



## Oregon Administrative Rules Oregon Department of Fish and Wildlife

vessel to take, land or possess more than 1,200 pounds of Dungeness crab per week from the Pacific Ocean and Columbia River. "Week" means the period beginning 12:01 a.m. local time Monday through 12 midnight Sunday.

(2) Commercial fishers must retain copies of fish landing receipts for a minimum of 90 days on board vessels landing Dungeness crab under the cumulative catch limit described in section (1) of this rule. The receipts must be available for inspection by authorized enforcement officials and by employees of the Department. Legal landing receipts are defined in OAR 635-005-0240.

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

Stats. Implemented: ORS 506.109, 506.129 & 506.306

Hist.: Adopted 6-8-12, f. 6-28-12, ef. 7-1-12

### 635-005-0475

#### Dungeness Crab Gear Specifications

It is *unlawful* for commercial purposes to:

- (1) Take crab by any means other than crab pots or crab rings as defined in OAR 635-005-0240.
- (2) Possess on a vessel, use, control, or operate any crab pot which is greater than thirteen cubic feet in volume, calculated using external dimensions.
- (3) Possess on a vessel, use, control, or operate any crab pot which does not include a minimum of two circular escape ports of at least 4-1/4 inches inside diameter, located on the top or side of the crab pot. If escape ports are placed on the side of the crab pot, they shall be located in the upper half of the pot.
- (4) Possess on a vessel, use, control, or operate any crab pot which does not have a release mechanism.

Acceptable release mechanisms are:

(a) A single loop of untreated cotton not heavier than 120 thread size between crab pot lid tiedown hooks and the tiedown straps; or

(b) Any modification of the wire mesh on the top or upper half of the side of the crab pot, secured with a single strand of untreated cotton not heavier than 120 thread size, which, when removed, will create a minimum opening of at least 5 inches in diameter and will meet the following:

(A) The minimum opening may have not more than a single wire mesh (described as a "V") that protrudes into the opening provided that mesh extends into the opening a distance of not more than 2.5 inches, as measured from the perimeter of the opening along either edge of the protruding wire mesh, to serve as an anchor for the securing cotton. The panel containing the opening and the wire mesh acting as an anchor for the securing cotton must be constructed of a single wire no greater than 0.050 inches in diameter.

(B) Cotton must not be wrapped multiple times around wire mesh and may use no more than one knot securing the wire mesh at each end.

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

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### 635-005-0480

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

It is *unlawful* for commercial purposes to:

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

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

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

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

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

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

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

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



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- (A) As of the first business day after 30 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or
- (B) For a catastrophic loss, as defined in ORS 635-005-0240; or
- (C) If the Director finds that the loss of buoy tags was:
- (i) Due to an extraordinary event;
  - (ii) The loss was minimized with the exercise of reasonable diligence; and
  - (iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing gear.
- (D) Upon receipt of the declaration of loss required by subsection (1)(g)(E) of this rule, and a request for replacement tags under sub-subsection (1)(g)(C) of this rule, the Director or the Director's designee may provide an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the criteria for replacement under subsection (1)(g)(C) of this rule. The Director or the Director's designee shall provide the Director's order to the permit holder and to the Department's License Services. The permit holder may appeal the Director's findings to the Fishery Permit Review Board under OAR 635-005-0425.
- (E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.
- (2) Possess on a vessel, use, control, or operate any Dungeness crab gear which does not have a tag affixed to the individual pot or ring identifying the gear as belonging to that vessel, a surface buoy bearing the Department buoy brand registered to that vessel, and a Department buoy tag issued by the Department to that vessel, as pursuant to ORS 509.415, except:
- (a) To set gear as allowed under OAR 635-005-0405; or
  - (b) Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness crab gear to shore by another crab permitted vessel provided that:
    - (A) The vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or sinking;
    - (B) Circumstances beyond the control of the permit holder as defined by undue hardship in OAR 635-005-0240;
    - (C) A Request must be in writing and a waiver approved and issued prior to retrieval; and
    - (D) A copy of the waiver must be on board the vessel making the retrieval (Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).
  - (c) Under a waiver granted by the Department to allow one time change of buoy tags associated with a Dungeness crab permit transfer under OAR 635-005-0440 provided that:
    - (A) A request must be in writing and a waiver approved and issued prior to change of buoy tags; and
    - (B) A copy of the waiver must be on board the vessel making the change of buoy tags (Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).
  - (d) When retrieving derelict Dungeness crab gear as pursuant to OAR 635-005-0490;
  - (e) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon while possessing Dungeness crab gear not bearing Oregon buoy tags or Oregon buoy branded surface buoys, provided that the vessel is authorized and en route to participate in the Dungeness crab fishery of an adjacent state; or
  - (f) When operating crab rings in bays or estuaries, only a tag affixed to the individual ring is required.

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

Stats. Implemented: ORS 506.109, 506.129 & 506.306

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### 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:
- (a) In only the Pacific Ocean and Columbia River, Dungeness crab gear may be placed no more than 64 hours immediately prior to the date the Dungeness crab season opens. In addition, unbaited Dungeness crab gear with open release mechanisms may be left in the Pacific Ocean (not including the Columbia River) for a period not to exceed 14 days following the closure of the Dungeness crab season.
- (2) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days without making a landing of Dungeness crab.