



**Oregon Administrative Rules  
Oregon Department of Fish and Wildlife**

**COMMERCIAL FISHERIES**

**DIVISION 005**

**COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES**

**Crab Section**

**Ocean Dungeness Crab Fishery**

**635-005-0420**

**Revocation and Refusal to Issue Permits**

The **Commercial Fishery Permit Board**[Commission] may revoke and refuse subsequent issuance of an Ocean Dungeness Crab Permit pursuant to ORS 508.485 and ORS 508.490.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129  
Stats. Implemented: ORS 506.109 & 506.129

**635-005-0440**

**Transferability of Permits**

(1) Any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) Ocean Dungeness Crab Permit holders may transfer a permit:

(a) Pursuant to ORS 508.936; and

(b) Once in an 18-month period, provided the vessel holding the permit has landed at least 500 pounds of ocean Dungeness crab into Oregon in each of two ocean Dungeness crab fishing seasons in the last five ocean Dungeness crab fishing seasons, which includes landings made during any season open at the time of application. However, the Board may waive the landing requirement as well as the 18-month waiting period for transfers, if the Board finds strict adherence to this requirement was not met by the individual seeking to transfer a permit as a result of undue hardship as defined in OAR 635-005-0240. The Board also may delegate to the Department its authority to waive these requirements in such specific instances as the Board sets forth in a Letter of Delegation to the Department.

(3) An Ocean Dungeness Crab Permit is transferable:

(a) To another vessel; or

(b) To the purchaser of the vessel when the vessel is sold.

(4) The vessel to which an Ocean Dungeness Crab Permit is transferred~~[, with the exception of vessels covered by section (5)]~~:

(a) Shall not be more than 10 feet longer than the vessel which held the permit on January 1, 2006, **except that a permit transferred to to a vessel that is more than 10 feet shorter than the vessel for which the permit was held on January 1, 2013, may subsequently be transferred to a vessel of a length equal to or less than the length of the vessel for which the permit was held on January 1, 2013;**~~[and]~~

(b) Shall not be more than 99 feet in length; **and**

**(c) Shall not be more than 26 feet in length if the Ocean Dungeness Crab Permit was obtained as a**



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40 **result of qualifying under subsection (1)(e) of ORS 508.931.**

41 (5) For the purpose of subsection ~~(4)~~~~(3)~~(a) of this rule, the Commercial Fishery Permit Board may waive the  
42 vessel length restriction if it finds that strict adherence to this requirement was not met as a result of undue  
43 hardship as defined in OAR 635-005-0240.

44 ~~[(6) Ocean Dungeness Crab Permits obtained as a result of qualifying under subsection (1)(e) of ORS 508.931~~  
45 ~~may only be transferred to vessels of a length of 26 feet or less.]~~

46 ~~(6)~~~~(7)~~ In the event a vessel is destroyed due to fire, capsizing, sinking or other event, the vessel owner has up to  
47 two years to transfer the Ocean Dungeness Crab Permit to a replacement vessel.

48 ~~(7)~~~~(8)~~ Ocean Dungeness Crab Permit transfers are suspended during split season openings as pursuant to OAR  
49 635-005-0465(2).

50 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129  
51 Stats. Implemented: ORS 506.109, 506.129 & 508.936  
52

53 **635-005-0465**

54 **Closed Season in Pacific Ocean and Columbia River**

55 (1) It is *unlawful* to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or  
56 Columbia River from August 15 through November 30, **08:59 AM**.

57 (2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or more fishing  
58 zones based on the results of crab quality testing. The Pre-season Testing Protocol for the Tri-State Coastal  
59 Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the process for establishing fishing  
60 zones (section VI) and coordinating the opening of the fishery in Washington, Oregon, and California north of  
61 Point Arena (sections IV and V). Therefore, the following sections of the Tri-State Protocol (Revised **INSERT**  
62 **DATE** [September 2013]) are hereby incorporated into Oregon Administrative Rule by reference:

63 (a) Section IV – Season Opening Criteria.

64 (b) Section V – Test Fishing and Process for Setting the Season Opening Date.

65 (c) Section VI – Procedure for Establishing Fishing Zones.

66 In the event that crab quality tests do not meet the criteria for opening the season on December 1, the Director  
67 shall adopt temporary rules delaying the season in accordance with the Tri-State Protocol.

68 (3) It is *unlawful* to land, receive or buy, Dungeness crab in the first thirty days of the ocean Dungeness crab  
69 fishery from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to  
70 have been free of Dungeness crab before fishing in the ocean Dungeness crab fishery. In the event the area  
71 between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season  
72 opening dates, the ocean Dungeness crab fishery refers to the fishery in that zone for the purposes of this rule.

73 (4) In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones  
74 with different season opening dates, the transfer of a permit from one vessel to another is suspended from the  
75 earliest season opening date through thirty days after the latest season opening date, except in the event a vessel  
76 is unintentionally destroyed due to fire, capsizing, sinking, or other event.

77 (5) Upon a determination by the Department that catch in Oregon's ocean Dungeness crab fishery after May 31 is  
78 greater than ten percent of the catch in the previous December 1 through May 31 period, the Director shall adopt



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79 a temporary rule closing the commercial season until the following December 1.

80 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129

81 Stats. Implemented: ORS 506.109, 506.129, 506.306

82

### 83 635-005-0480

#### 84 Dungeness Crab Buoy Tag and Gear Marking Requirements

85 It is *unlawful* for commercial purposes to:

86 (1) Use commercial Dungeness crab gear in the Columbia River or Pacific Ocean unless the gear is individually  
87 marked with a surface buoy bearing, in a visible, legible and permanent manner, the brand of the owner and the  
88 Department buoy tag, provided that:

89 (a) The brand is a number registered with and approved by the Department;

90 (b) Only one unique buoy brand shall be registered to any one permitted vessel;

91 (c) All Dungeness crab gear fished by a permitted vessel must use only the Oregon buoy brand number  
92 registered to that vessel in the area off of Oregon;

93 (d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount  
94 determined by OAR 635-005-0405(5);

95 (e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to  
96 the gear prior to setting gear;

97 (f) Buoys attached to Dungeness crab gear must have the buoy tag securely attached to the buoy closest to  
98 the gear at the end away from the buoy line; and

99 (g) Additional buoy tags to replace lost tags will be issued by the Department as follows:

100 (A) As of the first business day after 30 days following the season opening in the area fished, up to ten  
101 percent of the tags initially issued for that season; or

102 (B) For a catastrophic loss, as defined in ORS 635-005-0240; or

103 (C) If the Director finds that the loss of buoy tags was:

104 (i) Due to an extraordinary event;

105 (ii) The loss was minimized with the exercise of reasonable diligence; and

106 (iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing gear.

107 (D) Upon receipt of the declaration of loss required by subsection (1)(g)(E) of this rule, and a request for  
108 replacement tags under sub-subsection (1)(g)(C) of this rule, the Director or the Director's designee may provide  
109 an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the  
110 criteria for replacement under subsection (1)(g)(C) of this rule. The Director or the Director's designee shall  
111 provide the Director's order to the permit holder and to the Department's License Services. The permit holder may  
112 appeal the Director's findings to the Fishery Permit Review Board under OAR 635-005-0425.

113 (E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and  
114 sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The  
115 declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last  
116 observed, and the presumed cause of the loss.

117 (2) Possess on a vessel, use, control, or operate any Dungeness crab gear which does not have a tag affixed to



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118 the individual pot or ring identifying the gear as belonging to that vessel, a surface buoy bearing the Department  
119 buoy brand registered to that vessel, and a Department buoy tag issued by the Department to that vessel, as  
120 pursuant to ORS 509.415, except:

121 (a) To set gear as allowed under OAR 635-005-0405; or

122 (b) Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness crab gear to  
123 shore by another crab permitted vessel provided that:

124 (A) The vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or  
125 sinking;

126 (B) Circumstances beyond the control of the permit holder as defined by undue hardship in OAR 635-  
127 005-0240;

128 (C) A Request must be in writing and a waiver approved and issued prior to retrieval; and

129 (D) A copy of the waiver must be on board the vessel making the retrieval (Contact Department of Fish  
130 and Wildlife Licensing Services, Salem for guidelines).

131 (c) Under a waiver granted by the Department to allow one time change of buoy tags associated with a  
132 Dungeness crab permit transfer under OAR 635-005-0440 provided that:

133 (A) A request must be in writing and a waiver approved and issued prior to change of buoy tags; and

134 (B) A copy of the waiver must be on board the vessel making the change of buoy tags (Contact  
135 Department of Fish and Wildlife Licensing Services, Salem for guidelines).

136 (d) When retrieving derelict Dungeness crab gear as pursuant to OAR 635-005-0490 or 635-005-0491;

137 (e) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon while  
138 possessing Dungeness crab gear not bearing Oregon buoy tags or Oregon buoy branded surface buoys,  
139 provided that the vessel is authorized and en route to participate or returning from participating in the Dungeness  
140 crab fishery of an adjacent state; or

141 (f) When operating crab rings in bays or estuaries, only a tag affixed to the individual ring is required.

142 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

143 Stats. Implemented: ORS 506.109, 506.129 & 506.306

144

### 145 **635-005-0485**

#### 146 **Dungeness Crab Gear Prohibitions**

147 It is *unlawful* for commercial purposes to:

148 (1) Place, operate, or leave Dungeness crab gear in the Pacific Ocean, Columbia River or in any bay or estuary  
149 during the closed season, except:

150 (a) In only the Pacific Ocean and Columbia River, Dungeness crab gear may be placed no more than 64  
151 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited Dungeness crab  
152 gear with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a  
153 period not to exceed 14 days following the closure of the Dungeness crab season.

154 (2) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without  
155 making a landing of Dungeness crab.

156 (3) Remove, damage, or otherwise tamper with crab buoy, pot or ring tags except;



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- 157 **(a) W[hen] lawfully applying or removing tags on the vessel's buoys, pots or rings[-]; or**  
158 **(b) When lawfully removing tags on crab gear retrieved under a Post-Season Derelict Gear Permit**  
159 **pursuant to OAR 635-005-0491 and after the gear has been registered by state officials.**

160 (4) Attach one crab pot or ring to another crab pot or ring by a common groundline or any other means that  
161 connects Dungeness crab gear together.

162 (5) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.

163 (6) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to  
164 the state of Oregon unless a Dungeness crab gear allocation has been issued to the permit required under OAR  
165 635-005-0405(5).

166 (7) Deploy or fish more Dungeness crab gear than the number of pots and rings in aggregate assigned by the  
167 Dungeness Crab Pot Allocation Certificate or to use any vessel other than the vessel designated on the  
168 Dungeness Crab Pot Allocation Certificate, except to set gear as allowed under OAR 635-005-0405.

169 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

170 Stats. Implemented: ORS 506.109 & 506.129

171

172 **635-005-0491** (New Rule)

173 **Post-season Derelict Gear Recovery Permits**

174 **(1) Fifteen days after the close of ocean commercial crab season, the Department may grant Post-Season**  
175 **Derelict Gear Recovery Permits for boats licensed, issued pursuant to ORS 508.260, commercial vessels**  
176 **to recover Dungeness crab gear that remains in the ocean.**

177 **(2) It is unlawful to fail to follow the provisions of a Post-Season Derelict Gear Recovery Permit.**

178 **(3) The Director or Director's designee may grant emergency exemptions from the gear recovery program**  
179 **for Dungeness crab gear that was unable to be removed from the ocean prior to fifteen days after the end**  
180 **of the season as a result of undue hardship as defined in OAR 635-005-0240. Requests for exemptions**  
181 **must be submitted to the Marine Resources Program, Newport by August 29 of each year.**

182 **(4) The provisions of ORS 98.005, 98.015, 98.025 and 98.436 do not apply to crab pots removed from the**  
183 **ocean under the provisions of Post-Season Derelict Gear Recovery Permit.**

184 **(5) Dungeness crab gear retrieved under the authority of a Post-Season Derelict Gear Recovery Permit**  
185 **and not subject to emergency exemption under section (3) of this rule may be disposed of at the permit**  
186 **holder's discretion after documenting retrieval of the gear in accordance with permit conditions.**

187 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

188 Other Auth: House Bill 3262 (2013)

189 Stats. Implemented: ORS 506.109, 506.129 & 506.306

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