



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

**COMMERCIAL FISHERIES
DIVISION 004
COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH**

General Regulations

635-004-0215

Definitions

As used in Division 004 regulations:

(1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.

(2) "Board" means the Commercial Fishery Permit Board.

(3) "Buy" includes offer to buy, barter, exchange or trade.

(4) "Coastal Pelagic Species" means all species of ocean food fish and shellfish defined as Coastal Pelagic Species in the Fishery Management Plan for U.S. West Coast Fisheries for Coastal Pelagic Species and in the Federal Coastal Pelagic Species Regulations, **Title 50, Part 660**, and include:

(a) Jack mackerel (*Trachurus symmetricus*);

(b) Jack smelt (*Atherinopsis californiensis*);

(c) Krill (all species in order Euphausiacea);

(d) Market squid (*Loligo opalescens*);

(e) Northern anchovy (*Engraulis mordax*);

(f) Pacific herring (*Clupea harengus pallasii*);

(g) Pacific mackerel (*Scomber japonicus*); and

(h) Pacific sardine (*Sardinops sagax*).

(5) "Commercial harvest cap" means the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries.

(6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries.

(7) "Commercial purposes" means taking food fish with any gear *unlawful* for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.

(8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.

(9) "Department" means the State Department of Fish and Wildlife.

(10) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.

(11) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish, and includes but is not limited to one or more of the following pieces of equipment: SCUBA or other surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.



Oregon Administrative Rules Oregon Department of Fish and Wildlife

- 41 (12) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United States.
- 42 (13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being
43 used to take food fish for commercial purposes, and includes:
- 44 (a) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line gears;
- 45 (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;
- 46 (c) "Hook-and-line" means one or more hooks attached to one or more lines;
- 47 (d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined to create
48 bagging, and is hauled with purse rings;
- 49 (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;
- 50 (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest
51 distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;
- 52 (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more
53 lines attached to surface floats;
- 54 (h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of
55 the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;
- 56 (i) "Seine" means any non-fixed net other than a trawl net or gillnet and includes all types of purse seines;
- 57 (j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;
- 58 (k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by
59 gilling and is not free to move or drift with the current or tide;
- 60 (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;
- 61 (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;
- 62 (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two
63 vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl, pelagic trawl and Danish
64 and Scottish seine gear;
- 65 (o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a
66 moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any
67 time during the fishing operation; and
- 68 (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to
69 the bottom by a weight or anchor, with hooks attached between its surface and bottom end.
- 70 (14) "Fishing trip" means a period of time between landings when fishing is conducted.
- 71 (15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, pursuant
72 to ORS 506.036.
- 73 (16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish
74 Fishery Management Plan and in the Federal Groundfish Regulations, **Title 50, Part 660** and includes:
- 75 (a) All species of rockfish, thornyheads, and scorpionfish that occur off Wahington, Oregon, or California
76 (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*);
- 77 (b) Arrowtooth flounder (*Atheresthes stomias*);
- 78 (c) Big skate (*Raja binoculata*);
- 79 (d) Butter sole (*Isopsetta isolepis*);



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 80 (e) Cabezon (*Scorpaenichthys marmoratus*);
- 81 (f) California skate (*Raja inornata*);
- 82 (g) Curlfin sole (*Pleuronichthys decurrens*);
- 83 (h) Dover sole (*Microstomus pacificus*);
- 84 (i) English sole (*Parophrys vetulus*);
- 85 (j) Finescale codling (*Antimora microlepis*);
- 86 (k) Flathead sole (*Hippoglossoides elassodon*);
- 87 (l) Kelp greenling (*Hexagrammos decagrammus*);
- 88 (m) Leopard shark (*Triakis semifasciata*);
- 89 (n) Lingcod (*Ophiodon elongatus*);
- 90 (o) Longnose skate (*Raja rhina*);
- 91 (p) Pacific cod (*Gadus macrocephalus*);
- 92 (q) Pacific rattail (*Coryphaenoides acrolepis*);
- 93 (r) Pacific sanddab (*Citharichthys sordidus*);
- 94 (s) Pacific whiting (*Merluccius productus*);
- 95 (t) Petrale sole (*Eopsetta jordani*);
- 96 (u) Ratfish (*Hydrolagus colliei*);
- 97 (v) Rex sole (*Glyptocephalus zachirus*);
- 98 (w) Rock sole (*Lepidopsetta bilineata*);
- 99 (x) Sablefish (*Anoplopoma fimbria*);
- 100 (y) Sand sole (*Psettichthys melanostictus*);
- 101 (z) Soupfin shark (*Galeorhinus zyopterus*);
- 102 (aa) Spiny dogfish (*Squalus acanthias*);
- 103 (bb) Starry flounder (*Platichthys stellatus*); and
- 104 (cc) Starry rockfish (*Sebastes constellatus*).
- 105 (17) "Harvest guideline" means a specified numerical harvest objective that is not a quota. Attainment of a harvest
- 106 guideline does not automatically close a fishery.
- 107 (18) "Highly Migratory Species" means all species of ocean food fish defined as highly migratory species in the
- 108 Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and in the Federal Highly
- 109 Migratory Species Regulations, **Title 50, Part 660**, and includes:
- 110 (a) Bigeye thresher shark (*Alopias superciliosus*);
- 111 (b) Bigeye tuna (*Thunnus obesus*);
- 112 (c) Blue shark (*Prionace glauca*);
- 113 (d) Common thresher shark (*Alopias vulpinus*);
- 114 (e) **Common Mola (*Mola mola*)**;
- 115 (f) **Dorado (*Coryphaena hippurus*)**;
- 116 (g) **Escolar (*Lepidocybium flavobrunneum*)**;
- 117 (h) **Lancetfishes (*Alepisauridae* species)**;



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 118 **(i) Louvar (*Luvarus imperialis*):**
- 119 **(j)**~~(f)~~ North Pacific albacore tuna (*Thunnus alalunga*);
- 120 **(k)**~~(g)~~ Northern bluefin tuna (*Thunnus thynnus*);
- 121 **(l)**~~(h)~~ Pacific swordfish (*Xiphias gladius*);
- 122 **(m) Pelagic sting ray (*Dasyatis violacea*):**
- 123 **(n)**~~(i)~~ Pelagic thresher shark (*Alopias pelagicus*);
- 124 **(o)**~~(j)~~ Shortfin mako shark (*Isurus oxyrinchus*);
- 125 **(p)**~~(k)~~ Skipjack tuna (*Katsuwonus pelamis*);
- 126 **(q)**~~(l)~~ Striped marlin (*Tetrapturus audax*);~~and~~
- 127 **(r) Wahoo (*Acanthocybium solandri*); and**
- 128 **(s)**~~(m)~~ Yellowfin tuna (*Thunnus albacares*).
- 129 (19) "Inland waters" means all waters of the state except the Pacific Ocean.
- 130 (20) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme low water
- 131 and mean extreme high water boundaries.
- 132 (21) "Land, landed, or landing" means either of the following:
- 133 (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin
- 134 transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are counted as part of
- 135 that landing, except:
- 136 (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial
- 137 fishing operation; and
- 138 (B) For vessels participating in the federal trawl rationalization program, the portion of catch that is
- 139 intended to be delivered to Washington or California is not considered part of that landing.
- 140 (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to
- 141 begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish
- 142 canner, under which the following provisions apply:
- 143 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are
- 144 the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish
- 145 dealer, wholesale fish bait dealer, or food fish canner; and
- 146 (B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.
- 147 (22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United
- 148 States Coast Guard or Marine Board registered length documentation stating overall length or overall length as
- 149 surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a
- 150 straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and
- 151 excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions such
- 152 as a dive step or platform.
- 153 (23) "Length, total" of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched
- 154 together) without mutilation of the fish or the use of additional force to extend the length.
- 155 (24) "Nearshore species" includes (See ORS 506.011):



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 156 (a) Black and yellow rockfish (*Sebastes chrysomelas*);
- 157 (b) Brown Irish lord (*Hemilepidotus spinosus*);
- 158 (c) Brown rockfish (*Sebastes auriculatus*);
- 159 (d) Buffalo sculpin (*Enophrys bison*);
- 160 (e) Cabezon (*Scorpaenichthys marmoratus*);
- 161 (f) Calico rockfish (*Sebastes dalli*);
- 162 (g) China rockfish (*S. nebulosus*);
- 163 (h) Copper rockfish (*S. caurinus*);
- 164 (i) Gopher rockfish (*S. carnatus*);
- 165 (j) Grass rockfish (*S. rastelliger*);
- 166 (k) Kelp greenling (*Hexagrammos decagrammus*);
- 167 (l) Kelp rockfish (*Sebastes atrovirens*);
- 168 (m) Olive rockfish (*S. serranoides*);
- 169 (n) Painted greenling (*Oxylebius pictus*);
- 170 (o) Quillback rockfish (*Sebastes maliger*);
- 171 (p) Red Irish lord (*Hemilepidotus hemilepidotus*);
- 172 (q) Rock greenling (*Hexagrammos lagocephalus*);
- 173 (r) Tiger rockfish (*Sebastes nigrocinctus*);
- 174 (s) Treefish (*S. serriceps*);
- 175 (t) Vermillion rockfish (*S. miniatus*); and
- 176 (u) Whitespotted greenling (*Hexagrammos stelleri*).
- 177 (25) "Ocean food fish" means all saltwater species of food fish except salmon, halibut, and shellfish whether found
178 in fresh or salt water.
- 179 (26) "Other nearshore rockfish" includes:
- 180 (a) Black and yellow rockfish (*Sebastes chrysomelas*);
- 181 (b) Brown rockfish (*S. auriculatus*);
- 182 (c) Calico rockfish (*S. dalli*);
- 183 (d) China rockfish (*S. nebulosus*);
- 184 (e) Copper rockfish (*S. caurinus*);
- 185 (f) Gopher rockfish (*S. carnatus*);
- 186 (g) Grass rockfish (*S. rastelliger*);
- 187 (h) Kelp rockfish (*S. atrovirens*);
- 188 (i) Olive rockfish (*S. serranoides*);
- 189 (j) Quillback rockfish (*S. maliger*); and
- 190 (k) Treefish (*S. serriceps*).
- 191 (27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except
192 the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of
193 the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.
- 194 (28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which a vessel



Oregon Administrative Rules Oregon Department of Fish and Wildlife

- 195 permit is attached. A lessee of a permit is not a permit holder.
- 196 (29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.
- 197 (30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any
198 type of smoking, reducing, loining, steaking, pickling or filleting.
- 199 (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS 508.285.
- 200 (32) "Rockfish" includes all species in the following genera:
- 201 (a) Sebastes; and
- 202 (b) Sebastolobus.
- 203 (33) "Salmon" means all anadromous species of salmon, including but not limited to:
- 204 (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.
- 205 (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.
- 206 (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.
- 207 (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.
- 208 (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.
- 209 (34) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a
210 third party under a security agreement, pursuant to ORS chapter 79, another state's laws enacted to implement
211 Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented
212 vessels.
- 213 (35) "Sell" includes to offer or possess for sale, barter, exchange or trade.
- 214 (36) "Smelt" means all species in the family Osmeridae.
- 215 (37) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or
216 kill.
- 217 (38) "Transport" means transport by any means, and includes offer or receive for transportation.
- 218 (39) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel
219 from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit
220 may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period.
221 Trip limits may be:
- 222 (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and retained,
223 possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or
224 trips in each period, and periods apply to calendar months. The specified periods are as follows:
- 225 (A) Period 1: January through February;
- 226 (B) Period 2: March through April;
- 227 (C) Period 3: May through June;
- 228 (D) Period 4: July through August;
- 229 (E) Period 5: September through October; and
- 230 (F) Period 6: November through December.
- 231 (b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed
232 per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of groundfish may be
233 made in that 24-hour period;



Oregon Administrative Rules Oregon Department of Fish and Wildlife

234 (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or
235 landed per vessel during the first day through the last day of any calendar month.

236 (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained, possessed or
237 landed per vessel in seven (7) consecutive days, starting at 00:01 hours local time on Sunday and ending at 24:00
238 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar
239 week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two
240 separate weekly limits during that week.

241 (40) "Undue hardship" means death, serious illness requiring extended care by a physician, permanent disability,
242 or other circumstances beyond the individual's control.

243 (41) "*Unlawful to buy*" means that it is *unlawful* to buy, knowing or having reasonable cause to believe that the fish
244 have been illegally taken or transported within this state, or *unlawfully* imported or otherwise *unlawfully* brought
245 into this state.

246 (42) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or
247 taking food fish for commercial purposes, and has the same meaning as 'boat' as specified in ORS 506.006.

248 (43) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a fishing vessel
249 in fishing or transit operations, and who signs the corresponding fish ticket from that fishing trip. A vessel operator
250 may be a vessel owner or permit holder or both, individual hired to operate a vessel, or lessee of a vessel, permit
251 or both. Although more than one person may physically operate a vessel during a fishing trip or transit, there may
252 only be one person identified as a vessel operator (commonly referred to as a captain or skipper) on a fishing
253 vessel during any one fishing trip or transit.

254 (44) "Vessel owner" means any ownership interest in a vessel, including interests arising from partnerships,
255 corporations, limited liability corporations, or limited liability partnerships. A vessel owner does not include a
256 leasehold interest.

257 (45) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or other
258 jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays, inlets, lakes,
259 rivers and streams within or forming the boundaries of this state.

260 (46) "Week" means the period beginning at 00:01 hours local time on Sunday and ending at 24:00 hours local time
261 on the following Saturday.

262 Stat. Auth.: ORS 496.138, 506.036, 506.109, 506.119, 506.129

263 Stats. Implemented: ORS 496.162, 506.109, 506.129

264

265

266

267

268

Groundfish Section

269 **635-004-0275**

269 **Scope, Inclusion, and Modification of Rules**

270 (1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon
271 and the federal government through the Pacific Fishery Management Council process. The **Code of Federal**
272 **Regulations** provides federal requirements for this fishery, including but not limited to the time, place, and manner
273 of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

274 Federal Register, and these supersede, to the extent of any inconsistency, the **Code of Federal Regulations**.

275 Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:

276 (a) **Code of Federal Regulations, Part 660, Subparts C, D, E and F** (October 1, 2013~~2~~ ed.);

277 (b) **Federal Register Vol. 78, No. 2**, dated January 3, 2013 (78 FR 580).

278 (2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish
279 fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from
280 shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

281 (3) The Commission may adopt additional or modified regulations that are more conservative than federal
282 regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-
283 004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish
284 regulations.

285
286 [Publications: Publications referenced are available from the Department.]

287 Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.11, 506.129

288 Stats. Implemented: ORS 496.162, 506.109, 506.129

289

290

291 **Black Rockfish, Blue Rockfish and Nearshore Fishery**

292

293

635-004-0320

294

Renewal of Permit

295 (1) Black Rockfish / Blue Rockfish / Nearshore Fishery Permits may be renewed the following year:

296 (a) By submitting a \$100.00 fee (plus \$2.00 license agent fee) and a complete application to the Department
297 date-stamped or postmarked by January 1 of the year the permit is sought for renewal; and

298 (b) If the provisions specified in ORS 508.957 have been met.

299 (2) An application for renewal of a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit shall be considered
300 complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full.

301 ~~[Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed~~
302 ~~complete by December 31 of the permit year sought, the individual shall not be considered to have applied for~~
303 ~~renewal in a timely manner.]~~

304 **(3) Permits issued under this rule expire on December 31 of each year. If an owner of a vessel with a**
305 **permit does not submit a complete renewal application by January 1 of the permit year sought, the owner**
306 **may renew the permit by submitting a complete renewal application after January 1 but before April 1 of**
307 **the permit year sought if the owner pays a \$150.00 late fee in addition to the fee required under section**
308 **(1)(a) of this rule.**

309 **(4)~~(3)~~ It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely**
310 **manner. If the owner of a vessel with a permit does not timely submit a renewal application, the**
311 **Department shall, not more than 30 days after the application was due, send to the owner by certified**
312 **letter a notice of the failure to submit the renewal application. Once the Department has notified the**
313 **permittee of the permit renewal deadlines, the permittee is responsible for returning the completed**



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

314 ~~documents by the deadline~~[Failure of the Department to return an application for incompleteness or of an
315 individual to receive a returned application may not be grounds for treating the application as having been filed in a
316 timely and complete manner].

317 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
318 Stats. Implemented: ORS 506.109, 506.129, 506.306, 508.945
319

320 **635-004-0350**

321 **Harvest and Landing Caps**

322 (1) ~~For 2013, t~~The commercial harvest caps for black rockfish and cabezon are:

- 323 (a) Black rockfish: 139.2 metric tons; and
- 324 (b) Cabezon: 30.2 metric tons.

325 (2) ~~For 2013, t~~The commercial landing caps for black rockfish, blue rockfish and other nearshore species are:

- 326 (a) Black rockfish, 137.9 metric tons;
- 327 (b) Black rockfish and blue rockfish combined: 141.9 metric tons;
- 328 (c) Other nearshore rockfish, 14.3 metric tons;
- 329 (d) Cabezon, 30.0 metric tons; and
- 330 (e) Greenling, 23.4 metric tons.

331 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
332 Stats. Implemented: ORS 506.109, 506.129
333

334 **635-004-0360**

335 **Incidental Catch in Other Fisheries**

336 A vessel may land black rockfish, blue rockfish, and nearshore species without a permit or endorsement required
337 by OAR 635-004-0300 if the vessel operator:

338 (1) For only one landing per day, lands no more than 15 pounds of a combination of black rockfish, blue rockfish
339 and nearshore species, as defined in OAR 635-004-0215, and if the black rockfish, blue rockfish and nearshore
340 species:

- 341 (a) Make up 25 percent or less of the total poundage of the landing; and
- 342 (b) Are taken with legal groundfish fishing gear.

343 (2) Operates a vessel that holds a valid Black Rockfish / Blue Rockfish Permit without a Nearshore Endorsement
344 and:

- 345 (a) For only one landing per day, lands no more than 15 pounds of nearshore species, as defined in OAR 635-
346 004-0215;
- 347 (b) The nearshore species make up 25 percent or less of the total poundage of the landing; and
- 348 (c) The nearshore species are taken with gear that is legal to use in the Black Rockfish / Blue Rockfish /
349 Nearshore Fishery.

350 (3) Operates a vessel in the ocean troll salmon fishery pursuant to ORS 508.801 to 508.825 and the vessel lands
351 black rockfish, blue rockfish or a combination of black and blue rockfish in the same landing in which the vessel
352 lands a salmon under the permit required by ORS 508.801 to 508.825. The black and blue rockfish landed under
353 this subsection must be landed dead. A vessel ~~that~~who lands black rockfish ~~or~~and blue rockfish under this



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 354 section may land up to 100 pounds of black and blue rockfish in aggregate, per landing. When the aggregate
355 incidental catch of black and blue rockfish in the salmon troll fishery reaches 3,000 pounds in a calendar year, a
356 vessel that lands black rockfish or blue rockfish under this section may not land more than the trip limit
357 listed in section (2) of this rule shall be reduced to 15 pounds of black and blue rockfish in aggregate, per trip.
358 (4) Operates a vessel in the west coast groundfish trawl fishery pursuant to federal regulations and lands no more
359 than 1,000 pounds of black and blue rockfish in aggregate per calendar year, and if the black and blue rockfish:
360 (a) Make up 25 percent or less of the total poundage of each landing; and
361 (b) Are landed dead.
362 (5) Is a nonprofit aquarium or has contracted with a nonprofit aquarium to land black rockfish, blue rockfish or
363 nearshore fish for the purpose of displaying or conducting research on the black rockfish, blue rockfish or
364 nearshore fish.
365 (6) Does not exceed trip limits as established in OAR 635-004-0355, and OAR 635-004-0365.

366 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
367 Stats. Implemented: ORS 506.109, 506.129

DIVISION 006
COMMERCIAL FISHERIES AND GEAR
COMMERCIAL LICENSES, POUNDAGE FEES,
RECORDS AND REPORTS

Fish Dealer Records and Reports

635-006-0210

Fish Receiving Ticket - All Fish

- 378 (1) Except as provided in OAR 635-006-0211, for each purchase of food fish or shellfish by a licensed wholesale
379 fish dealer, wholesale fish bait dealer, food fish canner, or shellfish canner from a commercial fisher or
380 commercial bait fisher, the dealer or canner shall prepare at the time of landing a Fish Receiving Ticket, or a
381 separate document in lieu of a Fish Receiving Ticket provided the original dock ticket is attached to the completed
382 dealer copy of the Fish Receiving Ticket subsequently submitted to ODFW. Fish dealers shall be required to
383 account for all Fish Receiving Tickets received from the Department. Fish Receiving Tickets shall be issued
384 numerical sequence.
385 (2) Fish Receiving Tickets shall include the following:
386 (a) Fish dealer's name and license number, including the buying station and location if the food fish or shellfish
387 were received at any location other than the licensed premises of the fish dealer;
388 (b) Date of landing;
389 (c) His or her name from whom purchase is made. If not landed from a vessel, then his or her commercial
390 license number shall be added. If received from a Columbia River treaty Indian, his or her tribal affiliation and
391 enrollment number as shown on the official identification card issued by the U.S. Department of Interior, Bureau of
392 Indian Affairs, or tribal government, shall be used in lieu of an address or commercial fishing license;
393 (d) Boat name, boat license number, and federal document or State Marine Board number from which catch
394 made;
395



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

396 **(e) For groundfish harvested in the limited entry fixed gear fishery, the federal limited entry fixed gear**
397 **permit number associated with the landing or portion of landing, which shall be provided by the vessel**
398 **operator to the preparer of the fish ticket:**

399 **(f)**~~(e)~~ Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from
400 the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a
401 fishing trip;

402 **(g)**~~(f)~~ Fishing gear used by the fisher;

403 **(h)**~~(g)~~ For salmon and Dungeness crab, zone or area of primary catch;

404 **(i)**~~(h)~~ Species or species group, as determined by the Department, of food fish or shellfish received;

405 **(j)**~~(i)~~ Pounds of each species or species group, as determined by the Department, received:

406 (A) Pounds must be determined and reported based on condition of the fish when landed, either dressed
407 or round. Dressed pounds may only be used for species with a conversion factor listed at OAR 635-006-
408 0215(3)(g). Measures must be taken using a certified scale.

409 (B) Pounds shall include "weighbacks" by species. "Weighbacks" are those fish or shellfish with no
410 commercial value. The following species or species groups are exempt from fish ticket requirements when
411 considered "weighbacks":

412 (i) Sponges;

413 (ii) Sea Pens;

414 (iii) Sea Whips;

415 (iv) Black Corals;

416 (v) Sea Fans;

417 (vi) Anemone;

418 (vii) Jellyfish;

419 (viii) Whelks;

420 (ix) Squids other than Humboldt and market;

421 (x) Octopus other than Pacific giant octopus;

422 (xi) Mysids;

423 (xii) Shrimps other than pink shrimp, coonstripe prawns, and spot prawns;

424 (xiii) Crabs other than Dungeness, tanner, box, Oregon hair, and red rock crabs;

425 (xiv) Sea Stars including Brittle Stars;

426 (xv) Urchins;

427 (xvi) Sand dollars;

428 (xvii) Sea cucumbers;

429 (xviii) Eels other than hagfish;

430 (xix) Blacksmelts;

431 (xx) Spookfish;

432 (xxi) Stomiformes including Viperfish and Blackdragons;

433 (xxii) Slickheads;



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 434 (xxiii) Flatnoses;
 - 435 (xxiv) Lancetfishes;
 - 436 (xxv) Barricudinas;
 - 437 (xxvi) Myctophids;
 - 438 (xxvii) Tomcod;
 - 439 (xxviii) Eelpouts including Bigfin, Two line, Black, and Snakehead;
 - 440 (xxix) Dreamers;
 - 441 (xxx) Anglerfish;
 - 442 (xxxii) King of the Salmon;
 - 443 (xxxiii) Melamphids;
 - 444 (xxxiv) Whalefish;
 - 445 (xxxv) Oxeye oreo;
 - 446 (xxxvi) Sculpins other than cabezon, buffalo sculpin, red Irish lord, and brown Irish lord;
 - 447 (xxxvii) Poachers;
 - 448 (xxxviii) Snailfish;
 - 449 (xxxix) Pricklebacks;
 - 450 (xl) Gunnels;
 - 451 (xli) Scabbardfish;
 - 452 (xlii) Lancetfish;
 - 453 (xliii) Ragfish;
 - 454 (xliv) Slender sole;
 - 455 (xlv) Deepsea sole;
 - 456 (xlvi) Rays including Pacific and electric Rays and Devilfish;
 - 457 (xlvii) Wolffishes including wolf eels.
- 458 ~~(k)~~ For Columbia River sturgeon the exact number of fish received and the actual round weight of that
459 number of fish;
- 460 ~~(l)~~ Price paid per pound for each species received;
- 461 ~~(m)~~ Signature of the individual preparing the Fish Receiving Ticket;
- 462 ~~(n)~~ Signature of the vessel operator making the landing;
- 463 ~~(o)~~ Species name, pounds and value of fish retained by fisher for take home use.
- 464 (3) Except as provided in OAR 635-006-0212 and OAR 635-006-0213, the original of each Fish Receiving Ticket
465 covering food fish and shellfish received shall be forwarded within five working days of the date of landing to the
466 Oregon Department of Fish and Wildlife, **4034 Fairview Industrial Drive SE, Salem, OR 97302**~~3406 Cherry~~
467 ~~Avenue, NE, Salem, OR 97303~~ or through the Pacific States Marine Fisheries Commission West Coast E-Ticket
468 system or as required by **Title 50 of the Code of Federal Regulations, part 660 Subpart C**. All fish dealer
469 amendments must be conducted in the same system in which the ticket was initially submitted.
- 470 (4) Wholesale fish bait dealers landing small quantities of food fish or shellfish may request authorization to
471 combine multiple landings on one Fish Receiving Ticket and to deviate from the time in which Fish Receiving



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

472 Tickets are due to the Department. Such request shall be in writing, and written authorization from the
473 Department shall be received by the wholesale fish bait dealer before any such deviations may occur.

474 Stat. Auth.: ORS 496.138, 496.146, 496.162, 506.036, 506.109, 506.119, 506.129, 508.530, 508.535
475 Stats. Implemented: ORS 506.109, 506.129, 508.025, 508.040, 508.550
476

477 635-006-0213

478 Fish Receiving Ticket - Limited Fish Seller Permit

479 (1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0210.

480 (2) For food fish or shellfish sold under a Limited Fish Seller Permit, the Limited Fish Seller shall complete daily
481 entries of fish sold on a Fish Receiving Ticket. Fish Receiving Tickets are prenumbered in books of 50 tickets.
482 Limited Fish Sellers shall account for all Fish Receiving Tickets received from the Department. Fish Receiving
483 Tickets shall be issued in numerical sequence. The Fish Receiving Ticket shall include, for each day's sales:

484 (a) Limited Fish Seller's name and license number;

485 (b) Date of sales;

486 (c) Boat name and federal document or State Marine Board number from which catch made;

487 (d) For groundfish harvested in the limited entry fixed gear fishery, the federal limited entry fixed gear
488 permit number associated with the landing or portion of landing;

489 (e)(d) Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from
490 the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a
491 fishing trip;

492 (f)(e) Fishing gear used;

493 (g)(f) Species or species group of fish or shellfish sold;

494 (h)(g) Quantity in pounds;

495 (i)(h) Price received per pound;

496 (j)(i) Signature of the individual preparing the fish ticket;

497 (k)(j) Name of wholesale fish dealer to whom other food fish or shellfish were sold from the same fishing trip.

498 (l)(k) For troll-caught salmon, Fish Receiving Ticket shall show the number of days fished during the trip in
499 which the salmon were caught.

500 (3) The original of each Fish Receiving Ticket covering fish and shellfish sold per trip shall be forwarded within ten
501 working days following the landing to the Department.

502 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129, 508.530, 508.535, 508.550
503 Stats. Implemented: ORS 506.109, 506.129, 508.025, 508.040, 508.550
504
505

DIVISION 039
MARINE FISH, SHELLFISH AND
MARINE INVERTEBRATES

510 635-039-0080

511 Purpose and Scope

512 (1) The purpose of Division 039 is to provide for management of sport fisheries for marine fish, shellfish, and
513 marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 514 (2) Division 039 incorporates into Oregon Administrative Rules, by reference:
515 (a) The sport fishing regulations of the State, included in the document entitled **2014[2013] Oregon Sport**
516 **Fishing Regulations**;
517 (b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, 2013~~[2]~~ ed.), as amended;
518 (c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, 2013~~[2]~~ ed.), as
519 amended;
520 (d) **Federal Register Vol. 78, No. 2**, dated January 3, 2013 (78 FR 580);
521 (e) **Federal Register Vol. 78, No. 51**, dated March 15, 2013 (78 FR 16423); and
522 (f) **Federal Register Vol. 78, No. 89**, dated May 8, 2013 (78 FR 26708).

523 (3) Therefore, persons must consult all publications referenced in this rule in addition to Division 011 and Division
524 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

525 [Publications: Publications referenced are available from the agency.]

526 Stat. Auth.: ORS 496.138, 496.146, 506.119

527 Stats. Implemented: ORS 496.162, 506.129

528

529 **635-039-0090**

530 **Inclusions and Modifications**

531 (1) The **2014[2013] Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish,
532 shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the
533 Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the
534 extent of any inconsistency, they supersede the **2014[2013] Oregon Sport Fishing Regulations**.

535 (2) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined
536 landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year. [~~For 2013-t~~]**The**
537 sport harvest caps are:

538 (a) Black rockfish, 440.8 metric tons.

539 (b) Cabezon, 16.8 metric tons.

540 (3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and
541 yellow (*Sebastes chrysolmelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S.*
542 *caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S.*
543 *maliger*); and treefish (*S. serriceps*).

544 (4) For the purposes of this rule a "sport landing cap" is defined as the total landings for a given species, or
545 species group, that may be taken in a single calendar year by the ocean boat fishery. [~~For 2013-t~~]**The** sport
546 landing caps are:

547 (a) Black rockfish and blue rockfish combined, 481.8 metric tons.

548 (b) Other nearshore rockfish, 13.6 metric tons.

549 (c) Greenling, 5.2 metric tons.

550 (5) In addition to the regulations for Marine Fish in the **2014[2013] Oregon Sport Fishing Regulations**, the
551 following apply for the sport fishery in the Marine Zone in 2014~~[3]~~:

552 (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

553 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species
554 not listed in the 2014~~2013~~ **Oregon Sport Fishing Regulations** in the Marine Zone, located under the category
555 of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of which no more than
556 one be a cabezon~~[from April 1 through September 30]~~. Retention of the following species is prohibited:

557 (A) Yelloweye rockfish;

558 (B) Canary rockfish; and

559 (C) Cabezon from January 1 through June 30~~[and from October 1 through December 31]~~.

560 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag
561 limit in aggregate (total sum or number).

562 (d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod,
563 sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding
564 leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for
565 the all-depth sport fishery for Pacific halibut north of Humbug Mountain. Persons must also consult all publications
566 referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.

567 (e) Harvest methods and other specifications for marine fish in subsections (5)(a), (5)(b) and (5)(c) including
568 the following:

569 (A) Minimum length for lingcod, 22 inches.

570 (B) Minimum length for cabezon, 16 inches.

571 (C) Minimum length for greenling, 10 inches.

572 (D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

573 (E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting
574 mutilated fish across state waters is prohibited.

575 (f) Sport fisheries for species in subsections (5)(a), (5)(b) and (5)(c) and including leopard shark and soupfin
576 shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections
577 (5)(a) and (5)(d), and ocean waters are closed for these species during April 1 through September 30, outside of
578 the 30-fathom curve (defined by latitude and longitude) as shown on **Title 50 Code of Federal Regulations Part**
579 **660 Section 71**. A 20-fathom, 25-fathom, or 30-fathom curve, as shown on **Title 50 Code of Federal**
580 **Regulations Part 660 Section 71** may be implemented as the management line as in-season modifications
581 necessitate. In addition, the following management lines may be used to set area specific regulations for inseason
582 action only:

583 (A) Cape Lookout (45°20'30" N latitude); and

584 (B) Cape Blanco (42°50'20" N latitude).

585 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in
586 **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, 2013~~2~~ ed.). Within the YRCA, it is
587 *unlawful* to fish for, take, or retain species listed in subsections (5)(a), (5)(b) and (5)(c) of this rule, leopard shark,
588 soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within
589 the YRCA is prohibited from possessing any species listed in subsections (5)(a), (5)(b) and (5)(c) of this rule,
590 leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in



Oregon Administrative Rules Oregon Department of Fish and Wildlife

591 subsections (5)(a), (5)(b) and (5)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the
592 YRCA without fishing gear in the water.

593 (h) Effective April 1, 2013, the annual bag and possession limit for white sturgeon is two (2) fish and catch-
594 and-release angling for white sturgeon is allowed year-round. Effective January 1, 2014, all waters within the
595 Marine Zone are closed to the retention of white sturgeon and catch-and-release angling is allowed year-round.

596 (6) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be
597 either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and
598 the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

599 [Table 1, as referenced, is available from the Department]

600 Stat. Auth.: ORS 496.138, 496.146, 497.121, 506.119

601 Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.129

602