



Petition to Change Oregon Dungeness Crab Fishery Rules

Exhibit C

February 20, 2026

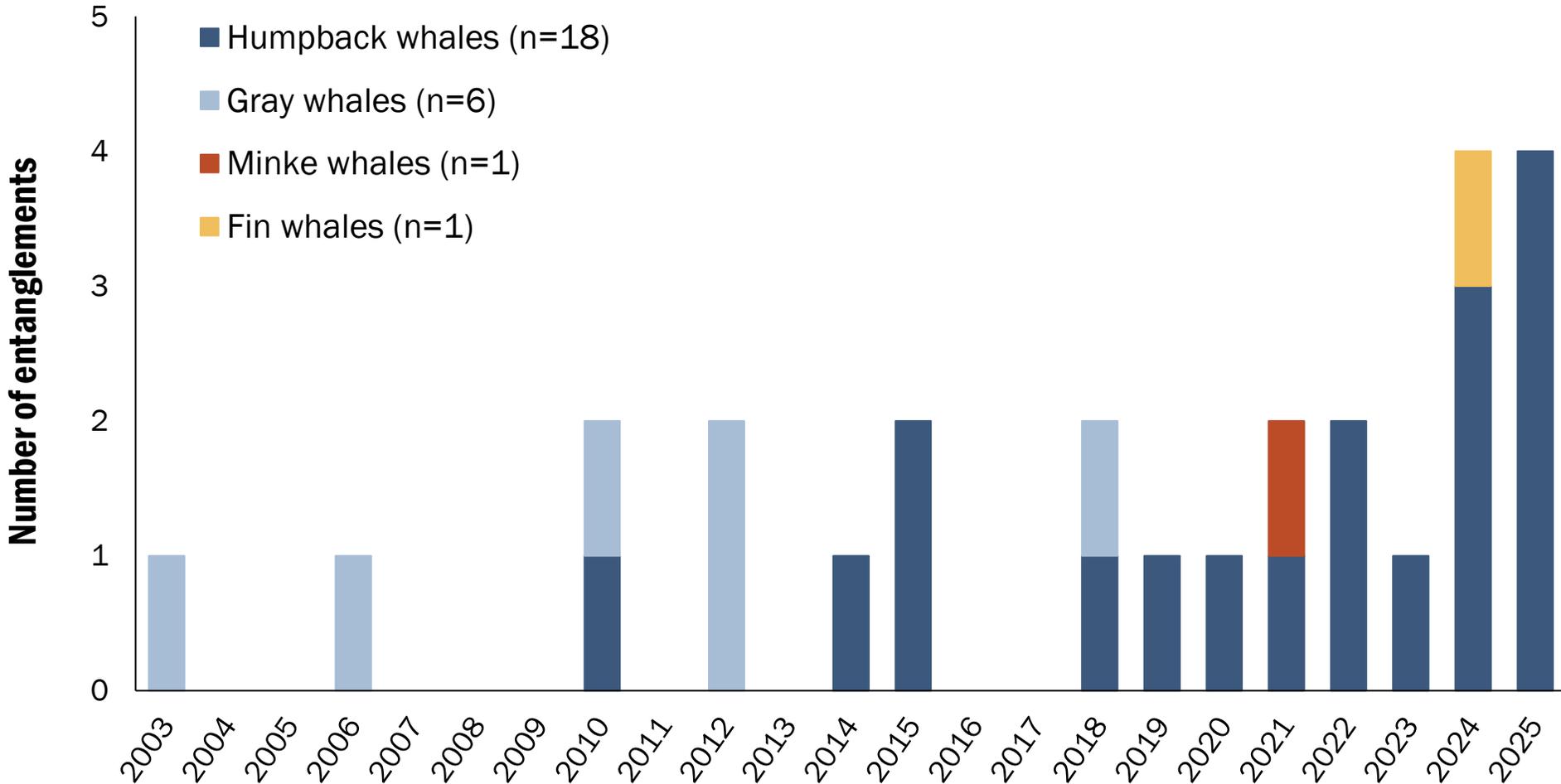
Justin Ainsworth

Marine Resources Program Manager



**Oregon Department
of Fish and Wildlife**

Whale entanglements in Oregon crab gear



Data: NMFS WCR Large Whale Entanglement Database



West Coast humpback whales



Endangered Species Act, distinct population segments (DPSs)

Central America DPS: Endangered

Mexico DPS: Threatened

Hawaii DPS: not ESA-listed



Majority of humpbacks feeding off OR are threatened or endangered



West Coast abundance is increasing but growth rates differ between stocks

8.2% annual increase since 1989

~5,000 animals coastwide, based on data through 2018

Federal Endangered Species Act (ESA)



Prohibits “take” of endangered species



Section 10 incidental take permit (ITP)

Issued by NOAA Fisheries if they determine all requirements are met

“The applicant will, to the maximum extent practicable, minimize and mitigate the impacts of the taking”



Conservation Plan (CP)

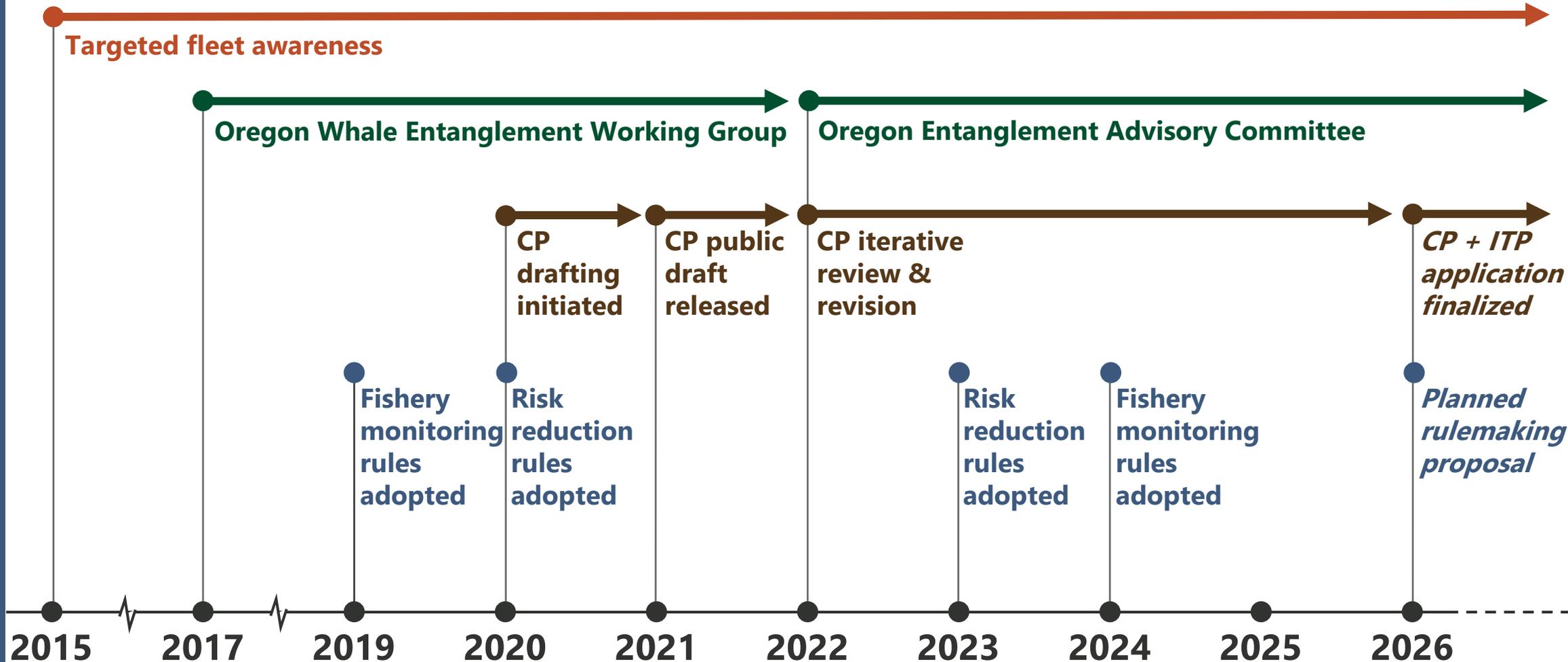
Assess potential effects on listed species

Implement avoidance, minimization, and mitigation measures to reduce take

Secure short- and long-term conservation benefits for marine ecosystems while helping to advance economic development

Facilitate compliance with the ESA

Overview of Oregon efforts to reduce entanglement risk



Entanglement risk reduction measures

To Date

Late-season measures, starting May 1

20% pot limit reduction

40-fathom depth restriction

Requirement for additional late-season tag

**Elimination of standard replacement tag allowance
(up to 10% of pot limit)**

Elimination of two-week post-season gear clean-up period

**Increased season opening flexibility to minimize delays in peak
harvest effort**

Requirement for maintenance of taut lines

Limitation of the length and amount of surface gear



Planned work

August 2026-rulemaking

Risk reduction measures 5-year review

Vessel monitoring

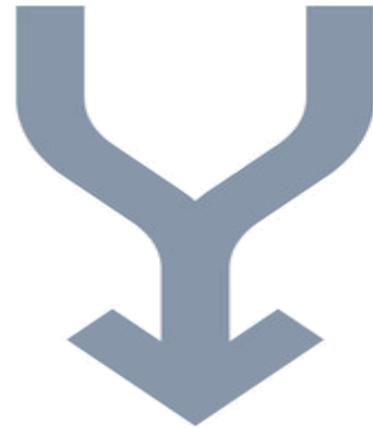
Pop-up and longline experimental permit

Conservation plan submittal

Comments received January 2026

Formal submission by the end of the year

Formal review by NOAA: 12-18 months



Additional rulemaking as needed, pending outcomes of gear testing, work with stakeholders, and federal review of the conservation plan



Administrative Procedures Act (APA) petition for rulemaking

Review of Petition Related to Commercial Dungeness Crab Fishery Rules

Received December 11, 2025

From the Center for Biological Diversity,
Oceana, Natural Resources Defense Council,
and the American Cetacean Society



APA petition for rulemaking: Proposed changes



Pop-up gear



Late-season vertical line restrictions



Public notice of entanglements



Emergency procedures



APA petition six-factor analysis

- 1) Continued need for the rule
- 2) Public complaints or comments received
- 3) Complexity of the rule
- 4) Extent to which the rule overlaps, duplicates, or conflicts with other state or federal rules or local regulations
- 5) Degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule
- 6) Statutory citation or legal basis for the rule





Public comment summary

Support – favor efforts to reduce marine life entanglements, including:

More restrictive late-season measures,

Use of alternative gear, and

In-season closures in response to elevated risk/observed entanglements.

Opposition – concern about petition’s proposed rules, including:

Financial impacts to small businesses, coastal communities, late-season fishermen,

Cost and viability of pop-up gear off Oregon,

Need to analyze alternative approaches, and

Growing West Coast humpback whale population driving entanglement increase.

Support for current ODFW approach to reducing risk

Staff recommendation

Accept the petition and direct the Department to initiate rulemaking consistent with its planned rulemaking processes and engagement with NOAA Fisheries to obtain ESA coverage.



Allows for open public process, staff analysis, and consideration of economic impacts



Planned rulemaking will provide for options to reduce whale entanglement risk while reducing the negative economic impacts on industry

Draft motion

I move to accept the petition and direct the Department to initiate rulemaking consistent with its planned rulemaking processes and engagement with NOAA Fisheries to obtain ESA coverage, recognizing that further rulemaking and adaptive management will continue over the following years as additional data is gathered and systems are put in place based on the 2026 regulations and based on an approved Conservation Plan and Incidental Take Permit.



Thank you!



Oregon Department
of Fish and Wildlife



Back-up slides



Oregon Department
of Fish and Wildlife



Conservation plan



Conservation measures

to minimize entanglements and mitigate impacts



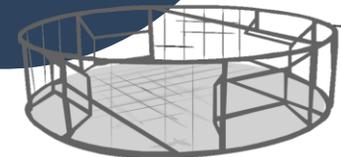
Conservation plan

Adaptive management

to ensure objectives and permit conditions are met

Monitoring

to assess effectiveness and inform adaptive management



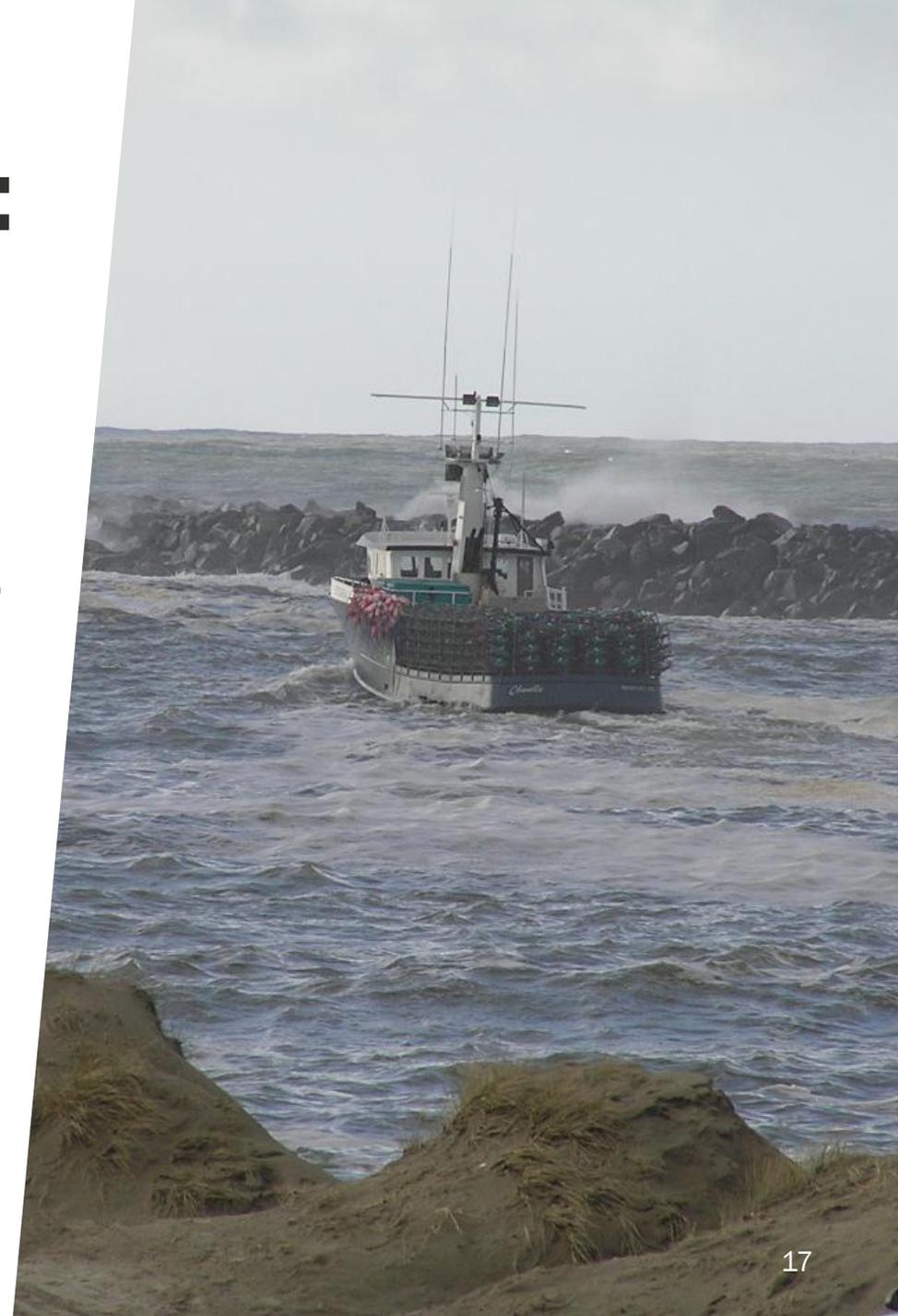
APA petition for rulemaking: Today

If the Commission accepts the petition:

Department will initiate a rulemaking process, culminating in a future decision to adopt, amend, or repeal the rules in question at a future public meeting.

If the Commission denies the petition:

No change to status quo.



Key entanglement risk reduction measures



Late-season measures, starting May 1

20% pot limit reduction

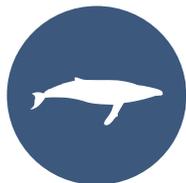
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Framing the process



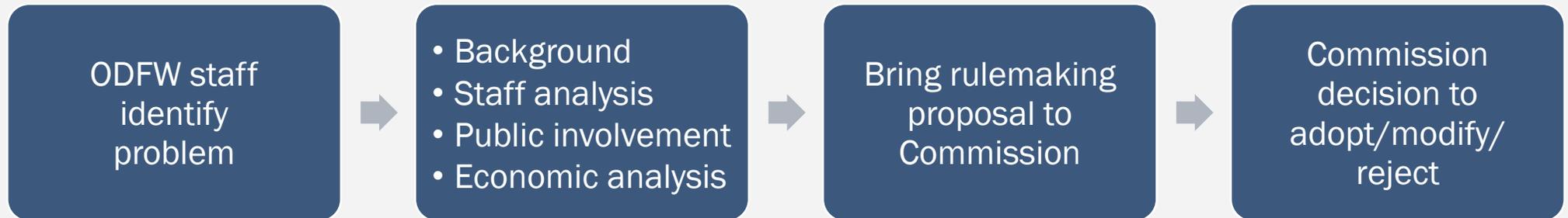
Oregon Department
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Photo: Chris Peterson, Action Works Photography

Rulemaking process

Typical



Administrative Procedures Act (APA) petition

