



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

1 **635-004-0275**

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

3 (1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of
 4 Oregon and the federal government through the Pacific Fishery Management Council process. The Code
 5 of Federal Regulations provides federal requirements for this fishery, including but not limited to the time,
 6 place, and manner of taking groundfish. However, additional regulations may be promulgated
 7 subsequently by publication in the Federal Register, and these supersede, to the extent of any
 8 inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated
 9 into Oregon Administrative Rule by reference:

10 (a) **Code of Federal Regulations, Part 660, Subparts C, D, and E** (October 1, [~~2018~~] **2019** ed.) as
 11 amended; and

12 (b) **[INSERT CITATION WHEN AVAILABLE]**.

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

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

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

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24 Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

25 Stats. Implemented: ORS 496.162, 506.109, 506.129

26 History: Adopted 12-6-19 f., ef. 1-1-20

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28 **635-004-0350**

29 **Harvest Guidelines and Landing Caps**

30 (1) Upon attainment of a harvest guideline in the Black Rockfish / Blue Rockfish / Nearshore Fishery, the
 31 Department shall initiate consultation to determine if additional regulatory actions are necessary to
 32 achieve management objectives.

33 (2) The following commercial harvest guidelines include the combined landings and other fishery related
 34 mortality by all Oregon commercial fisheries in a single calendar year:

35 (a) Black rockfish: [~~423.8~~] **122.9** metric tons;

36 (b) Blue rockfish and deacon rockfish combined: [~~48.9~~] **18.3** metric tons;



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- 37 (c) Other Nearshore Rockfish combined: [~~42.3~~] **12.2** metric tons;
38 (d) Cabezon: 30.2 metric tons; and
39 (e) Greenling: [~~428.5~~] **118.3** metric tons.

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41 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129

42 Stats. Implemented: ORS 506.109, 506.129

43 History: Adopted 12-6-19 f., ef. 1-1-20

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46 **635-004-0355**

47 **Trip Limits**

48 (1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial
49 harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers
50 should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program
51 Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip
52 limits and other regulations affecting the Nearshore Commercial Fishery.

53 (2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a Nearshore
54 Endorsement, may land no more than the following bi-monthly cumulative trip limits:

55 (a) Black rockfish:

56 (A) 1500 pounds in period 1;

57 (B) 1500 pounds in period 2;

58 (C) 1800 pounds in period 3;

59 (D) 1800 pounds in period 4;

60 (E) 1500 pounds in period 5;

61 (F) 1500 pounds in period 6; and

62 (b) 1500 pounds of blue rockfish and deacon rockfish combined in each period.

63 (3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery
64 Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip
65 limits:

66 (a) 450 pounds of other nearshore rockfish combined in each period;

67 (b) 1000 pounds of cabezon in each period; and

68 (c) 1000 pounds of greenling species in each period.

69

70 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

71 Stats. Implemented: ORS 506.109 & 506.129

72 History: Adopted 12-6-19 f., ef. 1-1-20



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75 **635-004-0365**

76 **Black Rockfish Management Areas**

77 In addition to catch restrictions set forth in the **Code of Federal Regulations, Title 50 Part 660**, OAR
78 635-004-0355 and OAR 635-004-0360, the following trip limit applies to black rockfish taken with all
79 commercial gears except trawl:

80 (1) It is *unlawful* to [~~take or retain more than 300 pounds of black rockfish per vessel from a single fishing~~
81 ~~trip within one of the following areas]~~ **take, retain, possess, or land more than the following trip limit**
82 **of black rockfish per vessel from a single fishing trip when fishing occurs for any species of fish**
83 **within one of the Black Rockfish Management Areas defined in section (2) of this rule:**

84 **(a) 500 pounds from November 1 of any year through February 28 of the following year; and**

85 **(b) 300 pounds from March 1 through October 31.**

86 **(2) Black Rockfish Management Areas are defined as:**

87 (a) Tillamook Head (45°56'45" N latitude) to Cape Lookout (45°20'15" N latitude);

88 (b) Cascade Head (45°03'50" N latitude) to Cape Perpetua (44°18' N latitude);

89 (c) From a point (43°30' N latitude), approximately 8 1/2 nautical miles north of the Coos Bay north
90 jetty, to a point (43°03' N latitude) adjacent to the mouth of Four-mile Creek;

91 (d) Mack Arch (42°13'40" N latitude) to the Oregon-California border (42°00' N latitude).

92 [~~(2) No vessel shall take, retain, possess, or land more than the allowed trip limit when fishing occurs for~~
93 ~~any species of fish within one of these restricted areas.]~~

94

95 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

96 Stats. Implemented: ORS 506.109 & 506.129

97 History: Adopted 12-6-19 f., ef. 1-1-20

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100 **635-006-0215**

101 **Monthly Remittance Report**

102 (1) A monthly report is required of all licensed:

103 (a) Wholesale fish dealers, wholesale fish bait dealers, food fish canners, or shellfish canners
104 receiving food fish or shellfish from licensed commercial fishers or bait fishers;

105 (b) Limited Fish Sellers selling food fish or shellfish.

106 (2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish
107 are received or sold during the calendar month covered by the report.

108 (3) The following information shall be included on the report:



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- 109 (a) Fish dealer's name, license number, and address;
- 110 (b) Calendar month of the report;
- 111 (c) Serial numbers of all Fish Receiving Tickets issued during the month;
- 112 (d) Total pounds of all salmon and steelhead received or sold during the calendar month on which
- 113 poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or
- 114 dressed head off;
- 115 (e) Total value of salmon and steelhead received or sold during the calendar month including fish
- 116 eggs and parts;
- 117 (f) Total value of all other food fish and shellfish including eggs and parts;
- 118 (g) Total pounds in the round of all other species of food fish or shellfish received or sold during the
- 119 calendar month on which taxes are due. When landed in a dressed condition, the following listed species
- 120 may be converted to round weight for the purposes of completing monthly reports, by multiplying each
- 121 applicable below-listed factor by the dressed weight of that species:
- 122 (A) Troll salmon:
- 123 (i) Gilled and gutted 1.15
- 124 (ii) Gilled, gutted, and headed 1.30
- 125 (B) Treaty Indian Fishery Columbia River salmon and steelhead trout: Gilled and gutted 1.17
- 126 (C) Halibut:
- 127 (i) Gilled and gutted 1.15
- 128 (ii) Gilled, gutted, and headed 1.35
- 129 (D) Sablefish, gutted and headed 1.60
- 130 (E) Pacific whiting:
- 131 (i) Fillet 2.86
- 132 (ii) Headed and gutted 1.56
- 133 (iii) Headed and gutted with tail removed 2.0
- 134 (F) Thresher shark [2-0], **gutted and headed 1.41**
- 135 **(G) Blue shark, gutted and headed 1.49**
- 136 **(H) Pacific spiny dogfish, gutted and headed 1.81**
- 137 **(I) Shortfin mako shark, gutted and headed 1.45**
- 138 **(J) Soupfin shark, gutted and headed 1.96**
- 139 **(K) Other sharks, gutted and headed 1.72**
- 140 **(L) Swordfish gutted and headed, with fins and bloodline removed 1.45**
- 141 [~~G~~] **(M) Lingcod:**
- 142 (i) Gilled and gutted 1.1
- 143 (ii) Gilled, gutted and headed 1.5



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- 144 ~~[(H)]~~ **(N)** Spot prawn, tails 2.24
- 145 ~~[(F)]~~ **(O)** Rockfish (including thornyheads), except Pacific Ocean Perch:
- 146 (i) Gilled and gutted 1.14
- 147 (ii) Gutted and headed 1.75
- 148 (iii) Gutted and headed, with collarbone still attached to body (western cut) 1.66
- 149 (iv) Gutted and headed, with collarbone removed from body (eastern cut) 2.0
- 150 ~~[(J)]~~ **(P)** Pacific Ocean Perch:
- 151 (i) Gilled and gutted 1.14
- 152 (ii) Gutted and headed 1.6
- 153 ~~[(K)]~~ **(Q)** Pacific Cod~~[, gutted and headed 1.58]~~:
- 154 **(i) Gilled and gutted 1.23**
- 155 **(ii) Gutted and headed 1.58**
- 156 ~~[(L)]~~ **(R)** Dover sole, English sole, and “other flatfish” as defined in **Title 50 of the Code of**
- 157 **Federal Regulations, part 660 Subpart C**, gutted and headed 1.53
- 158 ~~[(M)]~~ **(S)** Petrale sole~~[, gutted and headed 1.51]~~:
- 159 **(i) Gilled and gutted 1.16**
- 160 **(ii) Gutted and headed 1.51**
- 161 ~~[(N)]~~ **(T)** Arrowtooth flounder, gutted and headed 1.35
- 162 ~~[(O)]~~ **(U)** Starry flounder, gutted and headed 1.49
- 163 ~~[(P)]~~ **(V)** Groundfish, glazed:
- 164 (i) Conversion factors must be calculated for each landing for each species or species group
- 165 categorized in OAR 635-006-0209 when there are 60 or greater individuals of a category in a single
- 166 landing as follows:
- 167 (I) Weigh a sample of at least 20 glazed fish to obtain the glazed weight;
- 168 (II) Completely remove glaze from individual fish making up the sample;
- 169 (III) Re-weigh the sample to obtain the non-glazed weight;
- 170 (IV) Divide the non-glazed weight by the glazed weight to obtain the conversion factor;
- 171 (V) A separate conversion factor may be calculated for each size grade of a species, but
- 172 may only be applied to landings of that size grade;
- 173 (VI) Documentation of this calculation must be retained with the dock receiving ticket.
- 174 (ii) A conversion factor of 0.95 must be applied when there are fewer than 60 individuals of any species or
- 175 species group categorized in OAR 635-006-0209 in a single landing.
- 176 (h) Total value of food fish landed in another state but not taxed by that state;
- 177 (i) Total pounds in the round of all food fish landed in another state but not taxed by that state;
- 178 (j) Total fees due - in accordance with ORS 508.505 the fees are the value of the food fish at the point



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179 of landing multiplied by the following rates:

180 (A) All salmon and steelhead, 3.15 percent.

181 (B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by
182 ORS 506.011), 5.00 percent.

183 (C) Effective January 1, 2010, all other food fish (except tuna, shellfish, crab, shrimp, sablefish,
184 and whiting, as defined by ORS 508.505) and all other groundfish, 2.25 percent.

185 (D) All tuna (as defined by ORS 508.505), 1.09 percent.

186 (E) All crab, 2.35 percent.

187 (F) All sablefish, 2.40 percent.

188 (G) All sardines, 2.25 percent.

189 (H) All shellfish, 2.30 percent.

190 (I) All shrimp, 2.40 percent.

191 (J) All whiting, 2.30 percent.

192 (k) Signature of the individual completing the report.

193 (4) The monthly report and all landing fees due shall be sent to the Department on or before the 20th of
194 each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked
195 within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing
196 fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on
197 any delinquent landing fee payments.

198

199 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129, 508.530

200 Other Auth.: Senate Bill 247 (2015)

201 Stats. Implemented: ORS 506.109, 506.129, 508.535, 508.505, 508.550

202 History: Adopted 12-6-19 f., ef. 1-1-20

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205 **635-039-0080**

206 **Purpose and Scope**

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

210 (2) Division 039 incorporates into Oregon Administrative Rules, by reference:

211 (a) The sport fishing regulations of the State, included in the document entitled [~~2019~~] **2020 Oregon**
212 **Sport Fishing Regulations**;

213 (b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, [~~2018~~] **2019** ed.),
214 as amended; **and**



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215 (c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, [2018] **2019** ed.),
216 as amended [; and

217 (~~d) **Federal Register Vol. 83, no. 238**, dated December 12, 2018 (**83FR63970**)~~].

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

221

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

223

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

225 Stats. Implemented: ORS 496.162, 506.129

226 History: Adopted 12-6-19 f., ef. 1-1-20

227

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229 **635-039-0090**

230 **Inclusions and Modifications**

231 (1) The [~~2019~~] **2020 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for
232 marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches,
233 commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule
234 division from time to time and to the extent of any inconsistency, they supersede the [~~2019~~] **2020 Oregon**
235 **Sport Fishing Regulations**.

236 (2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest
237 objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.
238 Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if
239 additional regulatory actions are necessary to achieve management objectives. The following sport
240 harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport
241 fishery in a single calendar year:

242 (a) Black rockfish, [~~392.2~~] **389.1** metric tons;

243 (b) Blue rockfish and deacon rockfish combined: [~~82.6~~] **80.1** metric tons;

244 (c) Other Nearshore Rockfish combined: [~~44.7~~] **11.6** metric tons;

245 (d) Cabezon, 16.8 metric tons; and

246 (e) Greenling, [~~42.6~~] **39.2** metric tons.

247 (3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black
248 and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper
249 (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*);
250 quillback (*S. maliger*); and treefish (*S. serriceps*).



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251 (4) In addition to the regulations for Marine Fish in the ~~[2019]~~ **2020 Oregon Sport Fishing Regulations**,
252 the following apply for the sport fishery in the Marine Zone:

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

254 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
255 species not listed in the ~~[2019]~~ **2020 Oregon Sport Fishing Regulations** in the Marine Zone, located
256 under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total
257 sum or number), of which **no more than one may be China rockfish, copper rockfish or quillback**
258 **rockfish in aggregate, and** no more than one may be a cabezon[;] when retention of cabezon is
259 allowed. Retention of the following species is prohibited:

260 (A) Yelloweye rockfish; and

261 (B) Cabezon from January 1 through June 30.

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

264 (d) Retention of all marine fish listed under the category of Finfish Species, General Marine Species,
265 except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and
266 offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is
267 retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must
268 also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the
269 taking of Pacific halibut.

270 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c)
271 including the following:

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

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

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

275 (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting
276 mutilated fish across state waters is prohibited.

277 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of
278 groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall
279 use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude
280 and longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section 71**. Upon request, a
281 descending device shall be presented for inspection by any person authorized to enforce the wildlife laws
282 or a representative of the Department. In this subsection, "descending device" means a device capable of
283 returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve
284 the fish's chance of survival.



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285 (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a
286 sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the
287 lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be
288 equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish,
289 crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.

290 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and
291 soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in
292 subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish
293 species, during [~~May 4~~] **June 1** through [~~September 30~~] **August 31**, outside of the 40-fathom curve
294 (defined by latitude and longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section**
295 **71**, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in
296 such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in **Title 50**
297 **Code of Federal Regulations Part 660 Section 71** may be implemented as the management line as
298 inseason modifications necessitate. In addition, the following management lines may be used to set area-
299 specific regulations for inseason action only:

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

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

302 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
303 specified in **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, [~~2018~~] **2019** ed.).
304 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and
305 (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A
306 vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in
307 subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut.
308 Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and
309 including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in
310 the water.

311 (h) Notwithstanding any other provisions of this rule, on any fishing trip where fishing with long-leader
312 gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and
313 longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section 71**, the following apply:

314 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish
315 (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S.*
316 *diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S.*
317 *elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S.*
318 *brevispinis*);

319 (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);



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320 (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are
321 retained by returning to the dock and offloading fish;

322 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than
323 10 fish in aggregate of the species listed in (4)(b) in the same day;

324 (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in section
325 (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in section
326 (4)(e)(F); and

327 (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any
328 inconsistency, including the definition of long-leader gear.

329 (i) Topsmelt and jacksmelt are included in the daily limit for herring, anchovy, sardine, and true smelts
330 of 25 pounds per day in aggregate. Topsmelt and jacksmelt are not included in the General Marine
331 Species daily limit of 5 fish per day.

332 (5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2021.

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

335

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

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

338 History: Adopted 12-6-19 f., ef. 1-1-20

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