

Review of the Regulations Affecting the Taking of Cockle Clams for Crab Bait

At the request of Arnie Suomela a general inquiry concerning the taking of the cockle clam for use as crab bait at Netarts Bay was made by the biologists of this lab. The recent releases on laws were also reviewed, i.e., General Order V, and the recent memorandum sent to this office.

Mr. Cecil Gabie, manager of a Netarts Bay resort, was first contacted and it was learned from him that a letter had been drafted and sent to the Commission sometime during the month of November concerning the legality of digging of clams for crab bait in Netarts Bay.

Mr. Gabie stated a state policeman, Felix Gatens, had informed him that it was now illegal to dig clams, beyond the three dozen limit, for crab bait. Mr. Gabie further pointed out that both the commercial crabbers and the resort owners are ready to draft a bill for the next meeting of the State Legislature to allow the taking of clams for crab bait if such was the case.

This will be an organized move and not merely a threat, as the crabbers and resort owners are much concerned for something that would affect their livelihood.

Mr. Gabie was assured the situation would be thoroughly looked in to and would be notified as to the findings.

Section 83-712 of the Oregon Commercial Fisheries Code 1947-48 which states in part, ".....provided, that the provisions of this act shall not apply to the taking and digging of cockle clams for use as crab bait....." (in Netarts Bay), is not included in laws to be repealed under the 1949 Legislative Program of the Commission.

General Order V might be construed to mean that this Section 83-712, the

portion excepting cockles as crab bait, was superceeded by the foregoing Order and is now invalid. It is our own interpretation, because of the savings clause, that General Order V does not rule out the taking of cockles as crab bait in Netarts, as is permitted in Section 83-712.

If the legal authorities deem Section 83-712 void in entirety then action should be taken to allow the use of cockles as crab bait since it was not the intent to change this in Netarts Bay, the only place affected. This intent can be traced to the Transcript of Hearing Held by the Fish Commission on July 22, 1948 where Mr. Roger Tollefson stated (on page 12), "At the present time we can see no justification for changing regulations on the cockle." This still is the opinion held at this laboratory.

Roger Tollefson  
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Biologists

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