

November 13, 2009

**ODFW INDUSTRY NOTICE TO: COMMERCIAL
DUNGENESS CRAB FISHERS****Clarification of regulations for crab pot release mechanisms
through the 2009-2010 season**

This notice is being sent to all commercial Dungeness crab permit holders, clarifying that there will be no new regulations or special enforcement plans for crab pot release mechanisms in the 2009-2010 season.

While the ocean season for commercial Dungeness crab is expected to start as planned on December 1, 2009, there has been confusion in the crab industry about what rigging methods comply with the ODFW rule (OAR 635-005-0055 (4)). As you know, this rule directs industry to build degradable release mechanism portals in each pot to allow crabs to escape from derelict pots. The language of the rule is as follows:

635-005-0055

It is *unlawful* for commercial purposes to:

- (4) Possess on a vessel, use, control, or operate 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 ¼-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.

There is confusion in the interpretation of section (4)(c), which describes the use of rotten cotton. Currently, industry uses at least 4 methods: "O", "V", "W" and "U" or "zipper" to replace a small section of the crab pot wire mesh. At the 2009 crab summit in Newport, Lieutenant Jeff Samuels of the Oregon State Police told industry that the "O" method is not compliant with the rule. However, there has not been clear communication between ODFW, ODCC, OSP and industry since that time. Therefore, the 2009-2010 season will be enforced using status quo interpretation of the rule (using the same enforcement thresholds that were in place during the 2008-2009 season). The Oregon State Police will be taking enforcement action on commercial fishers whose crab pots are determined to not have a release mechanism or have been altered so as to be non-functional.

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However, the current rule remains unclear and some interpretations do not meet the rule's intent. Therefore, this rule will be changed for the 2010-2011 season. Over the next few months, ODFW will be testing the various rigging methods currently used by industry to determine which method best allows crab to escape from derelict pots. It is our intention to stipulate a single rigging method with clear, enforceable language for the 2010-2011 season. We will present draft rules to the Oregon Fish and Wildlife Commission in the spring of 2010.

This industry notice is a collaboration among ODFW, the Oregon Dungeness Crab Commission and the Oregon State Police.

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Please contact the ODFW Marine Resources Program or Oregon State Police if you have questions. Contact at ODFW is Caren Braby at (541) 867-4741.