



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

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When adding text (**Bold and Underline**)

When deleting text [~~bracket and strikethrough~~]

No extra lines or page breaks between sections.

Layout includes tabs as shown below:

Division 5

COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES

635-005-0446

Electronic Monitoring

~~[Vessels with an authorized Electronic Monitoring 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 Marine Reserves 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 system must meet all the following conditions:~~

~~(1) 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:~~

~~(A) Chapter IV, Part 660, Subpart C, Section 660.14;~~

~~(B) Chapter IV, Part 660, Subpart K, Section 660.712 or 660.713;~~

~~(C) Chapter III, Part 300, Section 300.26; or~~

~~(b) Possess and use an activated Electronic Monitoring (EM) system that transmits data to an EM service provider no later than the end of each fishing trip, and:~~

~~(A) The EM service provider must receive transmissions and provide automated data access to the Pacific States Marine Fisheries Commission (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, or 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 service provider charges to ensure continuous operation of the EM system.~~

~~(2) The VMS or EM system required by section (1) of this rule must transmit vessel location and speed at least once every 60 minutes.~~

~~(3) The vessel must maintain continuous transit through the closed area until reaching the port of landing designated under section (4) or (5) of this rule. For the purposes of this rule, continuous transit means that the vessel crosses an area closed to take of Dungeness crab for commercial purposes on a heading as nearly as practicable to a direct route, consistent with navigational safety, while maintaining expeditious headway throughout the transit without loitering or delay.~~

~~(4) The vessel must be registered with the Department at least 72 hours prior to entering a closed area by completing the online form at
https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/Closed_Area_Transit_Info.asp.~~

~~(5) The vessel must make a declaration prior to each time the vessel enters a closed area by submitting~~



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46 an online form at
47 https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/Closed_Area_Transit_Info.asp or by calling
48 541-857-2522 and giving the following information:

- 49 (a) Vessel name;
50 (b) Estimated date and time the vessel will enter closed area;
51 (c) Estimated date and time the vessel will leave the closed area; and
52 (d) Any changes from registration information required in section (4)(B)-(4)(F).]

53 **(1) An Electronic Monitoring (EM) system is defined as a vessel monitoring system that**
54 **automatically determines a vessel's position, records individual pot retrieval via a hydraulic**
55 **pressure reading, and transmits this information to an EM system service provider. The service**
56 **provider receives the transmission and provides automated data access to the Pacific States**
57 **Marine Fisheries Commission (PSMFC) in a format consistent with PSMFC specifications where it**
58 **is available to the Department and authorized law enforcement officials for management and**
59 **enforcement.**

60 **(2) It is unlawful for a vessel to set, haul, or possess Dungeness crab gear onboard, or take, land,**
61 **or possess Dungeness crab for commercial purposes in the ocean Dungeness crab fishery, or**
62 **participate in a derelict gear recovery program which requires a permit or waiver issued by the**
63 **Department, without an EM system which meets the following operating requirements:**

64 **(a) The EM system must accurately record the vessel's location at least once every minute.**

65 **(b) A hydraulic sensor must be installed on the main high pressure supply line between the**
66 **hydraulic pump and the crab block such that recorded pressure readings show pressure**
67 **increases during pot hauling activity. The EM system must accurately record the hydraulic**
68 **pressure reading from this sensor at least once every 10 seconds.**

69 **(c) The EM system must transmit vessel location and hydraulic sensor data to the service**
70 **provider at least once every hour.**

71 **(d) The EM system must be able to store vessel position and hydraulic pressure data in the**
72 **event of service coverage interruption. Once service is restored, the system must transmit**
73 **stored data to the service provider.**

74 **(e) If the EM system can determine when a vessel is moored or dry-berthed, the EM system**
75 **may automatically decrease the position and hydraulic pressure recording rate to at least**
76 **once every hour while the vessel is moored or dry-berthed.**

77 **(f) The EM system must include a feedback mechanism to indicate to the vessel operator that**
78 **the system is operational.**

79 **(3) It is unlawful for the operator of a vessel for which an EM system is required under section (2)**
80 **of this rule to fail to:**

81 **(a) Arrange for an EM system service provider to receive and relay transmissions to PSMFC in**
82 **a format consistent with PSMFC specifications as follows:**

83 **(A) The following data fields must be provided to PSMFC whenever a new system is**
84 **installed, or new data transmission begins: The vessel's federal document number or the**
85 **state vessel registration number for undocumented vessels, serial number or unique**
86 **identifier linked to the EM system, EM service provider name, make and model of the EM**
87 **system, date the system was installed or started transmitting data and, if applicable, date**
88 **the previous system was removed or stopped transmitting data.**

89 **(B) The following data fields must be recorded by the EM system and relayed to the**



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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 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 changes 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 (e) of this rule.

(d) Contact the Department immediately if transmission of position or 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 541-857-2522 or emailing crab.EM@odfw.oregon.gov.

(e) Request and secure an EM exemption permit from the Department when there is an interruption in EM system function and comply with the terms of the EM exemption permit. For an EM exemption permit to be valid, a request 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 on the 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 granted 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.

(C) The 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 immediately 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 continuous 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) A vessel 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



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ocean Dungeness crab fishing operations and all Dungeness crab gear belonging to the vessel, except lost gear, is removed from the water. To declare out of the fishery, an 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, a vessel operator must submit a new EM activation report 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 any ocean Dungeness crab gear except lost gear remains deployed.

6) Notwithstanding section (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 OAR 635-005-0405.

Statutory/Other Authority: ORS 506.119 & ORS 506.129

Statutes/Other Implemented: ORS 506.109 & ORS 506.129

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;



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(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: ORS 506.129 & 506.109

Division 6

COMMERCIAL FISHERIES: GEAR, LICENSES, POUNDAGE FEES, RECORDS AND REPORTS

635-006-0020

Experimental Fishing Gear Permit

(1) The ~~Director~~ **Department** is authorized to issue ~~experimental fishing gear permits~~ **Experimental Fishing Gear 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~~ **an 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, **vessel operator(s) when applicable, and any other information the Department deems necessary.**

(3) **The Department shall establish terms and conditions for each EFGP which may include but are 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) At least one 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(s), or the holder of a limited entry permit for the target species has been charged with or convicted of any violation of commercial fishing laws within the last five years or has violated the terms and conditions of any past or existing EFGP.

(6) The Department may limit the number of EFGPs issued by certain criteria, including but not limited to type of fishing gear, 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 other factors including but not limited to gear type, vessel size, operational plans, compliance history, and performance under past or existing 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.

Statutory/Other Authority: ORS 506.109, 506.119 & ORS 506.129

Statutes/Other Implemented: ORS 506.109, 506.119 & 506.129