



Oregon

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To: The Honorable Brad Witt, Chair,
House Agricultural and Natural Resources Committee



HB 3262
Curt Melcher, Deputy Director
Oregon Department of Fish and Wildlife

Good morning Chair Witt and members of the committee. For the record, my name is Curt Melcher, Deputy Director with the Oregon Department of Fish and Wildlife. I appreciate the opportunity to provide testimony on House Bill 3262. House Bill 3262 is designed to resolve the conflict between Oregon's personal property laws and the interest to clean-up derelict commercial crab gear. The bill provides authority to the State Fish and Wildlife Commission to create a permit program to allow clean-up activity, exempted from those personal property laws.

Each year, the commercial Dungeness crab fishery has an estimated gear loss of 10,000 crab pots (7.5% of the pots that are deployed annually in this fishery). Some of these pots are recovered by the owner during the fishing season, some remain lost at sea until they are encountered by chance or targeted for removal. Lost gear has negative impacts on the crab resource, marine habitat, and the fisheries themselves. Gear used in any fishery can become entangled with lost crab pots, causing conflicts between fisheries. In the interest of the public trust, the Department has taken action to help the crab industry clean-up lost gear and has encouraged individual fishermen to participate in gear clean-up activities.

Currently, ORS 98 ("Lost, Unclaimed or Abandoned Property") establishes a process for individuals who find items to search for the true owner. This process makes it logistically difficult and onerous for individuals to clean-up derelict gear, serving as a disincentive to any who might otherwise help in the clean-up efforts. Removing this disincentive will facilitate better protection of the crab resource, marine habitat and fishery businesses. The intent of the bill is to allow finders of derelict gear to be able to take gear "free and clear" of personal property laws, so that the finder may offset the cost of their own clean-up efforts by keeping or selling the recovered gear. We recommend careful review of the intended exemption of personal property laws, to ensure that this bill achieves the intent.

Additionally, the amendment to the bill (HB 3262-1) broadens the eligibility for participation in the proposed derelict gear permit program; the broadened eligibility would include all licensed commercial fishing vessels, rather than restricting participation to crab vessels. This amendment will allow more individuals to participate in clean-up efforts thus increasing the rate of gear recovery.

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