



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

COMMERCIAL FISHERIES
DIVISION 004
COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH
Coastal Pelagic and Smelt Species Section

635-004-0370

Organization of Rules

(1) Administrative rules contained in OAR 635-004-0375 though 635-004-0379[and 635-004-0376] shall apply to all fisheries in the Coastal Pelagic and Smelt Species section, and are in addition to and not in lieu of Division 004 General Regulations contained in OAR 635-004-0200 through OAR 635-004-0265. The Coastal Pelagic and Smelt Species Section includes regulations for the Sardine, Inland Waters Herring, Yaquina Bay Roe-Herring, Pacific Ocean Herring, Anchovy and Smelt Fisheries.

(2) Market squid are managed under the Coastal Pelagic Species Fishery Management Plan and through the regulations adopted by reference in OAR 635-004-0375. However, market squid are managed as a shellfish when landed in Oregon, and are subject to regulations in the Squid Fishery Section in Division 005.

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

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, 2015[2013] ed.); and
(b) [INSERT CITATION(S) WHEN AVAILABLE][Federal Register Vol. 80, No. 124, dated June 29, 2015 (80-FR-36933)].

(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



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34 area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive
35 Economic Zone.

36 (3) The Commission may adopt additional or modified regulations that are more conservative than
37 federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-
38 0205 through 635-004-0235 and **635-004-0376**[~~635-004-0380~~] through 635-004-0545 for additions or
39 modifications to federal coastal pelagic species regulations.

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

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

42 Stats. Implemented: ORS 506.109, 506.129

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44 **635-004-0377 (New Rule)**

45 **Fishing Gear**

46 **(1) For vessels using purse seine gear to take any coastal pelagic species except market squid, a**
47 **grate must be placed over the intake of the hold of the vessel to sort out larger species of fish.**

48 **None of the openings between the bars in the grate may exceed 2-3/8 inches.**

49 **(2) It is unlawful for a vessel to pump coastal pelagic species onboard directly from the pursed**
50 **seine of another vessel unless fish so received make up no more than 20% of the weight of each**

51 **landing and the vessel receiving fish in such manner:**

52 **(a) Has lawfully deployed purse seine gear during the current calendar year and pumped**
53 **resultant catch onboard the same vessel for delivery to a port of landing or fish dealer in Oregon;**

54 **(b) Possesses onboard, in working order, legal seine gear capable of catching coastal pelagic**
55 **species including but not limited to seine net, skiff, and pumping gear;**

56 **(c) Documents the vessel that made the set, any other vessel pumping fish from the pursed**
57 **seine, and information on catch and location in the logbook required under OAR 635-004-0376;**

58 **and**

59 **(d) Holds a valid Sardine Permit pursuant to OAR 635-004-0385 if the vessel which deployed**
60 **the seine gear is participating in the directed commercial sardine fishery (see OAR 635-004-0430).**

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

62 Stats. Implemented: ORS 506.109, 506.129

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64 **635-004-0378 (New Rule)**

65 **Bycatch Restrictions**

66 **For vessels using purse seine gear to take any coastal pelagic specie, all groundfish and salmon, as**
67 **defined by OAR 635-004-0215, must be returned to the water immediately. Every effort must be**
68 **made to dipnet salmon out of the seine net before they go through a pump system.**

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

70 Stats. Implemented: ORS 506.109, 506.129

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72 **635-004-0379 (New Rule)**

73 **No Reduction Fishery Allowed**

74 **No more than 10%, by weight, of a coastal pelagic species landing may be used for the purposes of**
75 **conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-**
76 **products for purposes other than human consumption or fishing bait. Exceptions to this limit may**
77 **be granted due to unforeseen circumstances with written authorization by the Director to avoid**
78 **wastage of fish**

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

80 Stats. Implemented: ORS 506.109, 506.129

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82 **[635-004-0425] (Repealed)**

83 **[Fishing Gear**

84 ~~A grate with spacing no larger than 2 3/8 inches between the bars must be placed over the intake of the~~
85 ~~hold of the vessel to sort out larger species of fish.~~

86 ~~Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129~~

87 ~~Stats. Implemented: ORS 506.109 & 506.129]~~

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89 **635-004-0430**

90 **Sardine Catching Vessel**

91 ~~[(1)]Only a sardine catching vessel may pump fish onboard, directly from the pursed seine of another~~
92 ~~sardine catching vessel, and lawfully land that catch.~~

93 ~~[(2) Any sardine catching vessel involved in pumping fish from the pursed seine of another sardine~~
94 ~~catching vessel must have onboard legal seine gear capable of catching sardine including, but not limited~~
95 ~~to seine net, skiff, and pumping gear. All gear must be in working order.~~



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96 ~~(3) Any sardine catching vessels involved in pumping fish from a pursed seine with other sardine~~
97 ~~catching vessels shall document in the logbooks required under OAR 635-004-0376 the vessel(s) that~~
98 ~~made the set, any other vessel(s) pumping fish from the pursed seine, as well as all appropriate~~
99 ~~information on catch and location.~~

100 ~~(4) No more than 20% of the landings made by a sardine catching vessel may contain fish pumped from~~
101 ~~pursed seines of other sardine catching vessels.~~

102 (5) For the purposes of this rule, "Sardine catching vessel" means a vessel holding a valid Sardine
103 Permit pursuant to OAR 635-004-0385 that lawfully deployed purse seine gear during the current year
104 and pumped resultant catch onboard the same vessel for delivery to a port of landing or fish dealer.

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

106 Stats. Implemented: ORS 506.109, 506.129

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108 [~~635-004-0435~~] (Repealed)

109 [~~Bycatch Restriction~~]

110 ~~[All groundfish and salmon, as defined by OAR 635-004-0215, must be returned to the water~~
111 ~~immediately. Every effort must be made to dipnet salmon out of the seine net before they go through a~~
112 ~~pump system.~~

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

114 Stats. Implemented: ORS 506.109 & 506.129]

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116 [~~635-004-0440~~] (Repealed)

117 [~~No Directed Reduction Fishery Allowed~~]

118 ~~(1) No more than ten percent of a sardine landing may be used for the purposes of conversion into fish~~
119 ~~flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products or by products for purposes other~~
120 ~~than human consumption or fishing bait.~~

121 ~~(2) Exceptions to the limit in section (1) of this rule may be granted due to unforeseen circumstances~~
122 ~~with written authorization by the Director to avoid wastage of fish.~~

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

124 Stats. Implemented: ORS 506.109 & 506.129]

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126 635-004-0555

127 Scope, Inclusion, and Modification of Rules

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

135 (a) Code of Federal Regulations, Part 660, Subpart K, (October 1, 2011 ed.); and

136 (b) Federal Register Vol. 76, No. 177, dated September 13, 2011 (76 FR 56327).

137 (2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable
138 highly migratory species fishing requirements. The area that federal regulations apply to is hereby
139 extended to the area from shore to three nautical miles from shore, coterminous with the Exclusive
140 Economic Zone.

141 (3) The Commission may adopt additional or modified regulations that are more conservative than
142 federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-
143 0205 through 635-004-0235 and 635-004-0560 through 635-004-0570 for additions or modifications to
144 federal highly migratory[coastal-pelagic] species regulations.

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

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

147 Stats. Implemented: ORS 496.162, 506.109, 506.129

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COMMERCIAL FISHERIES

DIVISION 005

COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES

Squid Fishery

635-005-0931 (New Rule)

Fishing Gear

It is unlawful for a vessel to pump market squid onboard directly from the pursed seine of another vessel unless squid so received make up no more than 20% of the weight of each landing and the vessel receiving squid in such manner:



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- 159 **(a) Has lawfully deployed purse seine gear during the current year and pumped resultant**
160 **catch onboard the same vessel for delivery to a port of landing or fish dealer in Oregon;**
161 **(b) Possesses onboard, in working order, legal seine gear capable of catching market squid**
162 **including but not limited to seine net, skiff, and pumping gear; and**
163 **(c) Documents the vessel that made the set, any other vessel pumping squid from the pursed**
164 **seine, and information on catch and location in the logbook required under OAR 635-004-0376.**

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

166 Stats. Implemented: ORS 506.109, 506.129

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168 **635-005-0932 (New Rule)**

169 **Bycatch Restrictions**

170 **For vessels using purse seine gear to take market squid, all groundfish and salmon, as defined by**
171 **OAR 635-004-0215, must be returned to the water immediately. Every effort must be made to**
172 **dipnet salmon out of the seine net before they go through a pump system.**

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

174 Stats. Implemented: ORS 506.109, 506.129

175

176 **635-005-0933 (New Rule)**

177 **No Reduction Fishery Allowed**

178 **No more than 10%, by weight, of a market squid landing may be used for the purposes of**
179 **conversion into fish flour, fish meal, fish scrap, fertilizer, fish oil, other fishery products or by-**
180 **products for purposes other than human consumption or fishing bait. Exceptions to this limit may**
181 **be granted due to unforeseen circumstances with written authorization by the Director to avoid**
182 **wastage of fish.**

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

184 Stats. Implemented: ORS 506.109, 506.129

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

189

Fishing Licenses

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191 **635-006-0136 (New Rule)**

192 **License Holder Consent to Inspection**



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193 **It is unlawful to:**

194 **(1) Refuse to present or submit to the inspection of any fishing gear, fish or parts thereof, or**
195 **license(s) subject to such person’s control when requested or required by any peace officer of this**
196 **state or upon the request of any authorized Department employee. By purchasing any commercial**
197 **license or permit, a person consents to these inspections.**

198 **(2) Interfere with a fishing gear, fish, license, animal or plant life inspection by any peace**
199 **officer of this state or any authorized Department employee.**

200 Stat. Auth.: 506.550, 506.620, 506.755
201 Stats. Implemented: 506.550, 506.620, 506.755

202

203 **DIVISION 012**
204 **MARINE RESERVES AND PROTECTED AREAS IN THE TERRITORIAL SEA**

205

206 **635-012-0090**

207 **Cape Perpetua South-East Marine Protected Area Prohibitions and Allowances**

208 (1) Except as specified in section (2) below, take of all species authorized by general Commission rule
209 for this area is allowed.

210 (2) The following activities are prohibited within the Cape Perpetua South-East Marine Protected Area:

- 211 (a) Use of trawl gear to take any fish species.
- 212 (b) Take of the following species, used as seabird forage:
 - 213 (A) Pacific herring;
 - 214 (B) Pacific sardine (pilchard);
 - 215 (C) Anchovies;
 - 216 (D) Smelt as defined by OAR 635-004-0215;
 - 217 (E) Pacific sand lance;
 - 218 (F) **Mackerels;**
 - 219 (G) **Market squid.**

220 Stat. Auth.: ORS 506.119, 506.129
221 Stats. Implemented: ORS 196.540-196.555, SB1510 (2012)

222

223 **635-012-0100**

224 **Cape Perpetua Seabird Protection Area Prohibitions and Allowances**



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225 (1) Except as specified in section (2) below, take of all species authorized by general Commission rule
226 for this area is allowed.

227 (2) Take of the following species, used as seabird forage, are prohibited within the Cape Perpetua
228 Seabird Protection Area:

229 (a) Pacific herring;

230 (b) Pacific sardine (pilchard);

231 (c) Anchovies;

232 (d) Smelt as defined by OAR 635-004-0215;

233 (e) Pacific sand lance;

234 **(f) Mackerels.**

235 Stat. Auth.: ORS 506.119, 506.129

236 Stats. Implemented: ORS 196.540-196.555, SB1510 (2012)