



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

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**635-004-0020****Definitions**

As used in Division 004 regulations, unless the context requires otherwise:

- (1) "At-sea processing" means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another whether shoreside or on the water.
- (2) "Commission" means the Oregon Fish and Wildlife Commission.
- (3) "Department" means the Oregon Department of Fish and Wildlife.
- (4) "Director" means the Director of the Oregon Department of Fish and Wildlife.
- (5) "DTS complex" includes Dover sole (*Microstomus pacificus*), thornyhead (*Sebastolobus* spp.), and trawl-caught sablefish (blackcod, *Anoplopoma fimbria*).
- (6) "Exclusive economic zone" means the zone between 3-200 nautical miles offshore of the United States.
- (7) "Fishing gear" includes:
  - (a) "Beam trawl" means a trawl which is held open by a fixed beam frame;
  - (b) "Bobbin trawl" means the same as roller trawl, and is a type of bottom trawl;
  - (c) "Bottom trawl" means a trawl in which the otter boards or the footrope of the net contact the seabed, and includes Danish and Scottish seine gear. It also includes pair trawls fished on the bottom. Any trawl not meeting the requirements for pelagic trawls described in OAR 635-004-0040(5) is a bottom trawl;
  - (d) "Chafing gear" means webbing or other material attached to the codend of a trawl net to protect the codend from wear;
  - (e) "Codend" shall be defined as the last 50 mesh length constituting the terminal, closed end of a trawl. The meshes shall be counted forward of the pursing tackle which terminates the codend;
  - (f) "Double-ply mesh" or "Double-bar mesh" means two lengths of twine tied into a single knot;
  - (g) "Double-walled codend" means a codend constructed of two walls of webbing;
  - (h) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line gears;
  - (i) "Gillnet" has the meaning as set forth in OAR 635-042-0010;
  - (j) "Hook-and-line" means one or more hooks attached to one or more lines;
  - (k) "Large footrope trawl gear" is a bottom trawl net with a footrope diameter larger than 8 inches (20 cm) (including rollers, bobbins or other material encircling or tied along the length of the footrope).
  - (l) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;
  - (m) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;
  - (n) "Nontrawl gear" means all legal commercial groundfish gear other than trawl gear;
  - (o) "Pelagic trawl" (midwater or off-bottom) means a trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed. It includes pair trawls if fished in midwater. A pelagic trawl has no rollers or bobbins on the net;
  - (p) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;



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- (q) "Roller trawl" or "bobbin trawl" are identical, and mean a trawl net with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material which protects the net and footrope during fishing on the seabed. A roller trawl is a type of bottom trawl;
- (r) "Seine" means any nonfixed net other than a trawl net or gillnet;
- (s) "Selective flatfish trawl gear" is a type of small footrope trawl gear. The selective flatfish trawl net must be a two-seamed net with no more than two riblines, excluding the codend. The breastline may not be longer than 3 ft (0.92 meters) in length. There may be no floats along the center third of the headrope or attached to the top panel except on the riblines. The footrope must be shorter than 105 ft (32.26 meters) in length. The headrope must be at least 30% longer in length than the footrope. An explanatory diagram of a selective flatfish trawl net is provided as Figure 1 of Part 660, Subpart G in Title 50 Code of Federal Regulations.
- (t) "Set net" means a stationary, buoyed and anchored gillnet or trammel net;
- (u) "Single-walled codend" means a codend constructed of a single wall of webbing knitted with single or double-ply mesh;
- (v) "Small footrope trawl gear" is a bottom trawl net with a footrope diameter of 8 inches (20 cm) or smaller (including rollers, bobbins or other material encircling or tied along the length of the footrope). Other lines or ropes that run parallel to the footrope must not be augmented with material encircling or tied along their length such that they have a diameter larger than 8 inches (20 cm). For enforcement purposes, the footrope will be measured in a straight line from the outside edge to the opposite outside edge at the widest part on any individual part, including any individual disk, roller, bobbin, or any other device.
- (w) "Trammel net" means a gillnet made with two or more walls joined to a common float line;
- (x) "Trawl net" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels. Trawl nets are used both on bottom and off bottom. They may be fished with or without trawl doors. They may employ warps or cables to herd fish. Trawl nets are restricted to beam trawl, bobbin or roller trawl, bottom trawl and pelagic trawl;
- (y) "Trawl riblines" means heavy rope or lines that run down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing;
- (z) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel. Additional troll fishing gear defined in the Code of Federal Regulations, Title 50, Part 660 H;
- (aa) "Vertical hook and line (Portuguese longline)" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.
- (8) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Parts 660 and 663.
- (9) "Inland waters" means all waters of the state except the Pacific Ocean.
- (10) "Land, landed, or landing" means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.
- (11) "Length, total" is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length.
- (12) Management lines include:



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- (a) "Cape Arago" means a line extending due west at 43 degrees 20 minutes 50 seconds north latitude;
- (b) "Cape Blanco" means a line extending due west at 42 degrees 50 minutes 00 seconds north latitude;
- (c) "Cape Falcon" means a line extending due west at 45 degrees 46 minutes 00 seconds north latitude;
- (d) "Cape Lookout" means a line extending due west at 45 degrees 20 minutes 15 seconds north latitude;
- (e) "Cascade Head" means a line extending due west at 45 degrees 03 minutes 50 seconds north latitude;
- (f) "Heceta Head" means a line extending due west at 44 degrees 08 minutes 18 seconds north latitude;
- (g) "Humbug Mountain" means a line extending due west at 42 degrees 40 minutes 30 seconds north latitude;
- (h) "Mack Arch" means a line extending due west at 42 degrees 13 minutes 40 seconds north latitude.
- (13) "Ocean food fish" includes all saltwater species of food fish except salmon, halibut, and shellfish whether found in fresh or salt water.
- (14) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except in the Columbia River the Pacific Ocean has the definition prescribed in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.
- (15) "Rockfish" includes:
  - (a) aurora rockfish, *Sebastes aurora*;
  - (b) bank rockfish, *S. rufus*;
  - (c) black rockfish, *S. melanops*;
  - (d) black and yellow rockfish, *S. chrysomelas*;
  - (e) blackgill rockfish, *S. melanostomus*;
  - (f) Blue rockfish, *S. mystinus*;
  - (g) bocaccio, *S. paucispinis*;
  - (h) bronzespotted rockfish, *S. gilli*;
  - (i) brown rockfish, *S. auriculatus*;
  - (j) calico rockfish, *S. dalli*;
  - (k) California scorpionfish, *Scorpaena quttata*;
  - (l) canary rockfish, *Sebastes pinniger*;
  - (m) chilipepper, *S. goodei*;
  - (n) China rockfish, *S. nebulosus*;
  - (o) copper rockfish, *S. caurinus*;
  - (p) cowcod, *S. levis*;
  - (q) darkblotched rockfish, *S. crameri*;
  - (r) dusty rockfish,
  - (s) flag rockfish, *S. rubrivinctus*;
  - (t) gopher rockfish, *S. carnatus*;
  - (u) grass rockfish, *S. rastrelliger*;
  - (v) greenblotched rockfish, *S. rosenblatti*;
  - (w) greenspotted rockfish, *S. chlorostictus*;
  - (x) greenstriped rockfish, *S. elongatus*;
  - (y) harlequin rockfish, *S. variegatus*;



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- (z) honeycomb rockfish, *S. umbrosus*;
- (aa) kelp rockfish, *S. atrovirens*;
- (bb) longspine thornyhead, *Sebastolobus altivelis*;
- (cc) Mexican rockfish, *Sebastes macdonaldi*;
- (dd) olive rockfish, *S. serranoides*;
- (ee) Pacific ocean perch, *S. alutus*;
- (ff) pink rockfish, *S. eos*;
- (gg) quillback rockfish, *S. maliger*;
- (hh) redbanded rockfish, *S. babcocki*;
- (ii) redstripe rockfish, *S. proriger*;
- (jj) rosethorn rockfish, *S. helvomaculatus*;
- (kk) rosy rockfish, *S. rosaceus*;
- (ll) rougheye rockfish, *S. aleutianus*;
- (mm) sharpchin rockfish, *S. zacentrus*;
- (nn) shortbelly rockfish, *S. jordani*;
- (oo) shortraker rockfish, *S. borealis*;
- (pp) shortspine thornyhead, *Sebastolobus alascanus*;
- (qq) silvergray rockfish, *Sebastes brevispinis*;
- (rr) speckled rockfish, *S. ovalis*;
- (ss) splitnose rockfish, *S. diploproa*;
- (tt) squarespot rockfish, *S. hopkinsi*;
- (uu) starry rockfish, *S. constellatus*;
- (vv) stripetail rockfish, *S. saxicola*;
- (ww) tiger rockfish, *S. nigrocinctus*;
- (xx) treefish, *S. serriceps*;
- (yy) vermilion rockfish, *S. miniatus*;
- (zz) widow rockfish, *S. entomelas*;
- (aaa) yelloweye rockfish, *S. ruberrimus*;
- (bbb) yellowmouth rockfish, *S. reedi*.

(16) “*Sebastes complex*” means all rockfish managed by the **Pacific Coast Groundfish Fishery Management Plan** except Pacific ocean perch (*Sebastes alutus*), widow rockfish (*S. entomelas*), shortbelly rockfish (*S. jordani*), and thornyhead (*Sebastolobus* spp.). The *Sebastes complex* includes yellowtail rockfish (*Sebastes flavidus*).

(17) “Shore-based (shoreside) processors” means any facility where fish will be processed which is fixed permanently to land.

**(18) “Smelt” means all species in the family Osmeridae.**

**(19)**~~(18)~~ “Tender” means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish dealer.

**(20)**~~(19)~~ “Trip limit” means the total allowable amount of a groundfish species or species complex, by weight, or by percentage of fish on board, that may be taken and retained, possessed, or landed per vessel from a single



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fishing trip. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period:

(a) "Daily trip limit" means the maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period;

(b) "Cumulative trip limit" means the maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time, without a limit on the number of landings or trips. Cumulative trip limits apply to calendar months.

Stat. Auth.: ORS 496.138 and 506.119  
Stats. Implemented: ORS 496.162 and 506.129

**Hagfish Fishery** (New Title)

**635-004-0066** (New Rule)

**Pacific Hagfish Harvest Guideline**

**(1) When landed annual catch approaches 1.6 million pounds of Pacific Hagfish, the ODFW Marine Resources Program will hold a public meeting to evaluate the fishery.**

Stat. Auth.: ORS 496.138 and 506.119  
Stats. Implemented: ORS 496.162 and 506.129

**635-004-0068** (New Rule)

**Fishing Gear**

**(1) It is unlawful for a single commercial fishing vessel to possess, use, control or operate more than 200 hagfish pots. Pots may be fished individually or on common ground line.**

Stat. Auth.: ORS 496.138 and 506.119  
Stats. Implemented: ORS 496.162 and 506.129

**Smelt Fishery**

**635-004-0070**

**Seasons**

(1) Smelt may be taken for commercial purposes from the:

(a) ~~[Pacific Ocean at all times;~~

~~(b)]~~Umpqua River at all times in those areas not closed to commercial fishing for shad;

~~(b)]~~~~(e)]~~ Sandy River at all times in the area below and west of the highway bridge at Troutdale, Oregon (U.S. 30 Alternate);

~~(c)]~~~~(e)]~~ Columbia River as described in OAR 635-042-0130.

(2) The **targeted take**~~[ing]~~ of smelt for commercial purposes in areas and at times not specified in this rule is prohibited **including take in the Pacific ocean at all times.**



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**(a) Incidentally caught smelt may be landed by vessels targeting other commercial species not to exceed 1% of landing by weight.**

Stat. Auth.: ORS 506.119 and 506.129  
Stats. Implemented: ORS 506

**Swordfish and Thresher Shark Fishery**

635-004-0100

**Swordfish and Thresher Shark Fishery**

**(1) Notwithstanding OAR 635-004-0035, gillnets may be used for the taking of swordfish and thresher shark north of 42 degrees N. latitude and west of 20 nautical miles from shore, only at such times as prescribed by [OAR 635-004-0110.]section (2) of this rule.**

**(2) It is unlawful to take thresher shark for commercial purposes, except as catch incidental to swordfish in a ration of one thresher shark for every two swordfish.**

**(3) It is *unlawful* to take or attempt to take swordfish or thresher shark for commercial purposes without first obtaining a permit issued pursuant to OAR 635-006-0020;**

**(4) It is *unlawful* for a wholesaler, canner, or buyer to buy or receive swordfish or thresher shark from a person or vessel for which the permit required in section (2) of this rule has not been issued.**

**(5) The permit required by section (3) of this rule is in addition to and not in lieu of the commercial fishing and boat license required by ORS 508.235 and 508.260.**

Stat. Auth.: ORS Ch. 506 & 508, 506.119 and 506.129  
Stats. Implemented: ORS 506 and 508

**[635-004-0110]** (Repealed Rule)

**[Season]**

**[It is *unlawful* to take thresher shark for commercial purposes with gillnets.]**

[Stat. Auth.: ORS Ch. 506 & 508, 506.119 and 506.129  
Stats. Implemented: ORS 506 and 508  
Hist.: FWC 31-1989, f. 5-4-89, cert. of. 5-5-89]

**[Abalone]Marine Snail Fishery**

635-005-0005

**[Abalone]Marine Snail Fishery Prohibited**

It is *unlawful* to take any marine snail species of the class gastropoda, including all abalone species, for commercial purposes except that a commercial aquaculture facility may take abalone for use as broodstock under the terms and conditions specified in a permit issued by the Department. Application for such a permit shall be in writing and shall include a description of the commercial aquaculture facility, the methods for collecting and returning broodstock abalone to and from the wild, the methods for checking abalone and imported kelp food for pathogens or exotic fauna, the procedures for isolating and culturing abalone to prevent contamination of wild abalone stock and such other information as the Department may require. Permit applications shall be mailed to:



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Marine Resources Program Office, Department of Fish and Wildlife, 2040 SE Marine Science Drive, Newport, OR, 97365.

Stat. Auth.: ORS 506.119 and 506.129  
Stats. Implemented: ORS 506.129

### 635-006-0020

#### Experimental Fishing Gear Permit

(1) The Director is authorized to issue experimental fishing gear permits for the taking of food fish under the authority of ORS 508.106 provided the use of such fishing gear is not otherwise prohibited by the commercial fishing laws.

(2) Application for a permit shall be in writing accompanied by a fee of \$3.00 and shall include the species of fish to be taken, the method to be used, and the name and location of the body of water from which the food fish are to be taken.

**(a) The Director may issue up to five experimental gear permits for using drift gillnet to target swordfish annually. Permittees who make landings under the permit may renew their permit for the following year; the remaining permits shall be issued on a first-come, first serve basis.**

(3) It is *unlawful* to use the experimental fishing gear in the waters of this state or the Pacific Ocean except under the terms and conditions specified in the permit.

Stat. Auth.: ORS 506.109, 506.119 and 506.129  
Stats. Implemented: ORS 506.109, 506.119 and 506.129

### 635-006-0850

#### Developmental Fisheries Species List

~~[(1) The Developmental Fisheries species, permit and gear restrictions, and landing requirements for renewal of Category A permits are as follows:~~

~~(a) FISH.~~

~~(A) Pacific hagfish (*Eptatretus stouti*) fishery has an annual landing renewal requirement of a total of 25,000 pounds. New hagfish permits are valid for 120 days from date of issue, unless landings of at least 5,000 pounds are made within 120 days from date of issue, in which case the permit is valid for the remainder of the year. There are 25 permits for harvest of which there are no trawl permits;~~

~~(B) Swordfish (*Xiphias gladius*) fishery has an annual renewal requirement of either five landings consisting of at least 500 pounds each landing or one landing consisting of at least 5000 pounds. Permits are valid for and renewal requirements are calculated from February 1 through January 31 of the following year. There are 20 permits for harvest by floating longline and 10 permits for harvest by other gear. Specially adapted drift/gillnet may be permitted. Experimental gear permits may be required. Five single delivery permits will be issued to those who applied by annual filing date, but did not receive a Developmental Fishery Permit. Gillnet gear must conform to California gear restrictions;~~

~~(C) Northern anchovy (*Engraulis mordax*) and Pacific herring (*Clupea pallasii*) fishery has an annual renewal landing requirement of a total of at least 5000 pounds. There are 15 permits for ocean harvest. Specially adapted~~



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small mesh drift/gillnet may be permitted. No permit is needed for hand lines or hand harvest. Experimental gear permits may be required;

**(b) INVERTEBRATES.**

~~(A) Box crab (*Lopholithodes foraminatus*) fishery has an annual renewal requirement of five landings consisting of at least 100 pounds each landing. There are 25 permits for harvest with pots only. A valid Oregon Dungeness crab permit is required to receive a developmental fisheries box crab permit;~~

~~(B) Spot prawn (*Pandalus platyceros*) fishery has an annual renewal landing requirement of a total of at least 500 pounds. After 2002, new permits for trawl gear will not be issued and trawl permits may be renewed as pot permits. After 2003, permits will be issued for pot gear only; no new permits will be issued until the number of permits issued is below 10, after which there may continue to be 10 permits. Experimental gear permits may be required. Permits are issued geographically, split at Heceta Head with 50 percent issued north and 50 percent issued south of Heceta Head, until after the date of the lottery;]~~

**(1)[(2)]** The Developmental Fisheries Species List, Category "B," is as follows:

**(a) FISH.**

(A) Salmon shark (*Lamna ditropis*);

(B) Carp (*Cyprinus carpio*);

(C) Black hagfish (*Eptatretus deani*);

(D) Yellow perch (*Perca flavescens*);

(E) Eelpouts (family *Zoarcidae*);

(F) Brown bullhead (*Ameiurus nebulosus*);

(G) Skilfish (*Erilepis zonifer*);

(H) Northern squawfish (*Ptychocheilus oregonensis*);

(I) Pacific saury (*Cololabis saira*);

(J) Pacific sandfish (*Trichodon trichodon*);

~~[(K) Eulachon (*Thaleichthys pacificus*), whitebait smelt (*Allosmerus elongatus*), night smelt (*Spirinchus starksi*), longfin smelt (*Spirinchus thaleichthys*) and surf smelt (*Hypomesus pretiosus*);]~~

**[(K)[(L)] Pacific pomfret (*Brama japonica*);**

**[(L)[(M)] Slender sole (*Eopsetta exilis*);]**

**[(M) Pacific hagfish (*Eptatretus stouti*);**

**[(N) Pacific herring (*Clupea pallasii*).**

**(b) INVERTEBRATES.**

(A) Pacific sand crab (*Emerita analoga*);

(B) Freshwater mussels (families *Margaritifera*, *Anodonta*, *Gonidea*, and *Corbicula*);

(C) Ocean cockle clams (*Clinocardium nuttallii*);

(D) California market squid (*Loligo opalescens*) and other squid (several species);

(E) Fragile urchin (*Allocentrotus fragilis*);

(F) Sea cucumber (*Parastichopus* spp.);

(G) Giant octopus (*Octopus dofleini*);

(H) ~~[Marine snails (all species)]~~**Spot prawn (*Pandalus platyceros*);**





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- (I) Coonstripe shrimp (*Pandalus danae*);
- (J) Sidestripe shrimp (*Pandalopsis dispar*);
- (K) Grooved tanner crab (*Chionoecetes tanneri*);
- (L) Oregon hair crab (*Paralomis mulitispina*);
- (M) Scarlet king crab (*Lithodes couesi*).

**(N) Box crab (*Lopholithodes foraminatus*).**

**(2)[(3)]** The Developmental Fisheries Species List, Category "C," is as follows:

(a) FISH.

- (A) Spiny dogfish (*Squalus acanthias*);
- (B) Soupfin shark (*Galeorhinus zyopterus*);
- (C) Skate (family *Rajidae*);
- (D) American shad (*Alosa sapidissima*);
- (E) Pacific cod (*Gadus macrocephalus*);
- (F) Pacific flatnose (*Antimora microlepis*);
- (G) Pacific grenadier (*Coryphaenoides acrolepis*);
- (H) Jack mackerel (*Trachurus symmetricus*);
- (I) Chub (Pacific) mackerel (*Scomber japonicus*);
- (J) Greenstriped rockfish (*Sebastes elongatus*);
- (K) Redstripe rockfish (*Sebastes proriger*);
- (L) Shortbelly rockfish (*Sebastes jordani*);
- (M) Sharpchin rockfish (*Sebastes zacentrus*);
- (N) Splitnose rockfish (*Sebastes diploproa*);
- (O) Pacific sanddab (*Citharichthys sordidus*);
- (P) Butter sole (*Pleuronectes isolepis*);
- (Q) English sole (*Pleuronectes vetulus*);
- (R) Rex sole (*Errex zechirus*);
- (S) Rock sole (*Pleuronectes bilineatus*);
- (T) Sand sole (*Psettichthys melanostictus*);
- (U) Curlfin (lemon) sole (*Pleuronichthys decurrens*);
- (V) Spotted ratfish (*Hydrolagus coliei*);
- (W) Wolf-eel (*Anarrhichthys ocellatus*);
- (X) Walleye pollock (*Theragra chalcogramma*);
- (Y) Blue shark (*Prionace glauca*);

**(Z) Swordfish(*Xiphias gladius*);**

**(AA) Northern Anchovy (*Engraulis mordax*);**

(b) INVERTEBRATES.

- (A) Red rock crab (*Cancer productus*);
- (B) Purple sea urchins (*Strongylocentrotus purpuratus*);
- (C) Crayfish (*Pacifastacus leniusculus*)[-];



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Stat. Auth.: ORS 506.109 and 506.119

Stats. Implemented: ORS 506.129, 506.450, 506.455, 506.460 and 506.465

### **635-006-0890**

#### **Logbooks**

The Department shall provide a logbook to each individual or vessel [~~permitted~~] to harvest Category A, B or C developmental fishery species. Each individual or vessel skipper is responsible for maintaining the logbook in accordance with the instructions contained therein and shall, upon request of an authorized representative of the Department, permit examination and transcription of information from such logbook. Information so received by the Department shall be treated as confidential to the extent allowable under Oregon law.

Stat. Auth.: ORS 506.109, 506.119, 506.450 through 506.465

Stats. Implemented: ORS 506.109, 506.119 and 506.450 through 506.465