COMMERCIAL FISHERIES

DIVISION 004

COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

635-004-0375

Scope, Inclusion, and Modification of Rules

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

(a) **Code of Federal Regulations, Part 660, Subpart I**, (October 1, [~~2018~~] **2020** ed.); and

(b) [~~Federal Register Vol. 85, no. 129, dated July 6, 2020 (85 FR 40135)~~] [**INSERT CITATION WHEN AVAILABLE**]

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

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to federal coastal pelagic species regulations.

Statutory/Other Authority: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129

Statutes/Other Implemented: ORS 496.162, 506.109 & 506.129

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