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3 **DISCUSSION DRAFT FOR CRAB AND DOMOIC ACID ADVISORY COMMITTEE**

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5 **OREGON DEPT OF FISH AND WILDLIFE**
6 **DRAFT OREGON ADMINISTRATIVE RULE (OAR)**

7
8 **DIVISION 006**

9 **Commercial Fisheries: Gear, Licenses, Poundage Fees, Records and Reports**

10
11 **635-006-0201 (New Rule)**

12 **Required Records for Dungeness Crab Traceability**

13 (1) For all Dungeness crab received, the records required by OAR 635-006-0200 shall also be
14 required of restaurants and shall include the following additional information:

15 (a) Date(s) of landing; and

16 (b) Harvest area(s) as defined by the Department.

17 (2) All retail fish dealers, wholesale fish dealers, buyers, limited fish sellers, food fish canners,
18 and shellfish canners shall keep a record of all Dungeness crab sold to any person or business
19 other than the ultimate consumer. For the purposes of this rule, ultimate consumer does not
20 include restaurants. This record shall include:

21 (a) Date of sale;

22 (b) Date(s) of landing;

23 (c) Amount of pounds;

24 (d) The name and phone number of the persons or businesses to whom Dungeness crab were
25 sold; and

26 (e) Harvest area(s) as defined by the Department.

27 (3) The records required in this rule shall be:

28 (a) Subject to inspection by the Director, the Director's authorized agent, or the Oregon State
29 Police;

30 (b) Prepared and available at the time Dungeness crab are transferred to the premises of the
31 buyer, regardless of whether sold or not;

32 (c) Retained for a period not less than three years, at a location within Oregon where the
33 record is to be available for inspection as designated in section (3)(a) of this rule. Notice of the
34 physical location is to be provided to the Department.

35 (d) Written in the English language.

36
37 [Publications: Publications referenced are available from the Department.]

38
39 Stat. Auth.: ORS 506.109, 506.119, 506.129, 508.406, 508.530 and 508.535
40 Stats. Implemented: ORS 506.109, 506.119, 506.129, 508.406, 508.530 and 508.535

41
42 **635-006-0200**

43 **Required Records (Existing Rule)**

44 (1) All retail fish dealers, retail and wholesale fish bait dealers, wholesale fish dealers, buyers,
45 food fish canners and shellfish canners shall keep a record of all food fish and shellfish received
46 whether from a fisher or from other fish dealers. This record shall include the quantity in pounds
47 of each species of food fish or shellfish received, the date received, price paid per pound, and the
48 name and address of the person from whom such food fish or shellfish were received. If received
49 from a fisher, his or her commercial fishing license number shall be used in lieu of an address
50 and the fishing gear used in taking shall also be required. If received from a treaty Indian, his or
51 her tribal affiliation and enrollment number as shown on official identification card issued by the
52 U.S. Department of Interior, Bureau of Indian Affairs, or tribal government shall be used in lieu
53 of an address or commercial fishing license.

54 (2) This record shall be:

55 (a) Subject to inspection by the Director, the Director's authorized agent, or the Oregon State
56 Police;

57 (b) Prepared and available at the time food fish or shellfish are received at the premises of the
58 fish dealer regardless of whether purchased or not;

59 (c) Retained for a period not less than three years, at a location within Oregon where the
60 record is to be available for inspection as designated in section (2)(a) of this rule. Notice of the
61 physical location is to be provided to the Department.

62 (d) Written in the English language.

63
64 [Publications: Publications referenced are available from the Department.]

65
66 Stat. Auth.: ORS 506.109, 506.119, 506.129, 508.406, 508.530 and 508.535
67 Stats. Implemented: ORS 506.109, 506.119, 506.129, 508.406, 508.530 and 508.535
68