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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED: 06/22/2026 3:30 PM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Commercial Dungeness Crab Fishery and Experimental Fishing Gear Permit Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/14/2026 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:
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Salem, OR 97302

Filed By:
Adam Buell
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/14/2026
TIME: 8:00 AM - 5:00 PM
OFFICER: ODFW Commission

IN-PERSON HEARING DETAILS
ADDRESS: Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Dr SE, Salem, OR 97302
SPECIAL INSTRUCTIONS:
LAST DAY AND TIME TO OFFER WRITTEN COMMENT TO THE AGENCY: 07/24/2026 @ 8:00 AM; LAST DAY AND TIME TO OFFER VERBAL COMMENT TO AGENCY: 08/14/2026 CLOSE OF HEARING

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S):

EM rules are needed to improve quality and timeliness of spatial information on commercial Dungeness crab fishing activity which will allow for near real-time assessment of fishery gear overlap with protected species habitat, more tailored and timely management actions to reduce fishery impacts on protected species, improved monitoring of fishing activity in biotoxin management areas to protect human health, and improved enforcement of violations such as gear theft, crab theft, or fishing in closed areas. EFGP rules are needed to establish a more structured program and clearer guidelines for issuing EFGPs, particularly for alternative gears which have the potential to reduce gear interactions with protected species, such as pop-up or crab longline gear. The maximum surface gear housekeeping amendment is needed to align rules with outreach materials on compliance and avoid unintentional violations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 08/14/2026, including the presentation and all provided materials.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Adam Buell at 503-947-6233 or adam.m.buell@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. https://www.dfw.state.or.us/OARs/index.asp

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FISCAL AND ECONOMIC IMPACT:

The rules are expected to result in fiscal and economic impacts as discussed below.

Fiscal and economic impacts discussed in this document pertain only to the proposed rules at the time of writing this fiscal impact statement.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

A. State agencies that could be affected by the amendments in commercial Dungeness crab (crab) regulations are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). Potential ODFW impacts include changes to fisheries management costs. The rules are expected to result in impacts to ODFW Marine Resources Program (MRP) staff time and workloads, as they would require MRP staff to monitor commercial crab fishing fleet activity via data transmitted by the new electric monitoring system equipment detailed in the rules. An Electronic Monitoring (EM) system is defined as a vessel monitoring system (VMS) that automatically determines a vessel's position, records individual pot retrieval via a hydraulic pressure reading, and transmits this information to an EM system service provider. The service provider receives the transmission and provides automated data access to the Pacific States Marine

Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications where it is available to the Department and authorized law enforcement officials for management and enforcement. The monitoring of this data, troubleshooting of issues with data transmission and receipts, and the work needed to tie this EM data to existing fish tickets and logbook information is expected to result in significant new workloads for existing MRP staff. MRP currently does not have dedicated staff for this monitoring work, thus it is expected to result in high opportunity costs as current staff workloads and priorities would need to be shifted to accommodate these new responsibilities. The rules include the proposed establishment of new criteria and guidelines for issuing Experimental Fishing Gear Permits (EFGPs) for commercial fisheries. Additional ODFW staff time would be needed to create an experimental fishing gear permit application process, communicate with permittees, and evaluate performance of the permit. This new workload would come at an opportunity cost to existing staff workloads and duties.

Potential OSP impacts stem from changes to commercial crab fishery monitoring and enforcement activities detailed in the rules. Enforcement activities related to data collected from the VMS and pressure sensors, as described in the rules, are expected to require OSP staff time to undertake. Without the addition of new positions or enforcement funding, this is expected to result in opportunity costs related to forgoing some current commercial fishery monitoring activities as existing OSP staff time is shifted towards fulfilling the new commercial crab enforcement requirements. The new electronic monitoring requirements proposed in the rules may improve the accuracy of OSP enforcement activities (monitoring crab theft, pot theft, adherence to season opening and late-season measures) off the coast where traditional "on-the-water" monitoring and enforcement capabilities are currently limited by the availability of trained staff and resources. The new voluntary Experimental Fishing Gear Permit (EFGP) program proposed in the rules is expected to result in some costs to OSP, as they would need to purchase and install a vessel-based deck box/transducer system on their enforcement vessel capable of triggering and checking the pop-up gear used by EFGP participants. The deck box/transducer system is expected to cost $2,000, with some additional costs and staff time spent on installation and training to use this system. There are also concerns regarding the long-line gear used by EFGP participants, as OSP may in the future need to purchase a larger enforcement vessel to safely pull, check, and redeploy the long-line pots if this gear is authorized for more widespread adoption in the commercial crab fishery in the future. If pulling this long-line gear using their current enforcement vessel results in an increased likelihood of damage to the gear, OSP would face higher costs for liability and reimbursement of this gear compared to the single pots currently used in the fishery. Overall, the proposed rule amendments are not expected to result in significant changes to current levels of costs for OSP, though some negative impacts to time spent on enforcement of other commercial fisheries are expected.

B. Units of local government which could be affected by commercial crab fishing regulations include port authorities and county governments. Port authorities and county governments may experience costs and derive revenues related to the provision of moorage and other support facilities for commercial fishing. However, no major changes from the current levels of local government operations or expenditures are expected as a result of these particular rules.

C. The public is affected by rules relating to commercial crab fishing regulations. Commercial crab harvesters are expected to be impacted by the proposed rules. Commercial crab harvesters are expected to face increased fishery participation costs resulting from the proposed rules requiring the use of EM systems. Based on the lowest-cost estimates from manufacturers whose units meet ODFW's required specifications, we expect approximate costs ranging from $349 to $499 per vessel to install the new VMS and from $165 to $199 to install the hydraulic pressure sensors with additional subscription costs of approximately $199/year for GPS data transmission. Total package installation costs are expected to range from $514 to $698 for vessels needing both the VMS and pressure sensor, plus $199/year for GPS data transmission at minimum. These costs would apply to all commercial fishing vessels landing crab in Oregon, though vessels currently permitted and actively making landings in Washington and California are already expected to be equipped with at least some of the VMS or pressure sensor gear which would be compliant with the proposed rules. Vessels making crab landings in Washington or California are required to have VMS systems installed which would be

compliant with the proposed rules (California Code Regs. Tit. 14, § 132.8, WAC 220-340-420). Washington also already requires vessels to be equipped with a hydraulic pressure sensor (WAC 220-340-420). ODFW anticipates minor to moderate labor costs associated with permittees installing and learning how to operate the required monitoring equipment.

We use the most recent available tri-state data on commercial crab fishery participation found in Supplemental Table 1 to estimate historical (2014-2019) average percentages of Oregon's active crab vessels which are making landings in California and/or Washington during the same year. On average, 79% of active Oregon crab vessels held only an Oregon permit, 9.5% made landings in both Oregon and Washington, 9.5% made landings in both Oregon and California, and 2% made landings in all three states. Applying these percentages to the 328 active 2026 Oregon permitted crab vessels yields an estimated 259 Oregon-only crab vessels, 31 Oregon & Washington permitted vessels, 31 Oregon & California permitted vessels, and 6 Oregon, Washington, & California permitted vessels. By combining these numbers with the per-vessel VMS and pressure sensor cost estimates, we estimate the total cost of new equipment in addition to the annual GPS data transmission subscription costs for the entire active Oregon commercial crab fishery. Total new equipment costs (for the entire fishery, not individual vessels) required by the proposed rule are expected to range from $138,241 - $186,951 in addition to total annual subscription costs of $51,541 (assuming no discounts for bundling multiple years of the GPS data transmission subscription).

Grant funding is expected to be made available to help mitigate these costs to crab fishery participants through either the purchase and provisioning of VMS/pressure sensor equipment for vessels or through reimbursement of purchased equipment costs. This equipment purchase/reimbursement would be done by the Pacific States Marine Fisheries Commission (PSMFC). Crab fishery participants will be responsible for paying the annual subscription costs for GPS data transmission. Grant funding totaling approximately $67,000 is available for this purpose through June 2026 in addition to $224,000 expiring in 2028 for the provision or reimbursement of these VMS and pressure sensor units. Funds not spent on the initial provision/reimbursement of the required units will be used for replacement and repair of VMS/pressure sensors as needed until funding expires or is fully expended. The mechanisms for distribution of this funding have not yet been finalized at the time of fiscal impact statement preparation. Based on these estimates, ODFW expects the grant funding will cover the full cost of purchasing VMS and pressure sensor units for all active Oregon commercial crab fishery participants, though these fishery participants will still be responsible for paying the quoted $199/year subscription cost for GPS data transmission (amounting to $51,541 in estimated cumulative fishery-wide cost impacts).

We apply input-output modelling using 2024 IOPAC1 multipliers to estimate how this $51,541 annual fishery participation cost increase may ripple through the Oregon economy through direct effects (initial economic activity, such as harvester payroll and gross revenue), indirect effects (inter-industry transactions, such as the purchase of fuel, gear, and boat repairs from suppliers), and induced effects (local household spending by industry employees and business owners). Through this input-output modelling, we estimate that these new annual costs may result in an approximately $175,000 decrease in total annual economic output statewide, with the Newport and Astoria regions experiencing the greatest impacts relative to other regions.

The rules include the proposed establishment of a new Experimental Fishing Gear Permit (EFGP) program for the Oregon commercial Dungeness crab fishery. Participation in this program would be entirely voluntary, and a limited number of participants would be allowed. Participants in this program would be expected to see increased fishery participation costs due to the need to purchase new equipment, primarily "pop-up gear" (estimated costs of $2,000 for a deck box/transducer plus $1,200-$1,400 per line/buoy release unit leading to an estimated per-pot cost of $100 or less depending on the number of pots used per long-line set) and long-line gear allowing for a greater number of pots to be attached to each buoy. Timed release devices offer an alternative to the deck box/transducer and release unit systems;

cost estimates for these devices range from $200-$600 per unit. Installing the pop-up gear transducer systems is expected to result in some installation and labor cost impacts, with the precise levels of these costs dependent on the type of transducer system employed by each vessel.

EFGP holders may see some of these costs offset by expected benefits stemming from the exclusive rights to place gear and harvest crab in locations that would otherwise be closed for commercial crab fishing.

[1] Description of the input-output model for Pacific Coast fisheries, Leonard, Jerry L. (Jerry Lamar); Watson, Philip (Philip Scott); NOAA technical memorandum NMFS-NWFSC; 111, Northwest Fisheries Science Center (U.S.); United States, National Oceanic and Atmospheric Administration, https://repository.library.noaa.gov/view/noaa/8718

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

In 2025, there were 420 commercial Dungeness crab permittees which would be subject to the rules. It is likely that most if not all fishing businesses meet the definition of a small business. However, some small businesses own multiple permits and vessels, and 328 permitted vessels participated in the fishery during the 2024-25 season. Therefore, less than 328 small businesses of this type are expected to be affected in any given season.

Additional small businesses that may be indirectly affected by potential shifts in commercial crab fishing effort are those that supply goods or services to commercial Dungeness crab permittees. These may include marinas, food and beverage stores, gasoline stations, commercial fishing gear suppliers, general merchandise stores, accommodation businesses, and food services and drinking places. Commercial crabbing occurs in myriad locations throughout the state, thus data is not available to estimate the precise number of those types of small businesses affected.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

The proposed rules are expected to result in minor impacts to reporting activities required of commercial Dungeness crab fishery participants. Most of the reporting and recordkeeping done by the VMS and pressure sensors is expected to be recorded and transmitted automatically by these systems. However, active fishery participants would be expected to notify ODFW and provide vessel information when the VMS and pressure sensor systems are first activated for each crab season, and again when the vessels declare out of the fishery at the end of their seasons. Active participating vessels would also be required to notify ODFW if these systems become inoperable or stop reporting during the season for any reason. If this occurs, participants would be required to request an exemption permit from ODFW or halt fishing activities until the system can be fixed. Data is not available from which we could precisely estimate labor costs associated with these reporting and recordkeeping activities, though costs are expected to be minor.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Based on estimates from manufacturers whose units meet ODFW's required specifications, we expect approximate costs ranging from $349 to $499 per vessel to install the new VMS and from $165 to $199 per vessel to install the hydraulic pressure sensors with additional subscription costs of approximately $199/year for GPS data transmission. Total package installation costs are expected to range from $514 to $698 for vessels needing both the VMS and pressure sensor, plus $199/year for GPS data transmission. Vessels currently permitted and actively making landings in both Oregon and California are already expected to be equipped with compliant VMS, thus their total equipment costs are expected to range from $165 to $199. Vessels currently permitted and actively making landings in both Oregon and

Washington are already expected to be equipped with compliant VMS and pressure sensors, thus they are not expected to face new or additional equipment costs resulting from the proposed rules.

A combination of grant and NEPA funding is expected to be made available to cover the full costs of purchasing the VMS and pressure sensor units for all active Oregon Dungeness crab fishery participants. Fishery participants would still be responsible for paying the estimated $199/year GPS data transmission subscription fee, in addition to paying for unit repairs/replacement as needed once the grant and NEPA funding is fully expended or expires.

ODFW anticipates minor to moderate labor costs associated with permittees installing the required monitoring equipment. The equipment manufacturer estimates that installation of this equipment will take, on average, 2 hours per vessel and will not require the vessels to be hauled out of the water for installation. Data is not available from which we could precisely estimate labor costs associated with rule compliance.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

ODFW held two Advisory Committee meetings as part of the rule development process; one on April 14th, 2026, with the Oregon Entanglement Advisory Committee (OEAC) and one on April 15th, 2026, with the Oregon Dungeness Crab Advisory Committee (ODCAC). These meetings were attended by representatives of small businesses interests in Oregon. Meeting attendees included (but were not limited to) representatives from the Oregon Dungeness Crab Commission (ODCC), Oregon Coast Crab Association (OCCA), Oregon State Police, Port Orford Port Commission, American Cretacean Society, West Coast Seafood Processors Association, Center for Biological Diversity, Oregon Department of Agriculture, and recreational crabbing interests.

ODFW held an additional three public meetings as part of the rule development process; one in North Bend on May 7th, 2026, one in Newport on May 12th, 2026, and one in Astoria on May 14th, 2026. These meetings were attended by members of the public, industry representatives from the commercial crabbing and seafood processing industries, and representatives from the ODCC, OCCA, OEAC, and ODCAC.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No. An Administrative Rule Advisory Committee was not consulted.

These rules were developed with extensive public input including three public meetings and two additional meetings held in consultation with the OEAC and ODCAC. The rules are believed to be fully compatible with legislative direction on the goals of fishery management in Oregon.

At the August 2026 Commission Hearing, public correspondence and testimony will be accepted into the record as part of the rulemaking process.

NOTE: Additional PDF filed with this filing is attached to this document. You may view the attachment filingAttachment.pdf from the Attachments panel. Alternately, you may view the attachment at the following link: https://secure.sos.state.or.us/oard/viewFilingAttachment.action?filingRsn=62749

RULES PROPOSED:
635-005-0446, 635-005-0485, 635-006-0020

AMEND: 635-005-0446

RULE SUMMARY: These amended rules will implement a fleet-wide Electronic Monitoring (EM) program which will track and report vessel location and crab pot hauling activity for the commercial ocean Dungeness crab fishery. These amended rules will also establish additional criteria and guidelines for approving issuance of Experimental Fishing Gear Permits (EFGPs). Finally, one housekeeping amendment will align rules on maximum surface gear allowed for commercial ocean Dungeness crab fishing gear with distributed outreach materials.

The Commission may decide to adopt staff recommended proposed rule and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-005-0446
Electronic Monitoring
~~Vessels with an authorized~~(1) An Electronic Monitoring (EM) system ~~may possess, or possess and land, Dungeness crab in an area that is otherwise closed to take of Dungeness crab for commercial purposes. Electronic Monitoring is not required to transit~~is defined as a vessel monitoring system that automatically determines a vessel's position, records individual pot retrieval via a hydraulic pressure reading, and transmits this information to an EM system service provider. The service provider receives the transmission and provides automated data access to the Pacific States Marine ~~Res~~Fisher~~v~~ies ~~per OAR 635-012-0050 or Marine Protected Areas per 635-012-0070, or to transit and land crab into Biotoxin Management Zones designated by the Oregon Department of Agriculture. An authorized Electronic Monitoring~~Commission (PSMFC) in a format consistent with PSMFC specifications where it is available to the Department and authorized law enforcement officials for management and enforcement.¶
(2) It is unlawful to use a vessel to set gear or take Dungeness crab for commercial purposes in the ocean Dungeness crab fishery, or participate in a derelict gear recovery program which requires a permit or waiver issued by the Department, without an EM system ~~must~~which meet~~all~~s the following ~~condition~~operating requirements:¶
(~~1~~a) The ~~vessel must:¶~~
~~(a) Possess and use an activated Vessel Monitoring System (VMS) that is type-approved by the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE), and comply with all requirements per the Code of Federal Regulations, Title 50:~~EM system must accurately record the vessel's location at least once every minute.¶
(b) A hydraulic sensor must be installed on the main high pressure supply line between the hydraulic pump and the crab block such that recorded pressure readings show pressure increases during pot hauling activity. The EM system must accurately record the hydraulic pressure reading from this sensor at least once every 10 seconds.¶
(~~A~~c) ~~Chapter IV, Part 660, Subpart C, Section 660.14;¶~~
~~(B) Chapter IV, Part 660, Subpart K, Section 660.712 or 660.713;~~The EM system must transmit vessel location and hydraulic sensor data to the service provider at least once every hour.¶
(~~C~~d) ~~Chapter III, Part 300, Section 300.26; or¶~~
~~(b) Possess and use an activated Electronic Monitoring (EM)~~The EM system must be able to store vessel position and hydraulic pressure data in the event of service coverage interruption. Once service is restored, the system ~~tha~~must transmit~~s~~ stored data to ~~an EM~~the service provider ~~no later than the end of each fishing trip, and:~~.¶
(e) If the EM system can determine when a vessel is moored or dry-berthed, the EM system may automatically decrease the position and hydraulic pressure recording rate to at least once every hour while the vessel is moored or dry-berthed.¶
(~~A~~f) The EM s~~ervice provider must receive transmissions and provide automated data access to the Pacific States Marine Fisheries Com~~ystem must include a feedback mechanism to indicate to the vessel operator that the system is operational.¶
(3) It is unlawful for the operator of a vessel for which an EM system is required under section (2) of this rule to fail to:¶
(a) Arrange for an EM system service provider to receive and relay transmissions to ~~(~~PSMFC~~)~~ in a format consistent with PSMFC specifications ~~where it is available to ODFW and Oregon State Police (OSP) for management and enforcement; and¶~~
~~(B) The vessel operator must ensure the EM system is maintained in good working order; make the EM system~~

~~available for inspection by ODFW, OSP,~~ as follows:¶
(A) The following data fields must be provided to PSMFC whenever a new system is installed, or new data transmission begins: The vessel's federal document number or the state vessel registration number for undocumented vessels, serial number or unique identifier linked to the EM system, EM service provider name, make and model of the EM system, date the system was installed or started transmitting data and, if applicable, date the previous system was removed or stopped transmitting data.¶
(B) The following data fields must be recorded by the EM system and relayed to the PSMFC every hour: Serial number or unique identifier linked to the EM system, date, time, latitude, longitude, pressure reading from sensor, speed, and vessel name.¶
(b) Activate the EM system and submit an activation report to the Department before the ~~U.S. Coast Guard; ensure the EM signal is not interfered with, disabled, or destroyed and is operated according to service provider instructions; and pay all~~vessel is used to set gear or take crab for commercial purposes in the ocean Dungeness crab fishery or participate in a derelict gear recovery program which requires a permit or waiver issued by the Department. An activation report must be submitted to the Department under the following circumstances:¶
(A) Annually before gear is deployed at the start of each ocean Dungeness crab season.¶
(B) When an EM system is reactivated following a reinstallation.¶
(C) When there is a change in service provider.¶
(D) When any char~~n~~ges ~~to ensure continuous operation of the EM system.¶~~
~~(2) The VMS or EM system required by~~are made to the information required in the EM activation report.¶
(c) Operate and maintain the EM system in good working order continuously, 24 hours a day, unless the vessel operator has obtained an EM exemption permit under section (~~1~~e) of this rule ~~must transmit vessel location and speed at least once every 60 minutes.~~¶
(d) Contact the Department immediately if transmission of position and pressure sensor readings have been interrupted or no more than 24 hours after being notified by the Department that position or pressure sensor readings are not being received, by calling [INSERT DESIGNATED PHONE NUMBER] or emailing [INSERT DESIGNATED EMAIL ADDRESS].¶
(~~3~~e) ~~The vessel must maintain continuous trans~~Request and secure an EM exemption permit from the Department when there is an interruption in EM system function and comply with th~~rough the closed~~e terms of the EM exemption permit. For an EM exemption permit to be valid, a re~~a until reaching the port of landing designated under section (4) or (5) of this rule. For the purposes~~quest must be received by the Department as soon as it is apparent that the EM system is or will become inoperable. An EM exemption is only authorized for the period specified of~~n~~ th~~is rule, continuous transit means that the vessel crosses an area closed to take of Dungeness crab for commercial purposes on a heading as nearly a~~e permit and a copy of the EM exemption permit must be onboard the vessel. Requests for EM exemption permits will be reviewed and approved at the discretion of the Department. An EM exemption permit may be issued for the following reasons:¶
(A) EM system or hydraulic sensor failure. If an EM exemption permit is ~~p~~gra~~cticable to a direct route, consistent with navigational safety, while maintaining expeditious headway throughout the transit without loitering or delay~~nted by the Department for this reason, the operator of the vessel must use electronic navigational equipment to record a continuous track line of the vessel's movements until the EM system function is restored. Track line information must be retained for 30 days and made available to authorized representatives of the Department or law enforcement officials immediately upon request.¶
(B) The EM system will be disconnected from power due to vessel maintenance or repair and ocean Dungeness crab gear will remain lawfully deployed.¶
(~~4~~C) The ~~vessel must be registered with the Department at least 72 hours prior to entering a closed area by completing th~~EM system will be inoperable due to an emergency including, but not limited to, fire, flooding, capsizing, sinking, or extensive physical damage to critical areas of the vessel.¶
(f) Make the EM system available for inspection upon request of an authorized representative of the Department or law enforcement official.¶
(g) Pay all charges levied by the service provider as necessary to ensure con~~l~~tine ~~form at https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/Closed_Area_Transit_Info.asp~~uous operation of the EM system.¶
(4) It is unlawful to tamper or interfere with equipment or interrupt data collection or transmission of an EM system required by section (2) of this rule.¶
(5) ~~The~~A vessel ~~must make a declaration prior to each time~~that is required to operate and maintain an EM system under section (2) of this rule may be exempt from this requirement by declaring out of the fishery if the vessel has suspended ocean Dungeness crab fishing operations and all Dungeness crab gear belonging to the vessel, ~~enters a closed area by submitting an online form at https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/Closed_Area_Transit_Info.asp~~ except lost gear, is removed from the water. To declare out of the fishery, the operator of such vessel must notify the Department by

completing and submitting a declaration form provided by the Department. If a vessel has declared out of the fishery, the vessel operator must submit a new EM activation report by ~~calling 541-857-2522 and giving the following information:¶~~

~~(a) Vessel name;¶~~

~~(b) Estimated date and time the vessel~~before deploying any ocean Dungeness crab fishing gear, taking Dungeness crab for commercial purposes, or participating in a derelict gear recovery program that requires a permit or wavier issued by the Department. It is unlawful to declare out of the fishery while ~~enter closed area;~~ any ocean Dungeness crab gear except lost gear remains deployed.¶

(~~c~~6) ~~Estimated date and time the vessel will leave the closed area; and¶~~

~~(d) Any changes from registration information required in section (4)(B)-(4)(F)~~Notwithstanding sections (2) of this rule, an EM system is not required for a vessel which does not have an ocean Dungeness crab permit, is solely engaged in setting gear for an ocean Dungeness crab permitted vessel, and which does not retrieve, retain or possess Dungeness crab as allowed under 635-005-0405.

Statutory/Other Authority: ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.129, ORS 506.109

AMEND: 635-005-0485

RULE SUMMARY: These amended rules will implement a fleet-wide Electronic Monitoring (EM) program which will track and report vessel location and crab pot hauling activity for the commercial ocean Dungeness crab fishery. These amended rules will also establish additional criteria and guidelines for approving issuance of Experimental Fishing Gear Permits (EFGPs). Finally, one housekeeping amendment will align rules on maximum surface gear allowed for commercial ocean Dungeness crab fishing gear with distributed outreach materials.

The Commission may decide to adopt staff recommended proposed rule and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-005-0485
Dungeness Crab Gear Prohibitions ¶

It is unlawful for commercial purposes to:¶
(1) Place, operate, or leave Dungeness crab gear in the Pacific Ocean, Columbia River or in any bay or estuary during the closed season, except that in only the Pacific Ocean and Columbia River, Dungeness crab gear may be placed no more than 73 hours immediately prior to the date the Dungeness crab season opens.¶
(2) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.¶
(3) Remove, damage, or otherwise tamper with crab buoy, pot or ring tags except:¶
(a) When lawfully applying or removing tags on the vessel's buoys, pots or rings; or¶
(b) When lawfully removing tags on crab gear retrieved under a Post-Season Derelict Gear Permit pursuant to OAR 635-005-0491 and after the gear has been registered by state officials.¶
(4) Attach one crab pot or ring to another crab pot or ring by a common groundline or any other means that connects Dungeness crab gear together.¶
(5) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.¶
(6) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean adjacent to the state of Oregon unless a Dungeness crab gear allocation has been issued to the permit required under OAR 635-005-0405(5).¶
(7) Deploy or fish more Dungeness crab gear than the number of pots and rings in aggregate assigned by the Dungeness Crab Pot Allocation Certificate or to use any vessel other than the vessel designated on the Dungeness Crab Pot Allocation Certificate, except to set gear as allowed under OAR 635-005-0405.¶
(8) Use Dungeness crab gear with more line than is reasonably necessary to compensate for tides, currents, and weather.¶
(9) Use more surface gear than the following:¶
(a) One main buoy, meaning the buoy closest to the crab pot or ring;¶
(b) Two trailer buoys;¶
(c) A distance greater than 36 feet between the front end of the main buoy to the ~~tail~~front end of the last trailer buoy. End marker buoys are not considered trailer buoys; and¶
(d) One end marker buoy which shall not:¶
(A) Extend more than three feet in length behind the last trailer buoy; or¶
(B) Be larger than five inches in diameter.
Statutory/Other Authority: ORS 506.036, 506.119, 506.129
Statutes/Other Implemented: 506.129, ORS 506.109

AMEND: 635-006-0020

RULE SUMMARY: These amended rules will implement a fleet-wide Electronic Monitoring (EM) program which will track and report vessel location and crab pot hauling activity for the commercial ocean Dungeness crab fishery. These amended rules will also establish additional criteria and guidelines for approving issuance of Experimental Fishing Gear Permits (EFGPs). Finally, one housekeeping amendment will align rules on maximum surface gear allowed for commercial ocean Dungeness crab fishing gear with distributed outreach materials.

The Commission may decide to adopt staff recommended proposed rule and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0020
Experimental Fishing Gear Permit ¶

(1) The D~~irector~~epartment is authorized to issue ~~e~~Experimental ~~f~~Fishing ~~g~~Gear ~~p~~Permits (EFGPs) for the taking of food fish under the authority of ORS 508.106 provided the use of such fishing gear is not otherwise prohibited by the commercial fishing laws.¶
(2) Application for a ~~permit~~n EFGP shall be in writing accompanied by a fee of $30.00 (plus a $2.00 license agent fee) and shall include the species of food fish to be taken, the method to be used, ~~and~~ the name and location of the body of water from which the food fish are to be taken.~~¶~~
~~(3) It is unlawful to use the experimental fishing gear in the waters of this state or the Pacific Ocean except under the terms and conditions specified in the permit~~, vessel operator when applicable, and any other information the Department deems necessary.¶
(3) The Department may establish terms and conditions for each EFGP including but not limited to the amount of gear allowed, fishing area, valid time period, gear marking, monitoring, training, and notification and reporting requirements. It is unlawful to use the experimental fishing gear in the waters of this state or the Pacific Ocean except under the terms and conditions specified in the permit.¶
(4) The vessel operator named on the EFGP must be onboard the vessel at all times on any fishing trip where the vessel operates gear authorized by the EFGP.¶
(5) The Department may deny or revoke an EFGP if the applicant, vessel operator, or the holder of a limited entry permit for the target species has been charged with or convicted of any commercial fishery offense within the last five years or has violated the terms and conditions of any past or present EFGP.¶
(6) The Department may limit the number of EFGPs issued for each type of fishing gear at their discretion, including by fishing area, port, season, or other criteria. If the number of applicants exceeds available permits, the Department shall issue permits based on information needs of the Department and may consider factors including but not limited to gear type, vessel size, operational plans, compliance history, and performance under past or present EFGPs.¶
(7) EFGPs are not transferable to any person, company, or vessel not specified on the permit and may be renewed at the Department's discretion.¶
(8) For any fixed fishing gear that is not marked with a surface buoy, applicants must use a virtual gear marking system that enables:¶
(a) Authorized representatives of the Department and law enforcement officials to identify the location and vessel operating all such gear at all times when it is deployed.¶
(b) Any vessel within a set distance as specified in the EFGP terms and conditions, of any part of the gear to identify the location of such gear when it is deployed.
Statutory/Other Authority: ORS 506.109, 506.119, 506.129
Statutes/Other Implemented: ORS 506.109, 506.119, 506.129