



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

1 NOTE: This is the format for Oregon Administrative Rules (OARs).

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

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

4 No extra lines or page breaks between rules or sections.

5  
6 **DIVISION 5**

7 **COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES**

8 **635-005-0405**

9 **Requirement for Ocean Dungeness Crab Permit**

10 (1) It is *unlawful* to take, land or possess Dungeness crab from the ocean Dungeness crab fishery  
11 without first obtaining an Ocean Dungeness Crab Permit issued pursuant to ORS 508.931 or 508.941.  
12 An Ocean Dungeness Crab Permit is not required for vessels that are engaged solely in setting gear for  
13 a permitted vessel and which do not retrieve, retain or possess Dungeness crab.

14 (2) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive Dungeness crab taken in the ocean  
15 Dungeness crab fishery from a vessel for which the permit required by this rule has not been issued.

16 (3) If the Commission establishes a vessel crab pot limitation or allocation system beyond the 2002-03  
17 ocean Dungeness crab season, August 14, 2001 is the control date for eligibility criteria related to past  
18 participation in the ocean fishery.

19 (4) A Single Delivery License shall not be substituted for an Ocean Dungeness Crab Permit. Once a  
20 vessel has obtained an Ocean Dungeness Crab Permit, Dungeness crab may be landed by the vessel  
21 using a combination of an Ocean Dungeness Crab Permit and a Single Delivery License in lieu of a  
22 commercial fishing and boat license. However, crab may not be landed more than twice in any  
23 one ocean Dungeness crab fishing season using Single Delivery Licenses.

24 (5) Effective December 1, 2006, the amount of Dungeness crab gear allocated to a permit required under  
25 section (1) above will be determined as follows:

26 (a) The allocation will be based on documented landings of ocean Dungeness crab into Oregon,  
27 Washington (excluding landings from the Puget Sound Fishery), or California, using valid Oregon  
28 fish receiving tickets, or equivalent valid documents from the states of Washington or California,  
29 from December 1, 1995 through August 14, 2001;

30 (b) The Dungeness crab gear allocation will be the highest number of pots and rings in aggregate  
31 the vessel qualifies for during the six qualifying seasons, December 1 of one year through  
32 September 15 of the next year (except through August 14, in 2001);

33 (c) A Dungeness crab gear allocation of 200 shall be assigned to a permit with landings less than  
34 15,020 pounds in the 1995 to 1996 season, and 4,010 pounds in the 1996 to 1997 season, and  
35 5,170 pounds in the 1997 to 1998 season, and 7,083 pounds in the 1998 to 1999 season, and  
36 13,160 pounds in the 1999 to 2000 season, and 8,940 pounds in the 2000 to 2001 season;

37 (d) A Dungeness crab gear allocation of 300 shall be assigned to a permit with minimum landings



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

38 of 15,020 pounds in the 1995 to 1996 season, or 4,010 pounds in the 1996 to 1997 season, or  
39 5,170 pounds in the 1997 to 1998 season, or 7,083 pounds in the 1998 to 1999 season, or  
40 13,160 pounds in the 1999 to 2000 season, or 8,940 pounds in the 2000 to 2001 season; and

41 (e) A Dungeness crab gear allocation of 500 shall be assigned to a permit with minimum landings  
42 of 89,020 pounds in the 1995 to 1996 season, or 35,180 pounds in the 1996 to 1997 season, or  
43 39,350 pounds in the 1997 to 1998 season, or 49,450 pounds in the 1998 to 1999 season, or  
44 78,400 pounds in the 1999 to 2000 season, or 37,030 pounds in the 2000 to 2001 season.

45 (6) The Ocean Dungeness Crab Permit required by section (1) of this rule is in addition to and not in lieu  
46 of the commercial fishing and boat license required by ORS 508.235 and ORS 508.260.

47 (7) No vessel may hold more than one Ocean Dungeness Crab Permit at any one time.

48 (8) Unless otherwise provided, Ocean Dungeness Crab Permits must be purchased by December 31 of  
49 the year the permit is sought for renewal.

50 (9) Applications for Ocean Dungeness Crab Permits shall be in such form and contain such information  
51 as the Department may prescribe. Proof of length of a vessel may be required at the time of application.

52 (10) Notwithstanding section (5) of this rule, [~~effective for calendar years 2021 through 2023,~~] from May 1  
53 through August 14 the amount of Dungeness crab gear allocated to a permit required under section (1)  
54 of this rule shall be reduced to 80 percent of the amount allocated under section (5) of this rule. A permit  
55 assigned a Dungeness crab gear allocation per section (5) of this rule of:

56 (a) 200 shall be assigned a Dungeness crab gear allocation of 160;

57 (b) 300 shall be assigned a Dungeness crab gear allocation of 240; or

58 (c) 500 shall be assigned a Dungeness crab gear allocation of 400.

59 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

60 **Statutes/Other Implemented:** ORS 506.109, 506.129, 506.306, 508.926 & 508.931

61 **635-005-0460**

62 **Harvest Areas — Dungeness Crab Fishery**

63 (1) Oregon Dungeness crab permits are valid only in Oregon state waters and the Pacific Ocean in  
64 federal waters south of an east-west line extending westward at 46° 15' 00" North Latitude  
65 (Oregon/Washington border) and north of an east-west line at 42° 00' 00" North Latitude  
66 (Oregon/California border).

67 (2) [~~Effective for calendar years 2021 through 2023, from~~] **From** May 1 through August 14 it is *unlawful* to  
68 place, operate, or leave commercial Dungeness crab gear seaward of the 40 fathom depth contour  
69 (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section  
70 71. Any commercial Dungeness crab gear found seaward of the 40 fathom depth contour [~~during the~~



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

71 effective dates] **from May 21 through August 14** shall be considered derelict and may be retrieved per  
72 635-005-0490.

73 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

74 **Statutes/Other Implemented:** ORS 506.109 & 506.129

75 **635-005-0480**

76 **Dungeness Crab Buoy Tag and Gear Marking Requirements**

77 It is unlawful for commercial purposes to:

78 (1) Use commercial Dungeness crab gear in the Columbia River or Pacific Ocean unless the gear is  
79 individually marked with a surface buoy bearing, in a visible, legible and permanent manner, the buoy  
80 brand and buoy color(s) of the owner, and the Department buoy tag **issued for the current season**,  
81 provided that:

82 (a) The buoy brand consists of letters and/or numbers, and the buoy brand and buoy color or  
83 color combination are registered with and approved by the Department; The buoy color or color  
84 combination shall be submitted to the Department as a color photograph for registration;

85 (b) Only one unique buoy brand and one buoy color or color combination shall be registered to  
86 any one permitted vessel;

87 (c) All Dungeness crab gear fished by a permitted vessel must use only the Oregon buoy brand  
88 number and at least one buoy with the buoy color or color combination registered to that vessel in  
89 the area off of Oregon;

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

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

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

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

97 (A) For a catastrophic loss, as defined in OAR 635-005-0240; or

98 (B) If the Director finds that the loss of buoy tags was:

99 (i) Due to an extraordinary event;

100 (ii) The loss was minimized with the exercise of reasonable diligence; and



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

101 (iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing  
102 gear.

103 (C) Upon receipt of the declaration of loss required by subsection (1)(g)(D) of this rule,  
104 and a request for replacement tags under subsection (1)(g)(B) of this rule, the Director or  
105 the Director's designee may provide an opportunity for the permit holder requesting the  
106 replacement tags to describe why the buoy tag loss meets the criteria for replacement  
107 under subsection (1)(g)(B) of this rule. The Director or the Director's designee shall  
108 provide the Director's order to the permit holder and to the Department's License  
109 Services. The permit holder may appeal the Director's findings to the Fishery Permit  
110 Review Board under OAR 635-005-0425.

111 (D) Permit holders (or their alternative designated on the buoy tag order form) must  
112 obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of  
113 an authorized Department employee. The declaration shall state the number of buoy tags  
114 lost, the location and date where lost gear or tags were last observed, and the presumed  
115 cause of the loss.

116 (2) Possess on a vessel, use, control, or operate any Dungeness crab gear which does not have a tag  
117 affixed to the individual pot or ring identifying the gear as belonging to that vessel, a surface buoy  
118 bearing the Department buoy brand registered to that vessel, and a Department buoy tag issued by the  
119 Department to that vessel **for the current season**, as pursuant to ORS 509.415, except:

120 (a) To set gear as allowed under OAR 635-005-0405; or

121 (b) Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness  
122 crab gear to shore by another crab permitted vessel provided that:

123 (A) The vessel is incapacitated due to major mechanical failure or destroyed due to fire,  
124 capsizing, or sinking;

125 (B) Circumstances beyond the control of the permit holder as defined by undue hardship  
126 in OAR 635-005-0240 occurred;

127 (C) A Request must be in writing and a waiver approved and issued prior to retrieval; and

128 (D) A copy of the waiver must be on board the vessel making the retrieval (Contact  
129 Department of Fish and Wildlife Licensing Services, Salem for guidelines).

130 (c) Under a waiver granted by the Department to allow a ~~one time change of buoy tags~~  
131 ~~associated with a Dungeness crab permit transfer under OAR 635-005-0440 provided that~~]:

132 **(A) One time change of buoy tags for gear deployed at sea associated with a**  
133 **Dungeness crab permit transfer under OAR 635-005-0440;**

134 **(B) One time change of buoy tags to another vessel's tags for gear deployed at sea.**



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

- 135                    **The vessel making the change must be either the vessel that the deployed buoy**  
 136                    **tags are assigned to or the vessel that the new tags are assigned to;**
- 137                    **(C) One time change of buoy tags at sea to different crab pots or rings owned by**  
 138                    **the same vessel making the change. The vessel making the change must be the**  
 139                    **vessel the buoy tags are assigned to, and gear must be transported to shore on the**  
 140                    **same fishing trip;**
- 141                    **(D) One time attachment of late season tags to gear deployed at sea by a vessel**  
 142                    **other than the vessel the buoy tags are assigned to; or**
- 143                    **(E) One time retrieval of permitted Dungeness crab gear to shore by another crab**  
 144                    **permitted vessel from August 1 through August 14.**
- 145                    [~~(A) A request must be in writing and a waiver approved and issued prior to change of~~  
 146                    ~~buoy tags; and~~
- 147                    [~~(B) A copy of the waiver must be on board the vessel making the change of buoy tags-~~  
 148                    ~~(Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).]~~
- 149                    (d) [~~Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness~~  
 150                    ~~crab gear to shore by another crab permitted vessel from August 1 through August 14]~~ **Waivers**  
 151                    **for activities described in subsection (2)(c) of this rule may be issued by the Department**  
 152                    provided that a:
- 153                    (A) Request must be in writing and a waiver approved and issued prior to [~~retrieval]~~  
 154                    **conducting the activity;** and
- 155                    (B) Copy of the waiver must be on board the vessel [~~making the retrieval]~~ **conducting the**  
 156                    **activity** (Contact Department of Fish and Wildlife Licensing Services, Salem for  
 157                    guidelines).
- 158                    (e) When retrieving derelict Dungeness crab gear as pursuant to OAR 635-005-0490 or 635-005-  
 159                    0491;
- 160                    (f) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon  
 161                    while possessing Dungeness crab gear not bearing Oregon buoy tags or Oregon buoy branded  
 162                    surface buoys, provided that the vessel is authorized and en route to participate or returning from  
 163                    participating in the Dungeness crab fishery of an adjacent state; or
- 164                    (g) When operating crab rings in bays or estuaries, only a tag affixed to the individual ring is  
 165                    required.
- 166                    (3) Use commercial Dungeness crab gear in the Columbia River or Pacific Ocean with a line mark that is  
 167                    required for any state or federal fishery, other than the Oregon Dungeness crab fishery, operating in the  
 168                    U.S. West Coast EEZ, or the state waters of Washington, Oregon, or California.



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

169 (4) [~~Effective for calendar years 2021 through 2023, from~~] **From** May 1 through August 14, possess on a  
 170 vessel, use, control, or operate commercial Dungeness crab gear in the Columbia River or Pacific Ocean  
 171 unless the gear is individually marked with a secondary Department buoy tag issued by the Department  
 172 to that vessel **for the current season** in addition to the buoy tag required under section (1) of this rule,  
 173 provided that:

174 (a) The primary buoy tag shall remain attached as required per section (1) of this rule;

175 (b) The secondary buoy tag shall be securely attached to the buoy closest to the gear at the end  
 176 away from the buoy line;

177 (c) The Department shall issue secondary buoy tags to the owner of each commercial crab permit  
 178 in the amount requested by the permit owner, not to exceed the amount determined by OAR 635-  
 179 005-0405(10);

180 (d) Secondary buoy tags must be purchased from the Department at cost and attached to the  
 181 gear as of the effective date but no earlier than April 10;

182 (e) The exceptions found in sections (2)(b) through (2)(g) of this rule also apply to this section;  
 183 and

184 (f) Any commercial Dungeness crab gear found in the ocean or Columbia River without a  
 185 secondary buoy tag [~~during the effective dates of this section~~] **from May 21 through August 14**  
 186 shall be considered derelict and may be retrieved per OAR 635-005-0490;

187 (5) [~~Effective for calendar years 2021 through 2023, from~~] **From** May 1 through August 14, land  
 188 Dungeness crab into Oregon for commercial purposes unless secondary buoy tags have been  
 189 purchased from the Department for the Oregon commercial crab permit under which the landing vessel is  
 190 operating, **except vessels that do not have any Dungeness crab gear deployed between 46° 15' 00"**  
 191 **North Latitude (Oregon/Washington border) and 42° 00' 00" North Latitude (Oregon/California**  
 192 **border) may land crab legally taken from another state into the ports of Astoria or Brookings,**  
 193 **Oregon.**

194 **Statutory/Other Authority:** ORS 506.036, ORS 506.109, ORS 506.119 & ORS 506.129

195 **Statutes/Other Implemented:** ORS 506.109 & ORS 506.129

196 **635-005-0485**

197 **Dungeness Crab Gear Prohibitions**

198 It is *unlawful* for commercial purposes to:

199 (1) Place, operate, or leave Dungeness crab gear in the Pacific Ocean, Columbia River or in any bay or  
 200 estuary during the closed season, except that in only the Pacific Ocean and Columbia River, Dungeness  
 201 crab gear may be placed no more than 73 hours immediately prior to the date the Dungeness crab  
 202 season opens.



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

- 
- 203 (2) Have Dungeness crab gear deployed in the Pacific Ocean or Columbia River more than 14 days  
204 without making a landing of Dungeness crab.
- 205 (3) Remove, damage, or otherwise tamper with crab buoy, pot or ring tags except:
- 206 (a) When lawfully applying or removing tags on the vessel's buoys, pots or rings; or
- 207 (b) When lawfully removing tags on crab gear retrieved under a Post-Season Derelict Gear  
208 Permit pursuant to OAR 635-005-0491 and after the gear has been registered by state officials.
- 209 (4) Attach one crab pot or ring to another crab pot or ring by a common groundline or any other means  
210 that connects Dungeness crab gear together.
- 211 (5) Take crabs for commercial purposes by crab pots from any bay or estuary except the Columbia River.
- 212 (6) Take or fish for Dungeness crab for commercial purposes in the Columbia River or Pacific Ocean  
213 adjacent to the state of Oregon unless a Dungeness crab gear allocation has been issued to the permit  
214 required under OAR 635-005-0405(5).
- 215 (7) Deploy or fish more Dungeness crab gear than the number of pots and rings in aggregate assigned  
216 by the Dungeness Crab Pot Allocation Certificate or to use any vessel other than the vessel designated  
217 on the Dungeness Crab Pot Allocation Certificate, except to set gear as allowed under OAR 635-005-  
218 0405.
- 219 (8) Use Dungeness crab gear with more line than is reasonably necessary to compensate for tides,  
220 currents, and weather.
- 221 **(9) Use more surface gear than the following:**
- 222 **(a) One main buoy, meaning the buoy closest to the crab pot or ring;**
- 223 **(b) Two trailer buoys;**
- 224 **(c) A distance greater than 36 feet between the front end of the main buoy to the tail end of**  
225 **the last trailer buoy. End marker buoys are not considered trailer buoys; and**
- 226 **(d) One end marker buoy which shall not:**
- 227 **(A) Extend more than three feet in length behind the last trailer buoy; or**
- 228 **(B) Be larger than five inches in diameter.**

230 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

231 **Statutes/Other Implemented:** ORS 506.109 & 506.129



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

232 **635-005-0490**

233 **Derelict Dungeness Crab Gear**

234 Derelict Dungeness crab gear may be retrieved from the ocean, including the Columbia River, and  
235 transported to shore provided that:

236 (1) The retrieving vessel holds a valid boat license, issued pursuant to ORS 508.260, and the captain  
237 and crew of that vessel hold valid commercial fishing license(s), issued pursuant to ORS 508.235.

238 (2) The number of derelict Dungeness crab gear which may be retrieved per trip are as follows:

239 (a) From the opening of the ocean Dungeness crab fishery in the area where retrieval takes place  
240 until the second Monday in June of the same ocean Dungeness crab season: 25 derelict pots and  
241 rings in aggregate;

242 (b) From the second Monday in June through August 14: 50 derelict pots and rings in aggregate;

243 (c) August 15 through October 31: an unlimited number of derelict pots and rings may be  
244 retrieved.

245 (3) Upon retrieval from the ocean or Columbia River, the Dungeness crab gear must be un-baited.

246 (4) Crab from the retrieved Dungeness crab gear shall not be retained, except crab of legal size and sex  
247 may be retained by vessels holding a valid Dungeness crab permit, [~~at such times and in such areas that~~  
248 ~~Dungeness crab may otherwise be legally taken for commercial purposes.~~] **from the starting date**  
249 **through August 14 of each Dungeness crab season. Crab shall not be retained from Dungeness**  
250 **crab gear that is retrieved from within the boundaries of a marine reserve under any**  
251 **circumstances (OAR 635-012-0050).**

252 (5) Immediately upon retrieval of Dungeness crab gear, the retrieving vessel operator must document in  
253 the retrieving vessel's logbook the date and time of pot or ring retrieval, number of retrieved crab pots or  
254 rings in aggregate, location of retrieval, and retrieved Dungeness crab gear owner identification  
255 information.

256 (6) Any retrieved Dungeness crab gear must be transported to shore during the same fishing trip that  
257 retrieval took place.

258 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

259 **Statutes/Other Implemented:** ORS 506.109, 506.129 & 506.306