



Oregon Administrative Rules  
Oregon Department of Fish and Wildlife

COMMERCIAL FISHERIES  
DIVISION 005  
COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES

Sea Urchin and Sea Cucumber Fishery

635-005-0790

**Fishery Defined**

“Sea urchin and sea cucumber fishery” means the commercial fisheries for red sea urchins (Mesocentrotus[~~Strongylocentrotus~~] franciscanus), [~~and~~]purple sea urchins (Strongylocentrotus purpuratus) and California sea cucumber (Parastichopus californicus).

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

Stats. Implemented: ORS 506.109, 506.129

635-005-0795

**Requirement for Sea Urchin and Sea Cucumber Permit**

(1) It is unlawful to take, land or possess sea urchins or California sea cucumbers for commercial purposes without first obtaining a Sea Urchin and Sea Cucumber Permit issued pursuant to OAR 635-005-0800 through OAR 635-005-0830.

(2) It is unlawful for a wholesaler, canner, or buyer to buy or receive sea urchins or sea cucumbers taken in the sea urchin and sea cucumber fishery from a person for which the permit required by section (1) of this rule has not been issued.

(3) A Sea Urchin and Sea Cucumber Permit required by section (1) of this rule is in addition to and not in lieu of the commercial fishing and boat license required by ORS 508.235 and ORS 508.260.

(4) No individual may hold more than one Sea Urchin and Sea Cucumber Permit at any one time.

(5) Unless otherwise provided, Sea Urchin and Sea Cucumber Permits must be purchased by December 31 of the year the permit is sought for renewal.

(6) Applications for Sea Urchin and Sea Cucumber Permits shall be in such form and contain such information as the Department may prescribe.

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

Stats. Implemented: ORS 506.109, 506.129, 506.306, 508.760



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33 **635-005-0800**

34 **Permit Fee**

35 (1) The annual fee for a Sea Urchin **and Sea Cucumber** Permit is \$125.00 (plus a \$2.00 license agent  
36 fee) for resident applicants and \$175.00 (plus a \$2.00 license agent fee) for non-resident applicants. See  
37 ORS 508.760.

38 (2) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-005-0830.  
39 See ORS 508.760.

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

41 Other Auth.: Senate Bill 247 (2015)

42 Stats. Implemented: ORS 506.109, 506.129 & 508.760

43

44 **635-005-0805**

45 **Eligibility Requirements for a Permit**

46 (1) An individual licensed as a commercial fisher under ORS 508.235 is eligible to obtain a Sea Urchin  
47 **and Sea Cucumber** Permit required by OAR 635-005-0795:

48 (a) By renewal of the previous year's permit; or

49 (b) Through the lottery if a lottery is held in accordance with OAR 635-005-0825.

50 (2) In making determinations regarding issuance or renewal of any limited entry permit, the Department  
51 and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or  
52 requirements Department records and such receipts, accounts, contracts and other business records of  
53 private parties as the Department or the Board considers reliable evidence of the qualifications or  
54 requirements in question.

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

56 Stats. Implemented: ORS 506.109, 506.129 & 508.760

57

58 **635-005-0810**

59 **Revocation and Refusal to Issue Permits**

60 The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of a Sea Urchin **and**  
61 **Sea Cucumber** Permit pursuant to ORS 508.485 and ORS 508.490.

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

63 Stats. Implemented: ORS 506.109, 506.129 & 508.760

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65 **635-005-0815**

66 **Review of Denials**

- 67 (1) An individual whose application for issuance, renewal or transfer of a **Sea Urchin and Sea**  
68 **Cucumber Permit**~~[sea urchin]~~ established pursuant to OAR 635-005-0795, OAR 635-005-0820 and  
69 OAR 635-005-0830 is denied may make written request to the Board for review of the denial. The  
70 procedure for requesting review and the applicable standard of review of denial for a Sea Urchin **and**  
71 **Sea Cucumber** Permit shall be as pursuant to ORS 508.760. For the Sea Urchin and Sea Cucumber  
72 fishery, the Board may waive requirements for renewal of permits if the Board finds that strict adherence  
73 to these requirements were not met as a result of undue hardship as defined in OAR 635-005-0240.
- 74 (2) The Board may delegate to the Department its authority to waive requirements for renewal of permits  
75 in all fisheries in such specific instances as the Board sets forth in a Letter of Delegation to the  
76 Department.
- 77 (3) For those fisheries requiring a \$125.00 application fee for Board review, the fee is non-refundable.  
78 However, if the Board grants the applicant's request, the non-refundable fee shall apply toward the  
79 permit fee.
- 80 (4) Orders issued by the Board are not subject to review by the Commission, but may be appealed as  
81 provided in ORS 183.480 to ORS 183.550.

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

83 Stats. Implemented: ORS 506.109, 506.129 & 508.762

84

85 **635-005-0820**

86 **Renewal of Permit**

- 87 (1) Sea Urchin **and Sea Cucumber** Permits may be renewed the following year:
- 88 (a) By submitting to the Department a \$125.00 fee (plus a \$2.00 license agent fee) for resident  
89 applicants and a \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete  
90 application date-stamped or postmarked by January 31 of the year for which renewal is sought; and
- 91 (b) The permittee shall have annually lawfully landed 5,000 pounds of sea urchins **or 500 pounds of**  
92 **California sea cucumbers** in Oregon. If a permittee obtained a permit later than January of the prior  
93 year (because the permit was obtained through the lottery, or as a result of the Commercial Fishery  
94 Permit Board actions or surrender of a permit by a permit holder), the permittee shall not be required to  
95 make the [~~5,000-pound~~] landing requirement by the following January. Instead, at the next renewal  
96 thereafter, the permittee shall be required to demonstrate that the [~~5,000-pound~~] landing requirement was



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97 fulfilled during the first full year (twelve-month period) in which the permit was held.

98 (2) An application for renewal of a Sea Urchin and Sea Cucumber Permit shall be considered complete  
99 if it is legible, has all information requested in the form, and is accompanied by the required fee in full.  
100 Any application which is not complete shall be returned, and unless it is thereafter resubmitted and  
101 deemed complete by January 31 of the permit year sought, the individual shall not be considered to have  
102 applied for renewal in a timely manner.

103 (3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a  
104 timely manner. Failure of the Department to return an application for incompleteness or of an individual  
105 to receive a returned application shall not be grounds for treating the application as having been filed in a  
106 timely and complete manner.

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

108 Other Auth.: Senate Bill 247 (2015)

109 Stats. Implemented: ORS 506.109, 506.129 & 508.762

110

111 **635-005-0825**

112 **Lottery for Limited Entry Sea Urchin and Sea Cucumber Permits**

113 (1) If the total number of Sea Urchin and Sea Cucumber Permits which have been renewed, and for  
114 which an appeal is pending with the Commercial Fishery Permit Board and awarded through a prior  
115 lottery, is less than 12[30], a lottery shall be held on the 4th Friday in April. However, as a result of any  
116 such lottery, the total number of permits issued shall not exceed 12[30].

117 (2) An individual must be 18 years of age or older and furnish proof of age to be eligible for the lottery.

118 (3) An individual shall not already hold a valid Sea Urchin and Sea Cucumber Permit, however, an  
119 individual whose permit is at issue in a pending Sea Urchin and Sea Cucumber Permit Board  
120 proceeding or before a court of law may participate in the lottery.

121 (4) If a permittee whose permit is at issue either before the Sea Urchin and Sea Cucumber Permit  
122 Board or a court of law is awarded another permit through the lottery and thereafter prevails before the  
123 Board or in court, the permittee shall immediately surrender one of the Sea Urchin and Sea Cucumber  
124 Permits to any Department office, so that only one valid permit is held.

125 (5) An individual who qualifies to participate in the lottery shall send a complete lottery application to  
126 the Department, date-stamped or postmarked no later than April 15 of the year for which the permit is to  
127 be issued. An individual shall not submit more than one application to participate in the lottery. For  
128 successful applicants, the application fee shall apply toward the permit fee of \$125.00 (plus a \$2.00



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129 license agent fee) for resident applicants and \$175.00 fee (plus a \$2.00 license agent fee) for nonresident  
130 applicants.

131 (6) The names of lottery applicants shall be drawn to obtain the available permits. All other names of  
132 lottery applicants shall be drawn and placed on an alternate list in the order in which they were drawn,  
133 and shall be issued permits during the next 24 months as they may become available through Permit  
134 Board actions or surrender of permits by a permit holder.

135 (7) An individual whose name is drawn in the lottery shall thereafter apply on the prescribed form, to the  
136 Department to obtain a permit. Such application must be received by the Department within 30 days of  
137 the date the notification was mailed to the successful applicant following the lottery.

138 (8) Any individual who fails to apply for the lottery permit within 30 days shall forfeit such permit. The  
139 permit shall then be made available to the first name on the alternate list, and shall be applied for in  
140 accordance with section (7) of this rule.

141 (9) If all permits are not issued by renewal or through the lottery, permits thereafter may be issued on a  
142 first come first served basis up to the total number of permits allowed. All applications shall be mailed to  
143 the Department and priority shall be based on postmark or date-stamped date.

144 (10) The Commission may suspend the lottery for up to two years based upon its assessment of the  
145 condition of the resource and recommendations of the Sea Urchin and Sea Cucumber Permit Review  
146 Board.

147 (11) Each applicant for a permit lottery shall complete the application form prescribed by the  
148 Department.

149 (12) Only one application per vessel may be submitted for each permit fishery lottery.

150 (13) Any application which is not legible, has incomplete information, or is postmarked after the  
151 deadline shall not be entered in the lottery. Applications for all permits will be accepted at the Salem  
152 headquarters office of the Department, and shall be postmarked or date stamped no later than March 31  
153 of the year for which the permit is issued.

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

155 Other Auth.: Senate Bill 247 (2015)

156 Stats. Implemented: ORS 506.109, 506.129, 508.762

157

158 **635-005-0830**

159 **Transferability of Permits**

160 (1) Any transfer of a Sea Urchin and Sea Cucumber Permit without the written consent of each person



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161 holding a security interest in such vessel is void. The following rules apply to transfer of Sea Urchin **and**  
162 **Sea Cucumber** Permits:

163 (2) The Department shall approve the transfer of any permit to any purchaser of the permit, provided that  
164 not more than one sale or transfer of the permit occurs within that calendar year;

165 (3) No Sea Urchin **and Sea Cucumber** Permit issued to an individual through the lottery after 1998 may  
166 be transferred to another individual until a cumulative total of 20,000 pounds of sea urchins, **or 2,000**  
167 **pounds of California sea cucumbers** have been landed on commercial fish receiving tickets by the  
168 individual issued the permit through the lottery.

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

170 Stats. Implemented: ORS 506.109, 506.129 & 508.762

171

172 **635-005-0835**

173 **Logbook Required**

174 (1) The Department shall make available a logbook to each licensed commercial fisher who holds a valid  
175 Sea Urchin **and Sea Cucumber** Permit.

176 (2) Each permit holder is responsible for maintaining the logbook in an accurate and truthful manner and  
177 in accordance with the instructions contained therein.

178 (3) Upon request of an authorized representative of the Department or the Oregon State Police, the  
179 permit holder shall permit examination and transcription of information of such logbook.

180 (4) Upon request of an authorized representative of the Department, the permit holder shall surrender a  
181 legible copy of such logbook.

182 (5) Information so received by the Department shall be considered confidential.

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

184 Stats. Implemented: ORS 506.109, 506.129

185

186 **635-005-0840**

187 **Closed Seasons and Areas**

188 It is unlawful for commercial purposes to take, land or possess sea urchins **or California sea**  
189 **cucumbers**:

190 (1) Which have been taken in water depths shallower than ten feet below mean lower low water.

191 (2) Within the following areas:

192 (a) From Orford Reef, described as the area encompassed by parallels of Latitude 42°46'N and



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193 42°49'N from May 1 through October 31;

194 (b) Within 1,000 feet of Pyramid Rock on Rogue Reef described by the area encompassed by  
195 parallels of Latitude 42°26.4'N and 42°26.9'N and by meridians of Longitude 124°28.4'W and  
196 124°27.8'W, or within the rectangle marked by corner buoys from May 1 through August 31; or

197 (c) The Special Regulation Marine Areas described in OAR 635-005-0260.

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

199 Stats. Implemented: ORS 506.109, 506.129 & 506.306

200

201 **635-005-0845**

202 **Prohibitions**

203 (1) It is unlawful for commercial purposes to take, land or possess sea urchins or California sea  
204 cucumbers:

205 (a) Where more than two divers were in the water off any one vessel at the same time;

206 (b) Where more than two persons without permits, excluding persons authorized by the Department  
207 for the performance of official duties, were on board any vessel while harvesting, possessing, or  
208 transporting sea urchins or California sea cucumbers;

209 (c) Unless the vessel displays the vessel's federal document or Marine Board numbers on a weather  
210 deck so as to be visible from above. The number shall contrast with the background and be in block  
211 Arabic numerals at least 18 inches high for vessels over 65 feet in length and at least ten inches high for  
212 vessels 65 feet or less. The operator of the vessel shall keep the identifying markings clearly legible and  
213 in good repair, and shall ensure that no part of the vessel, its rigging, or its fishing gear obstructs the  
214 view of the vessel number from an enforcement vessel or aircraft.

215 (2) For each trip, any permit holder shall clearly identify and keep separate until processed all sea  
216 urchins or California sea cucumbers taken by that permit holder.

217 (3) Notwithstanding any other provision in these regulations, no person other than the holder of a current  
218 Sea Urchin and Sea Cucumber Permit issued by the Department is allowed to dive in the water to take  
219 sea urchins or California sea cucumber or to otherwise assist, while submerged, in the harvest of sea  
220 urchins or California sea cucumber.

221 **(4) Use of any gas mixture other than atmospheric air for diving is prohibited when taking sea**  
222 **urchins or California sea cucumbers. Tanks containing gas mixtures other than atmospheric air**  
223 **and capable of being used for diving may not be aboard vessels while operating under a Sea**  
224 **Urchin and Sea Cucumber Permit, except that tanks of oxygen may be aboard vessels for**



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225 **emergency use above water.**

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

227 Stats. Implemented: ORS 506.109, 506.129 & 506.306