



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

1 COMMERCIAL FISHERIES
2 DIVISION 004
3 COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH
4

5 General Regulations
6

7 635-004-0215

8 Definitions

9 As used in Division 004 regulations:

- 10 (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that
11 includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish,
12 sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.
- 13 (2) "Board" means the Commercial Fishery Permit Board.
- 14 (3) "Buy" includes offer to buy, barter, exchange or trade.
- 15 (4) "Coastal Pelagic Species" means all species of ocean food fish and shellfish defined as Coastal
16 Pelagic Species in the Fishery Management Plan for U.S. West Coast Fisheries for Coastal Pelagic
17 Species and in the Federal Coastal Pelagic Species Regulations, Title 50, Part 660, and include:
- 18 (a) Jack mackerel (*Trachurus symmetricus*);
 - 19 (b) Jack smelt (*Atherinopsis californiensis*);
 - 20 (c) Krill (all species in order Euphausiacea);
 - 21 (d) Market squid (*Loligo opalescens*);
 - 22 (e) Northern anchovy (*Engraulis mordax*);
 - 23 (f) Pacific herring (*Clupea harengus pallasi*);
 - 24 (g) Pacific mackerel (*Scomber japonicus*); and
 - 25 (h) Pacific sardine (*Sardinops sagax*).
- 26 (5) "Commercial harvest cap" means the total fishery-related mortality for a given species, or species
27 group, that may occur in a single calendar year in Oregon commercial fisheries.
- 28 (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may
29 be taken in a single calendar year in Oregon commercial fisheries.
- 30 (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or
31 possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling,
32 processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food



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- 33 fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS
34 506.006.
- 35 (8) “Commission” means the State Fish and Wildlife Commission created by ORS 496.090.
- 36 (9) “Department” means the State Department of Fish and Wildlife.
- 37 (10) “Director” means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to
38 ORS 496.112.
- 39 (11) “Dive gear” means gear used while a fisher is submerged underwater in order to take food fish, and
40 includes but is not limited to one or more of the following pieces of equipment: SCUBA or other surface
41 supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.
- 42 (12) “Exclusive Economic Zone” means the zone between 3-200 nautical miles offshore of the United
43 States.
- 44 (13) “Fishing gear” means, as specified in ORS 506.006, any appliance or device intended for or capable
45 of being used to take food fish for commercial purposes, and includes:
- 46 (a) “Fixed gear” means longline, trap or pot, set net, and stationary hook-and-line gears;
- 47 (b) “Gillnet” has the meaning as set forth in OAR 635-042-0010;
- 48 (c) “Hook-and-line” means one or more hooks attached to one or more lines;
- 49 (d) “Lampara net” means a surrounding or seine net with the sections of netting made and joined to
50 create bagging, and is hauled with purse rings;
- 51 (e) “Longline” means a stationary buoyed, and anchored groundline with hooks attached;
- 52 (f) “Mesh size” means the opening between opposing knots. Minimum mesh size means the smallest
53 distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine
54 size;
- 55 (g) “Pot or trap” means a portable, enclosed device with one or more gates or entrances and one or
56 more lines attached to surface floats;
- 57 (h) “Purse seine” means an encircling net that may be closed by a purse line threaded through the
58 bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;
- 59 (i) “Seine” means any non-fixed net other than a trawl net or gillnet and includes all types of purse
60 seines;
- 61 (j) “Setline” means a bottom longline used in rivers and estuaries for targeting white sturgeon;
- 62 (k) “Set net” means a stationary, buoyed and anchored gillnet or trammel net which takes fish
63 commonly by gilling and is not free to move or drift with the current or tide;



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- 64 (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;
- 65 (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;
- 66 (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by
67 one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl,
68 pelagic trawl and Danish and Scottish seine gear;
- 69 (o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures
70 behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the
71 vessel at any time during the fishing operation; and
- 72 (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically
73 suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.
- 74 (14) "Fishing trip" means a period of time between landings when fishing is conducted.
- 75 (15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction,
76 pursuant to ORS 506.036.
- 77 (16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast
78 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, **Title 50, Part 660**
79 and includes:
- 80 (a) All species of rockfish, thornyheads, and scorpionfish that occur off Washington, Oregon, or
81 California (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*);
- 82 (b) Arrowtooth flounder (*Atheresthes stomias*);
- 83 (c) Big skate (*Raja binoculata*);
- 84 (d) Butter sole (*Isopsetta isolepis*);
- 85 (e) Cabezon (*Scorpaenichthys marmoratus*);
- 86 (f) California skate (*Raja inornata*);
- 87 (g) Curlfin sole (*Pleuronichthys decurrens*);
- 88 (h) Dover sole (*Microstomus pacificus*);
- 89 (i) English sole (*Parophrys vetulus*);
- 90 (j) Finescale codling (*Antimora microlepis*);
- 91 (k) Flathead sole (*Hippoglossoides elassodon*);
- 92 (l) Kelp greenling (*Hexagrammos decagrammus*);
- 93 (m) Leopard shark (*Triakis semifasciata*);
- 94 (n) Lingcod (*Ophiodon elongatus*);



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- 95 (o) Longnose skate (*Raja rhina*);
- 96 (p) Pacific cod (*Gadus macrocephalus*);
- 97 (q) Pacific rattail (*Coryphaenoides acrolepis*);
- 98 (r) Pacific sanddab (*Citharichthys sordidus*);
- 99 (s) Pacific whiting (*Merluccius productus*);
- 100 (t) Petrale sole (*Eopsetta jordani*);
- 101 (u) Ratfish (*Hydrolagus collieii*);
- 102 (v) Rex sole (*Glyptocephalus zachirus*);
- 103 (w) Rock sole (*Lepidopsetta bilineata*);
- 104 (x) Sablefish (*Anoplopoma fimbria*);
- 105 (y) Sand sole (*Psettichthys melanostictus*);
- 106 (z) Soupfin shark (*Galeorhinus zyopterus*);
- 107 (aa) Spiny dogfish (*Squalus acanthias*);
- 108 (bb) Starry flounder (*Platichthys stellatus*); and
- 109 (cc) Starry rockfish (*Sebastes constellatus*).
- 110 (17) "Harvest guideline" means a specified numerical harvest objective that is not a quota. Attainment of
- 111 a harvest guideline does not automatically close a fishery.
- 112 (18) "Highly Migratory Species" means all species of ocean food fish defined as highly migratory
- 113 species in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and
- 114 in the Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:
- 115 (a) Bigeye thresher shark (*Alopias superciliosus*);
- 116 (b) Bigeye tuna (*Thunnus obesus*);
- 117 (c) Blue shark (*Prionace glauca*);
- 118 (d) Common thresher shark (*Alopias vulpinus*);
- 119 (e) Common Mola (*Mola mola*);
- 120 (f) Dorado (*Coryphaena hippurus*);
- 121 (g) Escolar (*Lepidocybium flavobrunneum*);
- 122 (h) Lancetfishes (*Alepisauridae* species);
- 123 (i) Louvar (*Luvarus imperialis*);
- 124 (j) North Pacific albacore tuna (*Thunnus alalunga*);
- 125 (k) Northern bluefin tuna (*Thunnus thynnus*);



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- 126 (l) Pacific swordfish (*Xiphias gladius*);
127 (m) Pelagic sting ray (*Dasyatis violacea*);
128 (n) Pelagic thresher shark (*Alopias pelagicus*);
129 (o) Shortfin mako shark (*Isurus oxyrinchus*);
130 (p) Skipjack tuna (*Katsuwonus pelamis*);
131 (q) Striped marlin (*Tetrapturus audax*);
132 (r) Wahoo (*Acanthocybium solandri*); and
133 (s) Yellowfin tuna (*Thunnus albacares*).

134 (19) "Inland waters" means all waters of the state except the Pacific Ocean.

135 (20) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme
136 low water and mean extreme high water boundaries.

137 (21) "Land, landed, or landing" means either of the following:

138 (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to
139 begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are
140 counted as part of that landing, except:

141 (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's
142 commercial fishing operation; and

143 (B) For vessels participating in the federal trawl rationalization program, the portion of catch that
144 is intended to be delivered to Washington or California is not considered part of that landing.

145 (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing"
146 means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait
147 dealer, or food fish canner, under which the following provisions apply:

148 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish
149 canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of
150 the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and

151 (B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.

152 (22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length,
153 United States Coast Guard or Marine Board registered length documentation stating overall length or
154 overall length as surveyed by a certified marine surveyor. In determining overall length, marine
155 surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the



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156 aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard
157 motor brackets, or transom extensions such as a dive step or platform.

158 (23) "Length, total" of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail
159 (pinched together) without mutilation of the fish or the use of additional force to extend the length.

160 (24) "Nearshore species" includes (See ORS 506.011):

161 (a) Black and yellow rockfish (*Sebastes chrysomelas*);

162 (b) Brown Irish lord (*Hemilepidotus spinosus*);

163 (c) Brown rockfish (*Sebastes auriculatus*);

164 (d) Buffalo sculpin (*Enophrys bison*);

165 (e) Cabezon (*Scorpaenichthys marmoratus*);

166 (f) Calico rockfish (*Sebastes dalli*);

167 (g) China rockfish (*S. nebulosus*);

168 (h) Copper rockfish (*S. caurinus*);

169 (i) Gopher rockfish (*S. carnatus*);

170 (j) Grass rockfish (*S. rastrelliger[rastelliger]*);

171 (k) Kelp greenling (*Hexagrammos decagrammus*);

172 (l) Kelp rockfish (*Sebastes atrovirens*);

173 (m) Olive rockfish (*S. serranoides*);

174 (n) Painted greenling (*Oxylebius pictus*);

175 (o) Quillback rockfish (*Sebastes maliger*);

176 (p) Red Irish lord (*Hemilepidotus hemilepidotus*);

177 (q) Rock greenling (*Hexagrammos lagocephalus*);

178 (r) Tiger rockfish (*Sebastes nigrocinctus*);

179 (s) Treefish (*S. serriceps*);

180 (t) Vermillion rockfish (*S. miniatus*); and

181 (u) White spotted greenling (*Hexagrammos stelleri*).

182 (25) "Ocean food fish" means all saltwater species of food fish except salmon, halibut, and shellfish
183 whether found in fresh or salt water.

184 (26) "Other nearshore rockfish" includes:

185 (a) Black and yellow rockfish (*Sebastes chrysomelas*);

186 (b) Brown rockfish (*S. auriculatus*);



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- 187 (c) Calico rockfish (*S. dalli*);
188 (d) China rockfish (*S. nebulosus*);
189 (e) Copper rockfish (*S. caurinus*);
190 (f) Gopher rockfish (*S. carnatus*);
191 (g) Grass rockfish (*S. rastrelliger*[*rastelliger*]);
192 (h) Kelp rockfish (*S. atrovirens*);
193 (i) Olive rockfish (*S. serranoides*);
194 (j) Quillback rockfish (*S. maliger*); and
195 (k) Treefish (*S. serriceps*).
- 196 (27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal
197 area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005,
198 or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area
199 where no jetties exist.
- 200 (28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to
201 which a vessel permit is attached. A lessee of a permit is not a permit holder.
- 202 (29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.
- 203 (30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof,
204 or any type of smoking, reducing, loining, steaking, pickling or filleting.
- 205 (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS
206 508.285.
- 207 (32) "Rockfish" includes all species in the following genera:
- 208 (a) *Sebastes*; and
209 (b) *Sebastolobus*.
- 210 (33) "Salmon" means all anadromous species of salmon, including but not limited to:
- 211 (a) *Oncorhynchus gorboscha*, commonly known as humpback, humpies or pink salmon.
212 (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.
213 (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.
214 (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.
215 (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.
- 216 (34) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or
217 permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws



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218 enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory
219 provisions for federally documented vessels.

220 (35) "Sell" includes to offer or possess for sale, barter, exchange or trade.

221 (36) "Smelt" means all species in the family Osmeridae.

222 (37) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch,
223 capture or kill.

224 (38) "Transport" means transport by any means, and includes offer or receive for transportation.

225 (39) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per
226 vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its
227 cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are
228 not landed until the next period. Trip limits may be:

229 (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and
230 retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number
231 of landings or trips in each period, and periods apply to calendar months. The specified periods are as
232 follows:

233 (A) Period 1: January through February;

234 (B) Period 2: March through April;

235 (C) Period 3: May through June;

236 (D) Period 4: July through August;

237 (E) Period 5: September through October; and

238 (F) Period 6: November through December.

239 (b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed
240 or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of
241 groundfish may be made in that 24-hour period;

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

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



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

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

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

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

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

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

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

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

273 Stats. Implemented: ORS 496.162, 506.109, 506.129

274

275 **Groundfish Section**

276

277 **635-004-0275**

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

279 (1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of
280 Oregon and the federal government through the Pacific Fishery Management Council process. The Code



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281 of Federal Regulations provides federal requirements for this fishery, including but not limited to the
282 time, place, and manner of taking groundfish. However, additional regulations may be promulgated
283 subsequently by publication in the Federal Register, and these supersede, to the extent of any
284 inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated
285 into Oregon Administrative Rule by reference:

- 286 (a) Code of Federal Regulations, Part 660, Subparts C, D, E and F (October 1, ~~2014~~[2013] ed.);
287 (b) [INSERT CITATION WHEN AVAILABLE][Federal Register Vol. 78, No. 2, dated January 3,
288 2013 (78 FR 580).]

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

293 (3) The Commission may adopt additional or modified regulations that are more conservative than
294 federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-
295 0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to
296 federal groundfish regulations.

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

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

299 Stats. Implemented: ORS 496.162, 506.109, 506.129

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

302

303 **635-004-0350**

304 **Harvest Guidelines and Landing Caps**

305 (1) **Upon attainment of a harvest guideline in the Black Rockfish, Blue Rockfish, and Nearshore**
306 **Fishery, the Department shall initiate consultation to determine if additional regulatory actions**
307 **are necessary to achieve management objectives.**

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

310 [The commercial harvest caps for black rockfish and cabezon are:]

311 (a) Black rockfish: 139.2 metric tons;[-and]

312 (b) Cabezon: 30.2 metric tons; **and**



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313 **(c) Blue rockfish and other nearshore rockfish combined: 10.4 metric tons.**

314 **(3) The following commercial harvest guidelines include landings by all Oregon commercial**
315 **fisheries in a single calendar year:**

316 [~~(2) The commercial landing caps for black rockfish, blue rockfish and other nearshore species are:~~

317 (a) ~~Black rockfish, 137.9 metric tons;~~

318 (b) ~~Black rockfish and blue rockfish combined: 141.9 metric tons;~~

319 (c) ~~Other nearshore rockfish, 14.3 metric tons;~~

320 (d) ~~Cabezon, 30.0 metric tons; and~~

321 (e)] ~~Greenling, 23.4 metric tons.~~

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

323 Stats. Implemented: ORS 506.109, 506.129

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325 **635-004-0355**

326 **Trip Limits**

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

332 (2) [~~For black and blue rockfish combined, v~~]**V**essels with a Black Rockfish / Blue Rockfish / Nearshore
333 Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following
334 cumulative trip limits:

335 (a) **Black rockfish:**

336 **(A) 1200**[~~1000~~] pounds in period 1;

337 **(B) 1400**[~~(b) 1200~~] pounds in period 2;

338 **(C)**[~~(c)~~] 1700 pounds in period 3;

339 **(D)**[~~(d)~~] 1600 in period 4;

340 **(E) 1400**[~~(e) 1200~~] pounds in period 5;

341 **(F)** [~~and (f)~~] 1000 pounds in period 6; **and**

342 **(b) 15 pounds of blue rockfish in each period.**



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343 (3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery
344 Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each
345 period:

- 346 (a) ~~100~~[700] pounds of other nearshore rockfish combined;
- 347 (b) 1,500 pounds of cabezon; and
- 348 (c) 300 pounds of greenling species.

349 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
350 Stats. Implemented: ORS 506.109, 506.129

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

Fish Dealer Records and Reports

635-006-0209

Sorting Required

(1) It is *unlawful* to fail to sort into the categories listed in sections (2) and (3) of this rule, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, quota, harvest guideline, harvest cap, size limit, scientific sorting designation, Optimum Yield (OY) or Annual Catch Limit (ACL).

(2) Federal sorting requirements must be met for the following sectors:

- (a) Trawl fisheries pursuant to **660.130(d), subpart D of the Code of Federal Regulations;**
- (b) Limited Entry Fixed Gear groundfish fisheries pursuant to **660.230(c), subpart E of the Code of Federal Regulations;** and
- (c) Open Access Fixed Gear groundfish fisheries pursuant to **660.330(c), subpart F of the Code of Federal Regulations.**

(3) Nearshore species must be sorted into the following categories:

- (a) Black rockfish;
- (b) Black and Yellow rockfish;
- (c) Blue rockfish;
- (d) Brown rockfish;
- (e) Cabezon;



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- 377 (f) Calico rockfish;
- 378 (g) China rockfish;
- 379 (h) Copper rockfish;
- 380 (i) Gopher rockfish;
- 381 (j) Grass rockfish;
- 382 (k) Greenling;
- 383 (l) Kelp rockfish;
- 384 (m) Olive rockfish;
- 385 (n) Quillback rockfish;
- 386 (o) Tiger rockfish;
- 387 (p) Treefish;
- 388 (q) Vermilion rockfish.

389 **(4) Blackspotted rockfish, rougheye rockfish, and shortraker rockfish must be sorted into the**
390 **following categories:**

391 **(a) Blackspotted rockfish and rougheye rockfish;**

392 **(b) Shortraker rockfish.**

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

394 Stats. Implemented: ORS 506.109, 506.129, 506.306

395

396 **635-006-0215**

397 **Monthly Remittance Report**

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

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

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

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

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

405 (a) Fish dealer's name, license number, and address;

406 (b) Calendar month of the report;

407 (c) Serial numbers of all Fish Receiving Tickets issued during the month;

408 (d) Total pounds of all salmon and steelhead received or sold during the calendar month on which



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409 poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or
410 dressed head off;

411 (e) Total value of salmon and steelhead received or sold during the calendar month including fish
412 eggs and parts;

413 (f) Total value of all other food fish and shellfish including eggs and parts;

414 (g) Total pounds in the round of all other species of food fish or shellfish received or sold during the
415 calendar month on which taxes are due. When landed in a dressed condition, the following listed species
416 may be converted to round weight for the purposes of completing monthly reports, by multiplying each
417 applicable below-listed factor by the dressed weight of that species:

418 (A) Troll salmon:

419 (i) Gilled and gutted 1.15

420 (ii) Gilled, gutted, and headed 1.30

421 (B) Halibut:

422 (i) Gilled and gutted 1.15

423 (ii) Gilled, gutted, and headed 1.35

424 (C) Sablefish, gutted and headed 1.60

425 (D) Pacific whiting:

426 (i) Fillet 2.86

427 (ii) Headed and gutted 1.56

428 (iii) Headed and gutted with tail removed 2.0

429 (E) Thresher shark 2.0

430 (F) Lingcod:

431 (i) Gilled and gutted 1.1

432 (ii) Gilled, gutted and headed 1.5

433 (G) Spot prawn, tails 2.24

434 (H) Rockfish (including thornyheads), except Pacific Ocean Perch:

435 **(i) Gilled and gutted 1.14**

436 **(ii)[(+)] Gutted and headed 1.75**

437 **(iii)[(++)] Gutted and headed, with collarbone still attached to body (western cut) 1.66**

438 **(iv)[(+++)] Gutted and headed, with collarbone removed from body (eastern cut) 2.0**

439 (I) Pacific Ocean Perch: [5]



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- 440 **(i) Gilled and gutted 1.14**
- 441 **(ii) G[g]utted and headed 1.6**
- 442 (J) Pacific Cod, gutted and headed 1.58
- 443 (K) Dover sole, English sole, and “other flatfish” as defined in Title 50 of the Code of Federal
444 Regulations, part 660 Subpart C, gutted and headed 1.53
- 445 (L) Petrale sole, gutted and headed 1.51
- 446 (M) Arrowtooth flounder, gutted and headed 1.35
- 447 (N) Starry flounder, gutted and headed 1.49
- 448 (O) Groundfish, glazed:
- 449 (i) Conversion factors must be calculated for each landing for each species or species group
450 categorized in OAR 635-006-0209 when there are 60 or greater individuals of a category in a single
451 landing as follows:
- 452 (I) Weigh a sample of at least 20 glazed fish to obtain the glazed weight;
- 453 (II) Completely remove glaze from individual fish making up the sample;
- 454 (III) Re-weigh the sample to obtain the non-glazed weight;
- 455 (IV) Divide the non-glazed weight by the glazed weight to obtain the conversion factor;
- 456 (V) A separate conversion factor may be calculated for each size grade of a species, but
457 may only be applied to landings of that size grade;
- 458 (VI) Documentation of this calculation must be retained with the dock receiving ticket.
- 459 (ii) A conversion factor of 0.95 must be applied when there are fewer than 60 individuals of
460 any species or species group categorized in OAR 635-006-0209 in a single landing.
- 461 (h) Total value of food fish landed in another state but not taxed by that state;
- 462 (i) Total pounds in the round of all food fish landed in another state but not taxed by that state;
- 463 (j) Total fees due - in accordance with ORS 508.505 the fees are the value of the food fish at the
464 point of landing multiplied by the following rates:
- 465 (A) All salmon and steelhead, 3.15 percent.[:]
- 466 (B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by
467 ORS 506.011), 5.00 percent.
- 468 (C) Effective January 1, 2010, all other food fish (except tuna, as defined by ORS 508.505), 2.25
469 percent.
- 470 (D) All tuna (as defined by ORS 508.505), 1.09 percent.



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

477 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129, 508.530
478 Stats. Implemented: ORS 506.109, 506.129, 508.535, 508.505, 508.550
479

DIVISION 039
MARINE FISH, SHELLFISH AND
MARINE INVERTEBRATES

480
481
482
483
484 **635-039-0080**

485 **Purpose and Scope**

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

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

490 (a) The sport fishing regulations of the State, included in the document entitled **2015**[2014] **Oregon**
491 **Sport Fishing Regulations**;

492 (b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, **2014**[2013] ed.),
493 as amended;

494 (c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, **2014**[2013] ed.),
495 as amended;

496 (d) ~~[INSERT CITATION WHEN AVAILABLE][Federal Register Vol. 78, No. 2, dated January 3,~~
497 ~~2013 (78 FR 580)]~~;

498 (e) Federal Register Vol. 79, No. 48, dated March 12, 2014 (79 FR 3906); and

499 (f) Federal Register Vol. 79, No. 65, dated April 4, 2014 (79 FR 18827).

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

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



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

505 Stats. Implemented: ORS 496.162, 506.129

506

507 **635-039-0090**

508 **Inclusions and Modifications**

509 (1) The **2015 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine
510 fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly
511 referred to as the Marine Zone. However, additional regulations may be adopted in this rule division
512 from time to time and to the extent of any inconsistency, they supersede the **2015 Oregon Sport Fishing**
513 **Regulations**.

514 (2) For the purposes of this rule, a "sport harvest guideline[cap]" is defined as a specified numerical
515 harvest objective that is not a quota. Attainment of a harvest guideline does not automatically
516 close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate
517 consultation to determine if additional regulatory actions are necessary to achieve management
518 objectives.

519 (a) The following sport harvest guidelines include the amount that may be impacted (combined
520 landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year. The
521 sport harvest caps are:

522 (A) (a) Black rockfish, 440.8 metric tons.

523 (B) (b) Cabezon, 16.8 metric tons.

524 (C) Blue rockfish and other nearshore rockfish combined, 26 metric tons.

525 (b) The following sport harvest guidelines include total landings in the Oregon sport ocean
526 boat fishery in a single calendar year: Greenling, 5.2 metric tons.

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

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

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

535 ~~(b) Other nearshore rockfish, 13.6 metric tons.~~



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536 (e) ~~Greenling, 5.2 metric tons.]~~

537 **(4)**~~(5)~~ In addition to the regulations for Marine Fish in the **2015 Oregon Sport Fishing Regulations**,
538 the following apply for the sport fishery in the Marine Zone in 2015:

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

540 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
541 species not listed in the **2015 Oregon Sport Fishing Regulations** in the Marine Zone, located under the
542 category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of
543 which no more than **one may be a blue rockfish, no more than one may be a canary rockfish, and**
544 **no more than one may** be a cabezon. Retention of the following species is prohibited:

545 (A) Yelloweye rockfish;

546 (B) **China rockfish**~~[Canary rockfish];~~

547 (C) **Copper rockfish**;

548 **(D) Quillback rockfish**; and

549 **(E)** Cabezon from January 1 through June 30.

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

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

558 (e) Harvest methods and other specifications for marine fish in subsections **(4)**~~(5)~~(a), **(4)**~~(5)~~(b)
559 and **(4)**~~(5)~~(c) including the following:

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

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

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

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

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



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566 (f) Sport fisheries for species in subsections (4)(5)(a), (4)(5)(b) and (4)(5)(c) and including
567 leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day,
568 except as provided in subsections (4)(5)(a) and (4)(5)(d), and ocean waters are closed for these
569 species during April 1 through September 30, outside of the 30-fathom curve (defined by latitude and
570 longitude) as shown on **Title 50 Code of Federal Regulations Part 660 Section 71**. A 20-fathom, 25-
571 fathom, or 30-fathom curve, as shown on **Title 50 Code of Federal Regulations Part 660 Section 71**
572 may be implemented as the management line as in-season modifications necessitate. In addition, the
573 following management lines may be used to set area specific regulations for inseason action only:

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

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

576 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
577 specified in **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, 2014[2013] ed.).
578 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(5)(a),
579 (4)(5)(b) and (4)(5)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational
580 fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing
581 any species listed in subsections (4)(5)(a), (4)(5)(b) and (4)(5)(c) of this rule, leopard shark, soupfin
582 shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections
583 (4)(5)(a), (4)(5)(b) and (4)(5)(c) and including leopard shark, soupfin shark, and Pacific halibut may
584 transit the YRCA without fishing gear in the water.

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

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

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