



Department of Fish and Wildlife

MARINE REGION

MARINE SCIENCE DRIVE, BLDG. NO. 3, NEWPORT, OREGON 97365

May 25, 1985

To whom it may concern:

Subject: Changes in Commercial Clam Regulations

Attached is a copy of our statement that we will present to our Commission at 2:00 p.m. on May 31, 1985 at our Portland office. If you have the time I would like to encourage you to attend this meeting to express your viewpoints. Our Portland office is at 506 SW Mill Street.

Sincerely,

REDACTED FOR PRIVACY
REDACTED FOR PRIVACY

Tom Gaumer
Fish and Wildlife Biologist

Staff Statement
On Commercial Clam Fishing
For Public Hearing, May 31, 1985

Problem

Under present regulations clams and mussels are being harvested both for bait and human food from a number of our estuaries and from the open coast. A portion of the clams harvested by commercial diggers are not sold as required by law and thus are not reported and do not have poundage fees paid on them. Non-reporting results in a loss of compensation to the State of Oregon and affects staff capability to evaluate the status of clam stocks. Assistance to enforcement is needed.

Clams and mussels that are harvested from restricted areas or during restricted times may enter the food market presenting a potential public health problem. Specific controls are needed to remedy this situation.

Commercial clam fisheries in bays and on beaches occur in proximity to recreational fisheries adding to the social dimension of clam management. Requiring fishermen to have a permit to enter this fishery in addition to their commercial license would measurably assist the staff in gathering information and in controlling the area and amount of harvest.

Background

Commercial fishermen are required by law to have a commercial fishing license and to sell all of their catch to a wholesale fish dealer, even if it is to be used for bait in their own fishing operations. In a 1976-1980 study, staff found that 90,892 pounds (26%) of commercially taken razor clams were used for bait or personal use but were not reported. In 1982, 18,662 pounds

of razors were not sold to licensed buyers. In 1983 an estimated 20,000 pounds of bay clams were not sold.

The commercial harvest of shellfish is restricted in many parts of Oregon estuaries by the Oregon State Health Division (OSHD). Such areas are closed primarily because of potential for fecal coliform contamination. Occasionally an outbreak of paralytic shellfish poisoning (PSP) will result in a closure by OSHD of portions of our open beaches and adjacent estuaries to the commercial harvest of clams and mussels.

These closures are difficult to enforce as some diggers harvest clams in restricted areas or during times of PSP outbreaks under the guise of being "for bait" and then sell the clams for human consumption, creating a potential health hazard. The clams may be held in live boxes in an unrestricted area where they can be easily mixed with food grade clams.

Biology

Clams are abundant intertidally and subtidally in 11 of Oregon's estuaries and along the open beach. Mussels are found in all rocky areas along the beach. Seven estuaries have extensive populations of clams. The six species of clams frequently taken by sport and commercial fishermen include the butter, cockle, gaper, littleneck, softshell, and razor.

All clams and mussels are filter feeders and in the process of taking in water and removing food organisms, they stand a good chance of ingesting and accumulating contaminants. Toxic material and human pathogens are usually concentrated in the gills and digestive organs. Eating contaminated shellfish can cause several diseases including paralytic shellfish poisoning and hepatitis. Mussels are known to pick up PSP faster and retain it longer than the other species of bivalves. Mussels and littleneck clams are usually eaten uncleaned. Because of this, the chance of picking up contaminants when eating this species is higher than it is for species that are cleaned before eating.

The Fishery

Commercial fisheries occur on razor and bay clams and mussels in Oregon. There is a small intertidal bay clam fishery pursued with shovels in several of our estuaries. The main commercial fishery on bay clams is subtidal where Scuba divers take clams by hand or by mechanical means. Mechanical harvest is limited to a hand-held water jet or suction pump device and is allowed only in Yaquina and Coos bays. Razor clams are taken intertidally using shovels, and mussels are taken by hand or hand-held tools.

The range of bay clam harvest since 1970 varies from 17,000 lbs in 1974 to 217,000 lbs in 1978. In the last five years landings ranged from 81,000 to 136,000 lbs.

The number of bay clam diggers varied from 13 in 1976 to 46 in 1971 and 1982. In the last five years the range was 27 to 46.

Since 1970 the razor clam harvest varied from 100 lbs in 1983 to 118,000 lbs in 1976. The number of diggers ranged from 9 to 391 in 1983 and 1976, respectively.

Since 1972 the harvest of mussels has ranged from 0 in 1973 and 1974 to 61,000 lbs in 1980.

User Views

In 1984 shellfish staff conducted a "Town Hall" meeting in Tillamook to discuss our management objectives and to listen to the concerns of the user groups.

Sport fishermen in general expressed little concern about the commercial harvest of subtidal clams. Their main concern was the need for assurance that the commercial fishery would not jeopardize the brood stock. A business owner in Garibaldi was concerned about overharvest of brood stocks, and expressed concern over clams being dug in a restricted area and entering the food market.

Commercial fishermen expressed concern over lack of enforcement against commercial fishermen taking clams from restricted areas and selling them in food markets.

In March 1985 staff talked to most of the major commercial clam fishermen, several key wholesalers, and a few crab fishermen that use clams for bait. All were receptive to staff's views that regulation changes were needed. In May 1985 staff conducted meetings in Astoria, Newport, and Coos Bay. A complaint heard concerned Washington diggers buying Oregon commercial licenses to take clams and that these clams were not being sold. All razor clam diggers stated that they sell their catch shortly after harvest and the 24 hour limitation would present no problem.

Commercial bay clam diggers were generally in agreement with the proposed regulation changes. Some concern was expressed as to how we would issue permits.

Enforcement

For several years the Oregon State Police have asked our staff for regulation changes to help them enforce shellfish laws. They say that two changes would make their task considerably easier; (1) require the harvester to sell their catch within a designated time, and (2) require that clams taken in restricted areas be dyed for ease of identification and kept separate from clams sold for human food. Alaska presently requires dyeing and separation for razor clams taken from restricted areas.

Discussion

Investigation of the commercial clam fishery revealed several problems affecting the management of our shellfish resources and the enforcement of existing laws. Not only is there a suspected loss to the State through the failure of people to sell clams taken under commercial license, but the potential for a public health problem is significant. About half of the subtidal clam stocks in Tillamook Bay occur in a restricted shellfish harvest zone. During the past year staff has received numerous complaints that clams

taken in the restricted zone for "bait" are ending up in the food market. The OSP attempted to trace the clams harvested from restricted areas, but after the clams were sold to a wholesale dealer they could not be distinguished from those taken from approved areas and a case could not be made.

In 1984 the OSHD posted a paralytic shellfish poisoning alert for the Oregon coast extending from Yaquina Head to the Columbia River. Commercial shellfish harvest was prohibited from June 28 to July 12. This prohibition applied only to those clams taken for food. Clams were taken for bait and the OSHD suspected that some of these clams ended up in food markets because of the higher prices available there. Separate handling and dyeing would aid OSP in keeping this fishery in order.

Staff and OSP recognize that the lack of a "time element" in the law requiring sale of fish and shellfish taken legally under a commercial fishing license stifles enforcement. While opportunity for this kind of abuse is possible in all the fisheries it is most common with razor clams where the majority of the diggers are not digging with the intent to sell. A short time period for selling e.g., 24 hours after leaving the beach or landing from a boat would best aid enforcement. This was acceptable to professional clam diggers interviewed on the subject.

During the past several years the Commission has approved a permit and logbook system for the mussel and sand shrimp fisheries. The permit has provided staff with an effective management tool for these two fisheries. A similar system for our bay and razor clam fisheries would give ODFW benefits that would:

- (1) provide staff a means to control area and level of harvest in our commercial clam fisheries;
- (2) provide staff with additional biological data through the use of logbooks;
- (3) provide a list of all commercial diggers for rapid communication contacts especially during periods of PSP alerts or sewage treatment plant failures;
- (4) facilitate reconciling location of harvest on fish tickets;
- (5) aid enforcement of commercial fishing regulations.

Summary of Problems and Solutions

In summary, the following problems exist in the commercial clam fishery. Options for solution are presented for each problem.

- (1) Commercial fishermen retain clams taken, using their licenses for personal use.

Options (A) Status quo.

(B) Require harvested clams to be sold within 24 hours.

- (2) Recreational diggers obtain commercial licenses to be able to take more clams than their bag limit.

Options (A) Status quo.

(B) Require harvested clams to be sold within 24 hours.

- (3) The OSP find it nearly impossible to keep track of shellfish enroute from fisherman to wholesaler since there is no time limit on selling a catch.

Options (A) Status quo.

(B) Require harvested clams to be sold within 24 hours.

- (4) Some commercial diggers take clams for "bait" in restricted areas or during PSP alerts and later sell these clams for human consumption.

Options (A) Status quo.

(B) (1) Require that all clams taken for bait from restricted areas or during closed periods be dyed with a food, drug and cosmetic approved dye.

(2) Require that all dyed clams be kept separate from food grade clams and that dyed and food grade clams not be simultaneously present on a boat used in harvesting.

(C) Close restricted or closed areas to all commercial harvest of clams and mussels for bait.

- (5) The Department has inadequate control on how or where the commercial fisheries takes place.

Options (A) Status quo.

(B) Commission approve a permit system which would grant staff authority to require logbooks, and to designate harvest areas and amounts by species.

Recommendations

To bring our commercial clam and mussel harvest regulations up-to-date we recommend the following:

- (1) Require all commercially harvested shellfish to be sold to a wholesale fish dealer within 24 hours of landing.
- (2) Require that all clams and mussels landed from restricted areas or during PSP alerts be identified with an FD&C approved dye before being transferred from the beach or area of harvest.
- (3) Require that clams and mussels intended for human consumption not be simultaneously present in the same boat, or stored with bait clams and mussels.
- (4) Require all commercial clam fishermen to obtain a permit from the Department to harvest clams.

Fish Division

May 21, 1985

TIME 1:00 PM

OFFICER'S REPORT

No.

Place Astoria

OREGON STATE POLICE

County Clatsop

Subject COMMERCIAL RAZOR CLAM HARVESTORS

February 28, 1985

ATTN: DEPARTMENT OF FISH & WILDLIFE - MARINE REGION

In 1984 the harvest of razor clams on the Clatsop County beaches has increased substantially over the last several years of poor harvest. The razor clams have increased in numbers and size making it a favorable past-time for sport diggers and a financial plus over past years for the commercial harvester.

In regard to the commercial harvest, this year as in past years, the problems still exist.

Commercial diggers are not limited to the quantity of clams taken. They are required to meet size requirements. An increase in commercial diggers is evident. If the harvest is good, sport diggers buy commercial licenses. Therefore, small clams can be put back. Many diggers are not knowledgeable on the care and placement of these small clams which is evident by the shore bird activity surrounding them.

Though the commercial digger is required to sell their catch, it is not being done. It is hard to follow-up on out of area diggers to ascertain if they sell their catch. If a commercial digger is checked at the digging area and has made a transportation slip out, it gives enforcement an idea where intention is made to sell the clams. At this time and date, there is no requirement nor time period in which the catch has to be sold; so, the lack of requirement leaves a gaping hole on what has actually happened to the clams. Without the requirement, it is hard if not impossible, to keep track of the pounds of clams dug commercially that are not sold,

There is an increase in commercially taken razor clams being sold to crab fishermen for bait. These clams are never recorded nor fish tickets or poundage fee paid.

Information has been received that commercial diggers also sell directly to restaurants for much more profit rather than going through the required channels; again, because there is no time limit nor follow-up procedure to put a handle on the selling through required channels.

Information has also been learned that fish transportation slips are no longer even being printed. Though an individual digger can make his own out, a printed form aids them in the required information that has been lacking. Transportation slips of late have been from napkins to the back of Copenhagen cans. In summary, there is an increase in commercial diggers and a lack of regulations that can be applied to keep track of the clams sold or not sold.

Officer's Report
Commercial Razor Clam Harvestors
2-28-85
Page 2

SOLUTION: Enforcement efforts could greatly be aided by a time period in which the razor clams had to be sold. A 24 hour time period would be sufficient time to sell one's catch.

A commercial shellfish log could be used to enter date, species, location where sold and initialed by a buyer when transported. This log could also act as a Transportation Certificate.*

Existing regulations requiring them to retain the record could also remain in effect.

In applying the above ideas from an enforcement standpoint the following could result. It would make the regulations enforceable. It would aid in more clams being sold thus more revenue from poundage fees; and, it could help control the beach marketing of the resource.

REDACTED FOR PRIVACY
REDACTED FOR PRIVACY

810-13 Michael J. Schacher, Sr. Tpr.

MJS:lma
la 2-28/2-29

*Refer to attached example

APR 11 1985



Department of State Police
DISTRICT HEADQUARTERS
2700 N. PACIFIC HIGHWAY, MEDFORD, OREGON 97501

APR 16 1985

M E M O R A N D U M

✓
76

TO: MR. JOHN C. WILLIAMS, SUPERINTENDENT

ATTN: Lee R. Hyder, Major

SUBJECT: UNLAWFUL TAKING OF COMMERCIAL SHELLFISH
FOR PERSONAL USE

REFER: To telephone request by Lt. Brosnan, dated 04/05/85.

The writer has checked with all of the Game Division members who have worked commercial clambers in District III as requested.

On June 29, 1983 Senior Trooper Roger Tuers cited two (2) individuals for No Wholesale Fish Dealers License. These men had gone clamming for personal use and did so well they decided to continue and harvest clams on their Commercial Fishing license. They kept the clams and were selling them themselves when apprehended.

There have been numerous other suspected case of personal use harvest being mixed with a commercial operation that were contacted but no commercial cases were made.

JERRY R. GYLLENSKOG, MAJOR

REDACTED FOR PRIVACY.
BY REDACTED FOR PRIVACY

Michael A. Daugherty, Lieutenant

nja

April 10, 1985

APR 10 1985

Form 34-30M

TIME 3:00PM

OFFICER'S REPORT

No.

Place TILLAMOOK

OREGON STATE POLICE

County Tillamook

Subject COMMERCIAL SHELLFISH - HEALTH DEPARTMENT CLOSURES

April 8, 1985

Reference is made to Lieutenant Dudley Nelson's phone conversation with First Sergeant Hays of the Tillamook Patrol Office requesting writer outline problems associated with State Health Department regulations concerning commercial clam harvest.

In recent years Tillamook Bay has experienced a marked increase in the commercial harvest of cockle, butter and littleneck clams. The bulk of these clams are not being harvested by the traditional method of digging or raking at low tide but are being taken subtidally by the use of scuba gear.

There exists in Tillamook Bay an area closed to the taking of clams for human consumption by commercial operators. The restriction is imposed by the State Health Department. The closed area is north of a line extending from Hobsonville Point to Kincheloe Point and includes the high density clam beds just to the south of Garibaldi.

In the past, commercial digging in this closed area has not been a problem. Notwithstanding the Health Department regulation prohibiting it, commercial diggers would undoubtedly find it difficult to make a profit using traditional methods due to the years of harvest by literally thousands of sport diggers. However, with the use of scuba gear, a commercial fisherman can take large numbers of clams subtidally off the beds never exposed to the sport digger.

At least one and possibly more of these operators are consistently taking clams from the closed area. These clams are then sold to local wholesale dealers as bait clams. At times these closed area clams are shipped to dealers outside the Tillamook-Garibaldi area making it nearly impossible to ascertain if the clams were sold as bait or for human consumption.

Additionally, wholesale dealers often buy both bait and foodfish clams. Once the clams are on the licensed premises they can be intermingled and it is impossible to differentiate between the two.

A good example of how unworkable the present regulations are occurred approximately one year ago in Garibaldi.

A local business named "The Wharf" was dumping raw sewage directly into the bay and over the aforementioned closed area clam beds. State Health Department officials ordered the owner to cap the sewage outfall which he did; however scuba divers continued to take clams from directly underneath "The Wharf". The clams were sold as bait initially however there is no way of determining if these clams were later sold for human consumption.

In closing, writer would recommend that in those areas permanently closed to shellfish harvest for health reasons, such as Tillamook Bay, the Department of Fish and Wildlife also adopt a regulation prohibiting all commercial harvest as well. This would alleviate the potential problem of contaminated

clams being sold as food clams.

REDACTED FOR PRIVACY
REDACTED FOR PRIVACY
REDACTED FOR PRIVACY

696-10 Stephen J. Shaw, Sergeant

OREGON STATE POLICE
M E M O R A N D U M

Director

Operations

Management

APR 16 1985

Troll Salmon

TO: Mr. John C. Williams, Superintendent
Attn: Lee R. Hyder, Major

FROM: John C. Duman, Major

By REDACTED FOR PRIVACY
REDACTED FOR PRIVACY

Michael R. Ross, Lieutenant

SUBJECT: COMMERCIAL CLAM VIOLATIONS

REFER: To phone conversation on April 5, 1985, with Lieutenant Daniel Brosnan regarding arrests or incidents involving: The commercial take of clams from closed areas; using commercial license to exceed personal use bag limit - not selling to wholesale dealer; mixing of commercial and sport catches of clams in the same operation.

In conferring with coastal game members, it appears no arrests or incidents involving the above violations have occurred in recent years.

Several members advised there have been occasions when they have checked commercially licensed fishermen who appear to be using their license to take more than their personal limit, although no case could be made.

For a short time several commercial diggers attempted to take clams for bait from Siuslaw Bay which is closed to the commercial take of clams for human consumption. Apparently it was not profitable. No complaints or problems were noted.

None of the members had experienced situations where diggers were mixing commercial and sport catches.

MRR:gn

Salem, Oregon
April 12, 1985

T-9. 5/16

TIME 9:00AM OFFICER'S REPORT No.
 Place TILLAMOOK OREGON STATE POLICE County Tillamook
 Subject PROPOSED SHELLFISH REGULATIONS May 14, 1985

Reference is made to the attached letter dated April 5, 1985 by Tom Gaumer concerning shellfish regulation changes.

In response to Mr. Gaumer's letter, writer respectfully offers his opinion on each of the five proposals made by Mr. Gaumer.

The first proposal dealing with the dying of bait clams would be acceptable to writer if some requirements were set. First, writer feels it imperative that certain standards be established as to what color, type and method are used in dying the clams so as to insure uniformity.

In addition to the methods by which the clams are to be dyed, writer also requests consideration be given to imposing a time element in which it has to be done. Writer suggests that if the clams are being taken with the use of a boat the clams be dyed prior to offloading. If the clams are dug on the shore, they must be dyed prior to leaving the immediate digging area.

The second proposal would require all commercial diggers to have a permit.

Writer feels this requirement would be backed by the legitimate commercial clam digger. A regulation of this type would help eliminate the opportunistic commercially licensed person who exceeds the daily bag limit on clams under the guise of being a commercial clam digger.

This type of activity is particularly prevalent when dealing with razor clams on the north coast. A great many people in the Astoria-Seaside area are licensed commercial fisherman, however most are licensed for reasons other than for the purpose of clam digging. They are licensed because they own, operate or work on gill net boats, crab boats, trollers, dragners, etc. but since they are licensed they can additionally take razor clams commercially. Few of these clams are sold. Most are taken home for personal use or sold illegally. A permit would be a valuable enforcement and administrative tool yet be a minor imposition on the legitimate digger.

The third proposal requiring clams and mussels be sold within twenty-four hours of harvest is strongly backed by writer for many of the same reasons previously mentioned in addressing the permit.

Under the present regulations, or lack thereof, a fisherman can dig clams with no time restriction as to when he has to sell them. The legitimate digger will normally sell as soon as possible while the product is fresh and of high value.

The opportunist digger will take the clams home, shuck them and freeze them. When checked later and queried as to why he didn't sell as required, the fisherman will offer numerous excuses such as waiting for a better price. Although he is technically in violation of not having obtained a wholesale dealer's license to process shellfish, writer does not feel it was the Commission's intent to require a wholesale license for this activity.

Another method used by fishermen when checked is the "stall method". When checked, the fisherman will explain the clams are being stored at a friend's house until a sufficient quantity has been reached and then will be sold. Invariably no one is home at the residence where the clams are allegedly stored. Sometime during the tide series, or even the next series, the violator will dig a like amount and sell them as the original catch.

Numerous man-hours, spanning several days, can be spent attempting to trace these clams with little or no results. A twenty-four hour requirement would help alleviate or eliminate this problem yet not cause any undue hardship on the legitimate fishermen. Additionally, the wholesale dealers should benefit greatly from the increased landings that would otherwise be taken home for personal use or sold to illegal markets.

Proposal four would require bait clams and mussels be kept separate from food animals. Writer doesn't have a strong position either way on this proposal. One advantage to adopting this type of regulation would be that it would further insure bait clams would not become intermingled with food clams. If the dying of bait clams doesn't become a reality, then writer would endorse this regulation to provide separation between the two.

The last proposal would require a logbook in lieu of a transportation certificate. Writer endorses this regulation because it would provide enforcement and management personnel with a quick and readily available record of the fisherman's past activities. Conversely, the fisherman would benefit by not having to fill out and maintain transportation certificates for six months as is now required.

In closing, writer feels the proposals are a positive step for the industry as a whole. They offer enforcement and management the necessary tools it needs to manage the resource yet does not restrict, but benefits, those fishermen and dealers who derive a livelihood from clams and mussels.

REDACTED FOR PRIVACY
REDACTED FOR PRIVACY
REDACTED FOR PRIVACY

696-10 Stephen J. Shaw, Sergeant

SJS/ks

CC: Tom Gaumer, Oregon Department of Fish and Wildlife Marine Region

STAFF STATEMENT
ON "HOUSEKEEPING" CHANGES IN SHELLFISH RULES
FOR PUBLIC HEARING MAY 31, 1985

Problem

Fisheries exist for box crab and possibly for spot shrimp without explicit provision for these fisheries in the Oregon Administrative Rules (OARs). In addition red rock and Tanner crab and sidestripe and coonstripe shrimp are occasionally caught and landed. Staff sees it as appropriate and helpful to officially recognize these crab species and shrimp species by designating seasons and gear for their harvest.

Several provisions in Division 5, Shellfish, are no longer applicable and will be removed given Commission approval.

Background

ORS 506.129 provides that the Commission "...shall by rule: (a) Prescribe the times, places and manner in which food fish may be taken or sold...". Relevant OARs although labeled "crab" and "shrimp", each speak to only one species, i.e. to Dungeness crab and to pink shrimp leaving the status of the other crab and shrimp fisheries unattended. ORS 635-05-056 does allow trawl caught box and tanner crab to be retained and sold provided a permit is obtained from the Department in advance. Further, the Department has issued experimental gear permits (635-06-020) to several fishermen who wanted to fish for spot, coonstripe and sidestripe shrimp during the pink shrimp closed season.

Biology

The biology of these species is not well understood but should be similar to Dungeness crab and pink shrimp. Red rock crab, like Dungeness, is a nearshore species. Box crab, and the shrimp species are found on the outer shelf, 50-100+ fm and tanner crab on the slope at 200-400 fm.

Fishery and Market

The fishery for box crab began in 1982 with the landing of box crab taken incidentally to the trawl fisheries for sole. Subsequently, a few fishermen have modified Dungeness crab gear and fished it with moderate success for box crab. Landings ranged from 500 lbs in 1982 to 272,000 lbs in 1984. Tanner crab landings were 1300 lbs in 1983, the largest annual landing of record. The market has shown some interest in box crab but needs development before the fishery can be described as established.

The only tanner crab landed has been taken under permit in the trawl fishery and handled by processors as an experiment. Immediate market development is unlikely.

No commercial fishery exists for red rock crab.

The shrimp species are not currently landed even though caught in small quantities. The market for these "prawn quality" shrimp would undoubtedly be good should quantities of them be found.

Gear Conflict

Fisheries targeting on these species will probably, in part or exclusively, use pots or traps which are a fixed location gear. This will add to existing conflict with the mobile trawl and troll gear in extensive use.

Enforcement

Action taken to recognize the box crab fishery won't add to existing enforcement demands but will continue a possible loophole for leaving Dungeness crab gear in the ocean after Dungeness season closes August 15. Box crab regulations should preclude this possibility.

OARs to be Removed or Modified

In addition to a few editorial changes in the Division 5 rules there is no longer need for the provisions identified below.

ORS 635-05-020(3) Items (a), (b), (d) and (e). Surveys have shown that cockle clams are not found in the bays in question eliminating the need for permissive regulation.

635-05-145(3) The words....or any other matter, tools, boats, scows.... The remaining words of section (3) provide protection against oyster drill transfer from Netarts Bay to other bays. Removal of these words frees the recreational fishery from conflict with this rule.

Discussion

The proposed actions, with one exception, do not modify existing fisheries, only recognize what is ongoing or no longer needed. These crab and shrimp fisheries may never be major fisheries but they will continue to attract effort. To the degree fishermen are successful, Oregon will have benefited from its fishery resources. Formally recognizing these fisheries removes uncertainty on the part of fishermen and manager as to the fishery's status.

Gear conflict won't be a significant problem if the fishery doesn't develop. If it does then provision for it will be needed, but can be given in context with conditions of that time.

Oregon administrative rule requires that Dungeness crab gear be removed from the ocean when the season closes August 15. A fisherman failing to remove Dungeness gear could say that he was fishing for box crab to avoid a citation. However, summer fishing for Dungeness crab is done inshore of box crab grounds. A line at the 40 fathom curve delineating the shoreward edge of the box (and red rock) crab fisheries at depths beyond Dungeness ground render the excuse ineffective.

Rules providing for no closed season or sex or size requirement and for the use of pot or trap gear would continue the existing fishery. However, as mentioned a shoreward boundary on the box (and red rock) crab fishery is desirable. In addition, using trawls for taking shrimp should be restricted to the time fishing for pink shrimp is allowed to avoid harmful effects on that species.

Wording changes should be made to existing shellfish rule to focus on Dungeness crab and pink shrimp, to eliminate error and to remove some no longer applicable verbiage in the remainder of Division 5.

Recommendation

The crab and shrimp rules should be modified to provide for fisheries on Dungeness, box, red rock and tanner crab and for pink, spot, sidestripe and coonstripe shrimp.

The shoreward boundary for box crab fishing should be 40 fathoms.

Trawling for any species of shrimp should not be allowed November 1 to March 31.

Outdated Division 5 rule should be removed.

Fish Division

May 21, 1985