

## OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON HUMPBACK WHALE ENDANGERED SPECIES ACT CONSULTATION: OREGON FIXED GEAR MARKING REQUIREMENTS

Terms and Conditions in the 2020 Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion on Effects of the Continuing Operation of the Pacific Coast Groundfish Fishery on Humpback Whales require a feasibility study of pot gear marking regulations in the groundfish fishery. To inform this effort, the Oregon Department of Fish and Wildlife (ODFW) offers the following information on fixed gear marking requirements in Oregon state regulations.

In general, all fixed gear fisheries are required to mark gear deployed in Oregon estuary and ocean waters out to 50 miles offshore (the “Fishery Conservation Zone”) unless those requirements conflict with federal requirements, per Oregon Administrative Rule. Gear and marking requirements vary by fishery, but all fixed gear requires a surface buoy marked with owner identification; other fishery-specific requirements are summarized below.

### **All Commercial Fisheries Except Dungeness Crab**

State regulations for marking longlined fish or shellfish trap or bottom longline (i.e. hook-and-line) gear closely match federal regulations and require that gear be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy showing clear identification of the owner or vessel operator.

All fixed gear other than crayfish pots or ring nets must be marked with a surface buoy bearing either the commercial fishing license number, federal documentation number, or state vessel registration number in visible, legible and permanent manner.

Vertical hook-and-line gear that is closely tended may be marked only with a single buoy of sufficient size to float the gear. “Closely tended” means that a vessel is within visual sighting distance or within 1/4 nautical mile of its vertical hook-and-line gear.

### **Commercial Ocean Dungeness Crab**

Oregon rules for the commercial ocean Dungeness crab fishery include numerous specific marking requirements. Red rock crab and box crab can only be taken with gear that is legal for Dungeness crab. Gear marking requirements include:

- Individual surface buoy – each pot must be marked with an individual surface buoy; more than one buoy may be used, but longlining is not allowed.
- Buoy brand – at least one surface buoy must be marked with a “buoy brand number” registered with ODFW. Buoy brands are unique to the vessel and must be visible, legible, and permanent.

- Buoy tags – an ODFW issued tag must be attached to the buoy closest to the pot, at the end away from the buoy line. ODFW only issues buoy tags up to each vessel’s permitted pot limit, an important enforcement mechanism.
  - The “primary season” tag is required throughout the crab season and is printed with the vessel name, permit number, and crab season for which it is valid.
  - A “late season” tag is required from May 1 through the season end (August 14<sup>th</sup>) in addition to the main season tag. The late season tag is not printed with the vessel name or permit number, but is printed with the crab season for which it is valid and a serial number that can be linked to the vessel to which it was issued.
  - “Replacement tags” may be issued if a vessel has lost gear due to a catastrophic loss (i.e., fire, capsizing with gear on board) or extraordinary circumstances. Due to recent changes in criteria, issuance of replacement tags at this time is rare.
  - For all tag types, contrasting colors are used for each season and each West Coast state to aid enforcement. Tag information is printed on both sides of tags. Beginning in the 2020-21 crab season, each state also uses a unique buoy tag shape to help identify gear.
- Buoy color pattern registration – each vessel participating in the fishery must register a buoy color pattern with ODFW by submitting a photo of their buoy. At least one buoy per pot must use the registered color pattern. Buoy color patterns are not required to be unique to each vessel and re-registration of buoy color patterns is only required when fishery participants change their buoy color pattern.
- Pot tags – each pot (or ring) must have a tag affixed to the individual pot identifying either the owner or the vessel to which it belongs.
- Line marking – no line markings are required in Oregon’s fishery, but it is prohibited to use line marked in a manner required for any other West Coast state or federal fishery. At this time, those are limited to the Washington coastal Dungeness crab fishery, but this would automatically expand to any other West Coast fisheries for which line marking regulations are adopted in the future.

### **Commercial Bay Dungeness Crab**

Only crab rings may be used in Oregon’s commercial bay Dungeness crab fishery. Crab rings must be marked with a surface buoy bearing either the commercial fishing license number, federal documentation number, or state vessel registration number in visible, legible and permanent manner. Each crab ring must have a tag affixed to the individual ring identifying either the owner or the vessel to which it belongs.

### **Recreational Crab**

Floating buoys used for crab pots or rings must be marked in a visible, legible, and permanent manner with the owner’s first and last name or business name, and at least one of the following: permanent address, phone number, ODFW Identification Number, or vessel identification number. This does not apply when crabbing from a beach, jetty, or pier.