



STAFF SUMMARY

Proposed Rules to Enhance Monitoring and Permit Use of Experimental Gear in the Commercial Dungeness Crab Fishery

Background

Since 2014, the number of whales—especially humpback whales—getting entangled in fixed fishing gear along the West Coast has gone up. Some of these entanglements have been linked by the National Marine Fisheries Service (NMFS) to Oregon’s commercial Dungeness crab gear. This increase is likely due to a growing coastwide humpback whale population, changing ocean conditions that bring whales and crab gear into closer contact, and better reporting of entanglements.

The Oregon Department of Fish and Wildlife (ODFW) has been working with the fishing industry and many other partners to reduce and offset whale entanglements. This work forms the basis of ODFW’s draft Conservation Plan, which has been submitted to NMFS. The plan is required for Oregon to receive a federal Incidental Take Permit under Section 10 of the Endangered Species Act, allowing the crab fishery to continue operating while meeting conservation requirements.

At the August 14 meeting, the Oregon Fish and Wildlife Commission will consider several proposed rule changes tied to commitments in the draft Conservation Plan. These include requiring electronic monitoring (EM) for commercial crab vessels, updating the rules around testing new gear types (Experimental Fishing Gear Permits, or EFGPs), and making a small clarification to rules about allowed surface gear. The Commission will also hear an informational report on a five-year review of entanglement risk reduction measures, but that report will not require a vote.

Public involvement

ODFW has gathered extensive public input while developing these recommendations. This outreach included online and in-person meetings with the Oregon Entanglement Advisory Committee and the Oregon Dungeness Crab Advisory Committee in April 2026, three public meetings in coastal communities in May 2026, and an experimental gear “learning exchange” in August 2025. ODFW also shared information through newsletters, Commission updates, briefings to the Oregon Dungeness Crab Commission, and ongoing communication with stakeholders.

Overview of proposed rule changes

1. Requiring electronic monitoring (EM)

The Department is proposing that by December 1, 2026, commercial crab vessels would be required to use an EM system that records:

- where the vessel is located, and
- where each individual crab pot is pulled (through a hydraulic pressure sensor).

A similar system is already required in Washington and California. EM will allow ODFW to access usable gear-location data much more quickly. This will help:

- improve traceability of crab harvest,

- evaluate and enforce entanglement risk reduction measures,
- monitor fishery activity more effectively in near-real time,
- support enforcement of rules such as fair-start provisions and closed areas, and
- open the door to more flexible, adaptive management as ocean conditions change.

ODFW is also developing an electronic logbook to simplify reporting. It will be voluntary starting in the 2026–27 season, with a future rulemaking planned to consider making it mandatory.

2. Updating guidelines for Experimental Fishing Gear Permits (EFGPs)

Due to anticipated interest in the use of alternative gear types that have the potential to reduce entanglement risk by reducing or eliminating persistent vertical lines, and the need for collaboration with gear testers and enforcement to ensure testing addresses information gaps, the department is proposing rules that provide a more structured program with additional guidelines before issuing EFGPs for pop-up or crab longline gear. The proposed rule amendments would:

- Allow ODFW to establish EFGP terms and conditions such as the amount of gear allowed, fishing area, valid period, gear marking, monitoring, training, and notification and reporting requirements.
- Require the vessel operator named on the EFGP application to be onboard the vessel on any trip where EFGP gear is used.
- Allow ODFW to deny or revoke an EFGP if the applicant, vessel operator, or permit holder has been charged with or convicted of any commercial fishery offense within the last five years or has violated the terms and conditions of an EFGP.
- Allow ODFW to limit the number of EFGPs issued for each type of fishing gear, and select applicants based on information needs of ODFW.
- Require virtual gear marking for any EFGP gear that is not marked by a surface buoy.

If the Commission adopts these rules, ODFW anticipates completing pre-implementation work over the winter and beginning to take EFGP applications for pop-up and crab longline gear in the spring of 2027.

3. Clarifying surface-gear regulations

The final proposed rule amendment is a simple housekeeping measure to align rule language related to crab surface gear limitations with distributed outreach materials. In August 2023, the Commission adopted a regulation limiting the amount of surface gear allowed to be used on ocean commercial Dungeness crab gear, to reduce entanglement risk. However, there was a minor mismatch between the adopted rule language and the outreach materials distributed by ODFW, related to how surface line length is measured. ODFW is proposing that the rule language be amended to match the distributed outreach materials.

Why these changes are needed

These rule amendments support key commitments in ODFW's draft Conservation Plan and strengthen the state's approach to reducing risks to ESA-listed whale species. The new EM requirement also provides better, faster, and more accurate information about the fishery overall, helping address a variety of management and enforcement needs.