

TOM

Report on Meeting with Crab Fishermen
Astoria, December 21, 1948

General Order #V of July, 1948 setting up closed seasons for crab fishing in Oregon stated that no fishing was permitted in the waters under jurisdiction of the State during the closed season. However, no provision was made regarding possession of crabs during this time providing they were legally caught.

On or about November 29 one boat put out 23 pots SE of Buoy # 2 at the mouth of the Columbia River. This area is beyond the three mile limit of present proven State jurisdiction. Since the state has no jurisdiction in these waters, under present regulations, it follows that not only is fishing in these waters possible but that also the crabs would have to be considered legally caught and hence could be landed and sold despite the supposed closed season. By December 14th, on which date this boat is known to have made a landing composed of crabs from pots inside the river (legal) and crabs from the outside pots, this matter was public knowledge about the Astoria area. It should be noted that the announcement of legal opening for the area was not made until this date, with legal fishing to start December 28. However, the fact that one man was already fishing caused the remainder of the fleet to complain both among themselves and to the Commission. A number who were ready to start fishing at any time, threatened, and made ready, to do so at once.

Following a discussion of the situation by phone with Mr. Suomela, a trip was made to Astoria December 17 to contact the party fishing and as many other fishermen as possible in an attempt to get them to hold off until legal opening for their fishing. The individual fishing at the time refused to reconsider his actions and stated he would continue fishing. However, all other fishermen con-

tacted expressed a willingness to wait if the remainder would. Accordingly a meeting with Mr. Jess Wright, managerial secretary of the Offshore Vessel Owners Association, which contains nearly all of the crab fishermen of the area, resulted, following our suggestion, in that association sponsoring a meeting of all crab fishermen and any other interested parties to attempt to iron the matter out by mutual agreement. Mr. Suomela had agreed in advance to be present at such a meeting were it to be held. The meeting was scheduled for 10:00AM Tuesday, December 21.

Present at the meeting were three biologists of the Fish Commission, Roger Tollefson, Lowell D. Marriage, and Don Bates. There were 20 boat owners (crabbers), 20 boat pullers, four packer firm representatives, and chairman Mr. Jess Wright.

Mr. Tollefson extended Mr. Suomela's regrets for not being present due to weather conditions. He then explained the Commission's position and interpretation of the law regarding putting pots beyond the three mile limit. He also explained the intent of the laws, i.e., no crabs should be landed before the opening of the crab season, December 23, 1948, reminding the crab fishermen that representatives of the group had agreed and endorsed this understanding at the July hearing. The boat owners were asked to agree to abide by the intent of the law.

It was pointed out to the fishermen that if cooperation was not attained, the other probable effective method would be a possession limit which would close all waters, both the inland and open ocean at the same time. Thus eliminating river crab fishing.

Some discussion on the part of at least one boat owner who objected and stated beforehand he would not be bound by any agreement of boat owners reached at this meeting, stating his contention that any regulations should be made by

due process of the law and that a fisherman should be bound by those only.

Mr. Tollefson stressed cooperation between the Commission and the Fishermen. He then reassured the crabbers that it was the Commission's desire to have a set date made on opening the season by the end of next year's program. The date, December 15, for opening was tentatively discussed with no settlement.

Mr. Merle Warren, a crab fisherman, presented a motion to the members which stated in substance, no crabs would be landed until December 28, the official opening date of the crab season for Area 1. The motion was seconded and passed with a very substantial majority. This motion is not "law" but merely a gentlemen's agreement and cannot be enforced.

Mr. Tollefson told the members the Commission disclaimed rumors of personal retaliation against any fishermen who might go fishing now and stated no member or employee of the Commission had, or would issue any such directions.

George Plumber, chairman of a committee formed for reviewing the present 10% soft shell criteria now in affect, presented the committee's request that the present 10% should be raised to 30%, and asked for discussion. The Commission then again clarified the criteria on opening and closing the seasons as based on the 10% soft shell. (It is believed that the majority of fishermen were not aware that the 10% soft shell had to be an overall average for the entire area, not just in one subarea alone. When this was explained no further comment resulted from the fishermen concerning their proposed 30% figure. However, this request was not withdrawn.)

Several legal issues concerning poundage tax and pot tax were brought up by the fishermen but they were referred to the Commission's Portland office for advice.

Discussion:

It is believed that only the one fisherman will continue to land crabs

before legal opening on the 28 of December; that, the remainder of the fishermen will abide by their vote for the few days remaining. It is the opinion of the biologists present the meeting also revealed that this fairly well organized group of fishermen can be dealt with as a body with at least some degree of success. While still hesitating to trust everything the Commission says or does, they are at least in a "listening" mood and in general are favorably disposed towards the Commission and its actions.

However, the most important point shown is the weakness in present regulations failing to cover fishing beyond three miles. Regardless of what the majority may do there will probably always be one or ~~two~~ two insurgents under the present system. However, a possession type regulation is opposed by the writers unless necessary as an absolute last attempt for enforcement. It would automatically, it seems at first glance, close all respective inshore waters (bays) along with offshore waters regardless of biological, sociological, or other justification aspects. It would also prevent a boat that might be bar bound outside its port in an open area from running to a port in a closed area to unload the crabs, should that eventuality ever occur. It is to be hoped instead that present legal developments may permit the Commission to regulate beyond three miles as well as within. In any event it seems obvious that some means of extending jurisdiction is the correct answer, rather than sidestepping the true issue by means of possession limits or other such regulations.

Roger Tollefson
Lowell D. Marriage
Biologists
December 23, 1948