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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 109-2025

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

12/19/2025 2:22 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: 2025-2026 Commercial Dungeness Crab Season Opening North of Cape Falcon

EFFECTIVE DATE: 12/19/2025 THROUGH 03/31/2026

AGENCY APPROVED DATE: 12/19/2025

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Filed By:
Linda Spansel
Rules Coordinator

NEED FOR THE RULE(S):

Dungeness crab are tested for meat yield and biotoxins during preseason test fishing. If crab do not meet criteria established by mutual agreement of fishery managers from the California, Oregon, and Washington Departments of Fish and Wildlife for meat recovery, or criteria used by the Oregon Department of Agriculture for biotoxins, the season may be delayed.

Preseason test fishing initially showed that crab did not meet the established meat recovery criteria north of the Oregon-Washington border, so Tri-State fishery managers delayed the opening from Point Arena, California to the Washington-Canada border. A second round of testing showed that crab north of the Oregon-Washington border still did not meet criteria at that time. The Revised Pre-Season Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery (July 2024) specifies that states may divide the fishery into zones with different opening dates, and boundaries between zones will take traditional fishing patterns into account to minimize disruption. Opening Oregon waters in and around the Columbia River on December 16 may have resulted in harvest of poor-quality crab, having a negative economic impact on the industry, and a boundary at Cape Falcon was likely to be least disruptive to traditional fishing patterns. Tri-State fishery managers mutually agreed to open the area from the Oregon-California border to Cape Falcon, Oregon on December 16, 2025, while continuing to delay the area north of Cape Falcon until further meat recovery testing could be conducted off Washington.

Additional testing showed that crab off Washington now meet criteria for meat recovery. Fishery managers mutually agreed to open the area from Klipsan Beach, Washington to Cape Falcon, Oregon on December 31, 2025, in accordance the Revised Pre-Season Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery (Tri-State Protocol, July 2024).

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through permanent rulemaking proceedings to manage harvest in this commercial fishery prior to the scheduled opening.

Failure to adopt these rules could cause serious prejudice to the public interest by denying commercial fishers the

opportunity to harvest crab in areas where they have met marketability and biotoxin criteria, violating Oregon's agreement with the states of Washington and California, and failing to provide an orderly opening of the fishery.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Memorandum of Understanding Regarding Management of the Pacific Coast Dungeness Crab Fishery.
 2. Revised Pre-Season Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery (July 2024).
- 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 Linda Spansel at 503-947-6233 or linda.d.spansel@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.

AMEND: 635-005-0465

SUSPEND: Temporary 635-005-0465 from DFW 108-2025

RULE SUMMARY: This amended rule sets the opening date for the Oregon 2025-2026 ocean commercial Dungeness crab fishery from Cape Falcon to the Oregon-Washington border.

CHANGES TO RULE:

635-005-0465

Closed Season in Pacific Ocean and Columbia River

(1) ~~Effective December 19, 2025, it is unlawful to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River.~~

(a) In the area from Oregon-California border (42° 00' 00" N. Lat.) northward to Cape Falcon (45° 46' 00" N. Lat.) from August 15, 2025, through December 1, 2025, at 08:59 AM.

(b) In the area from Cape Falcon (45° 46' 00" N. Lat.) northward to the Oregon-Washington border (46° 15' 00" N. Lat.) from August 15, 2025, through December 31, 2025, at 08:59 AM.

(2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or more fishing zones based on the results of crab quality testing. The Pre-season Testing Protocol for the Tri-State Coastal Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the process for establishing fishing zones (section VI) and coordinating the opening of the fishery in Washington, Oregon, and California north of Point Arena (sections IV and V). Therefore, the following sections of the Tri-State Protocol (July 2024) are hereby incorporated into Oregon Administrative Rule by reference:

(a) Section IV - Season Opening Criteria.

(b) Section V - Test Fishing and Process for Setting the Season Opening Date.

(c) Section VI - Procedure for Establishing Fishing Zones. As used in the Tri-State Protocol "fishing" means any operation of Dungeness crab fishing gear to take, possess on board, or land Dungeness crab for commercial purposes, except setting Dungeness crab gear for another vessel as allowed per OAR 635-005-0405(1). In the event that crab quality tests do not meet the criteria for opening the season on December 1, the Director shall adopt temporary rules delaying the season in accordance with the Tri-State Protocol.

(3) It is unlawful to land, receive or buy, Dungeness crab in the first thirty days of the ocean Dungeness crab fishery from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to have been free of Dungeness crab before fishing in the ocean Dungeness crab fishery. In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the ocean Dungeness crab fishery refers to the fishery in that zone for the purposes of this rule.

(4) In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the transfer of a permit from one vessel to another is suspended from the earliest season opening date through thirty days after the latest season opening date, except in the event a vessel is unintentionally destroyed due to fire, capsizing, sinking, or other event.

(5) Upon a determination by the Department that catch in Oregon's ocean Dungeness crab fishery after May 31 is greater than ten percent of the catch in the previous December 1 through May 31 period, the Director shall adopt a temporary rule closing the commercial season until the following December 1.

~~[Publications: Publications referenced are available from the Department.]~~

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.109, ORS 506.129