rings for sublegal-sized crab. The crab pot release mechanisms work by incorporating degradable materials into the lid or wire mesh of the pot that provide escape portals large enough to allow legal-sized adult crabs to escape once the material gives way (estimated to be 2-3 months when pot is submerged). The commercial Dungeness crab industry utilizes multiple construction methods to provide release mechanisms for crabs that are trapped in lost (derelict) pots. The current release mechanism rule specifies how degradable materials are to be used but is ambiguous in several ways which has caused multiple interpretations of the intent of the rule and subsequent confusion both with industry and enforcement officers. This agenda item proposes rule modifications to clarify the intent of the release mechanism rule, to aid in interpretation, compliance and enforcement by all parties.

PUBLIC INVOLVEMENT

- Commercial Dungeness Crab Summit, July 2009: discussion of the issue with enforcement officers and industry.
- Notice to all Commercial Dungeness Crab Permit holders, November 2009: notification that there would be no changes to the 2009-2010 season regulations (or enforcement methods) but that there would be proposed rule language change for the 2010-2011 season (Attachment 4).
- Oregon Dungeness Crab Advisory Committee (ODCAC) meeting, May 2010: shared proposed language with industry representatives, Oregon Dungeness Crab Commission (ODCC) staff and Oregon State Police representatives.
- Notice to all Commercial Dungeness Crab Permit holders, July 2010: notification of the OFWC meeting, the nature of the agenda item and conceptual basis of changes (Attachment 5).

ISSUE 1

RELEASE MECHANISMS ON CRAB POTS

ANALYSIS

Per OAR 635-005-0055 (4), release mechanisms on commercial Dungeness crab pots are either incorporated into the lid closing mechanism or into the wire mesh of the crab pot. The degradable materials used to create the release mechanisms are either degrading metal strap hooks (e.g. made of "mild" steel) or untreated cotton twine which may be used in either the lid or wire mesh mechanisms. Proposed changes to the rule (Attachment 3) attempt to meet the following overall goals: 1) clarify the language and prevent multiple interpretations, 2) protect the crab resource by requiring adequate release mechanism design, 3) have a low economic impact, 4) make language more consistent with bordering states.

Staff is proposing two significant changes to OAR 635-005-0055 (4) in an effort to accomplish each of these objectives. First, staff is proposing to

remove the option of using degradable metal hooks as a release mechanism method (section (4)(a) of current rule). According to the participants at the Oregon Dungeness Crab Advisory Committee (ODCAC) meeting on May 6, 2010, this method is not used widely by the industry.

Secondly, staff is proposing changes to section (4)(c) of the current rule to clearly define the minimum size opening and the number of times cotton may be wrapped and knotted to the mesh when utilizing wire mesh release mechanisms. In current rule, the description of the minimum size of the opening does not match how the majority of industry is rigging their release mechanisms or what is biologically required for crab to escape through the release mechanism, should the pot become derelict. The proposed language would allow two of the more common rigging methods (as long as all other rule specifications are met), commonly known as the "V" and "W" methods and would disallow a method that is not currently intended to be legal, commonly know as the "O" method. The three methods are visually described in the notice to the industry (Attachment 5).

Costs incurred by individual fishermen to comply with any rule changes are unknown. The magnitude of these costs depends on how many crab pots in the fleet currently comply and costs of labor and materials to modify the pots, which are both considered to be relatively low (Attachment 2).

In addition, current Oregon rule is dissimilar to both Washington and California rule, complicating gear rigging for Oregon fishermen who fish across the state borders. The proposed rule changes will make Oregon rule compatible with California rule.

OPTIONS

1. Adopt and modify OAR 635-005-0055, as proposed by staff in Attachment 3.

2. No action (status quo).

STAFF RECOMMENDATION

Option 1.

DRAFT MOTION	I move to amend OAR Chapter 635 Division 005-0055 as proposed by staff and shown in Attachment 3.
EFFECTIVE DATE	September 1, 2010.