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 DENNIS RICHARDSON
 SECRETARY OF STATE

 LESLIE CUMMINGS
 DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
 MARY BETH HERKERT
 DIRECTOR

 800 SUMMER STREET NE
 SALEM, OR 97310
 503-373-0701

NOTICE OF PROPOSED RULEMAKING
 INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
 DEPARTMENT OF FISH AND WILDLIFE

FILED

07/09/2018 12:30 PM
 ARCHIVES DIVISION
 SECRETARY OF STATE

FILING CAPTION: Rule Amendments Related to the 2019 Oregon Sport Fishing Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/14/2018 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: April Mack
 503-947-6233
 april.h.mack@state.or.us

4034 Fairview Industrial DR SE
 Salem, OR 97302

Filed By:
 April Mack
 Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/14/2018

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
 & Wildlife Commissioners

ADDRESS: The Barn; Bandon
 Conference and Community Center
 1200 11th St SW
 Bandon, OR 97411

NEED FOR THE RULE(S):

These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on September 14, 2018.
2. Summary of Proposals for the 2019 Oregon Sport Fishing Regulations.

A copy of the rules and the other documents relied upon for this rulemaking [the above document] are available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

Fiscal and Economic Impact Statement for the September 14th, 2018 Hearing on Amendment of Rules Relating to the 2019 Sport Fishing Regulations for Finfish, Shellfish, and Marine Invertebrates

Annual review of sport fishing regulations are necessary to maintain angling opportunities and provide effective conservation management in dynamic ecosystems. A number of regulations are proposed for the 2019 sport fishing regulations, which are mainly focused on changing seasons for hatchery Chinook salmon and steelhead on certain water bodies. The Northwest zone would expand the seasons for steelhead on approximately 27 water bodies, and for Chinook salmon on approximately 13 water bodies. In the Southwest, approximately 6 water bodies would have expanded seasons for steelhead, and approximately 4 water bodies for Chinook salmon. Approximately 10 water bodies would have a reduced season for Chinook salmon or steelhead. Most of these changes are small in scope and are not expected to drastically change angler days on those water bodies.

Statement of Cost of Compliance

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

a. State agencies that could be affected by the changes in regulations are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). ODFW impacts include fisheries management costs and license sales, while OSP impacts are from increased enforcement costs. Overall, these proposed rule changes are not expected to result in significant changes to current levels of costs or revenues for ODFW or for OSP.

Potential increases or reductions in fishing opportunities associated with regulation alternatives under consideration could affect the sales of fishing licenses and tags. Changes in the sales of licenses and tags affect Other Funds revenues that support ODFW programs. We are unable to forecast the potential magnitude of this revenue effect with any precision, but we expect that it is likely that only a marginal portion of the potential change in license sales in 2019 compared to 2018 would be related to the proposed changes in regulations considered at this hearing. Overall, the changes proposed for 2019 are not expected to affect license sales and revenues, because the changes are not likely to have significant effects on participation.

b. Units of local government which could be affected by sport fishing regulations, include port authorities and county governments. Port authorities and county governments may derive revenues and experience costs related to the provision of moorage and other support facilities for sport fishing. However, no major changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rule amendments.

c. The public is affected by rules relating to angling regulations. These rule changes are unlikely to translate into changes in angler trips. The magnitude of the any effect cannot be forecast with any precision because a variety of factors, such as run sizes, weather, gas prices, etc. determine the level of angler trips in any given year. Additional angler trips would mean more spending by anglers, which can have positive impacts on local communities near fishing areas

(see below). Overall, these regulation changes are not expected to result in significant change in license sales or angler trips in the next year.

Various sectors of the public economy (anglers, businesses that sell goods and services to anglers, and the general economy) will experience different impacts. In general, the economic impact of changes in angling regulations depends primarily on the changes in angling opportunities associated with the rule changes and the associated effects on direct expenditures by anglers. These effects would best be measured by estimating the magnitude of changes in the number of anglers and angler days, and then inferring the resulting changes in expenditures made by anglers based on available estimates of expenditures per angler day or per season, as appropriate.

The total (direct, indirect and induced) effects on personal income in the state as a whole and in areas surrounding the sport fisheries are the result of the direct expenditures on goods and services made by anglers from the businesses which supply the goods and services. Through the "multiplier process," there is a resulting increase in economic activity and personal income in the general economy. For the purposes of assessing the impact of changes in angling regulation changes, only trip expenditures and their impacts on personal income would probably be affected in the short run. Equipment expenditures are of a longer-term nature and are not expected to change immediately as a result of adjustments in angling regulations

The Oregon state report of the 2011 National Survey of Fishing, Hunting, and Wildlife- Associated Recreation (U.S. Fish and Wildlife Service, 2013) estimated that there were 638,000 anglers and 5,658,000 days of fishing in Oregon in 2011. Total angling expenditures in Oregon, both from residents and nonresidents, were estimated at \$641 million for 2011. The aggregate impact of total anglers' expenditures in terms of total personal income at the Oregon state level was an estimated \$383 million dollars in 2011 (American Sportfishing Association, 2013).

The 2011 USFWS report also provides estimates for the average trip expenditure per angler day, which was \$63 per day averaged across residents and nonresidents. These per day impact estimates are representative estimates which could be applied to estimates of increases and decreases in angler days resulting from regulation changes, provided the effect of the changes on angler use can be accurately projected. That is, these estimates of angler expenditures and the associated total personal income impacts represent the per-unit (angler day) economic impact on the public taken as a whole. Given a projection of the effect of a regulatory change on angler use in a particular fishery, the economic impact on personal income of the proposed change can then be inferred.

To perform specific analyses for each of the proposed changes in the angling regulations, statistical creel survey data and estimates of angler use would be required for each affected fishery in order to be able to predict the potential effects of changes that affect the use of bait and angling gear, retention, openings, closures and other seasonal adjustments on angler use (angler days) in a particular fishery. Unfortunately, it is prohibitively expensive for ODFW to accomplish such studies for each specific fishery, so in most cases it is impossible to assess the effects of fishery-specific proposed changes on angler use. In other cases, we may simply not have sufficient knowledge to predict anglers' behavioral responses, in terms of participation levels, to regulations that do not close a fishery. For example, some regulations may impose other less stringent kinds of restrictions, such as season, method of harvest, or bag limits. As a result, it is usually not possible to make reliable inferences about the magnitude of the effect on angler use and economic impact on personal income associated with the entire set of proposed changes.

Although some of the changes to angling rules and angling regulations in general can be viewed as reducing positive economic impacts in the short run, conservation through the regulation of seasons and other factors is intended to perpetuate Oregon's fishery resources at optimal levels in the long run. Failure to restrict harvests of fish to allow escapement for reproduction would result in severe adverse economic impacts in the future. The proposed regulations attempt to strike a balance, which will provide optimal angling opportunity subject to the need to sustain fish population levels and to maintain future benefits.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rules:

The types of business subject to the rule are those that supply goods or services to anglers and shellfishers. These may include fishing guides, private marinas, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Angling and shellfishing occur in myriad locations throughout the state and thus the number of small businesses subject to the rule cannot be estimated.

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:

No significant changes in these costs are expected for the small businesses subject to the rules.

c. Equipment, supplies, labor and increased administration required for compliance:

No significant changes in these costs are expected for the small businesses subject to the rules.

The rule changes are believed to be fully compatible with legislative direction on the goals of fee containment and wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of these rules.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See Fiscal Impact Statement

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

See Fiscal Impact Statement

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The Oregon Fish and Wildlife Commission directs the Department develop Sportfishing regulations annually. The 2019 regulations proposals were developed to address changes identified by Department staff and Oregon State Police. Proposals are available to sport fishing groups and the general public through local Department staff and public comments are welcomed.

RULES PROPOSED:

635-011-0100, 635-013-0004, 635-014-0080, 635-014-0090, 635-016-0080, 635-016-0090, 635-017-0080, 635-017-0090, 635-017-0095, 635-018-0080, 635-018-0090, 635-019-0080, 635-019-0090, 635-021-0080, 635-021-0090, 635-023-0080, 635-023-0090, 635-023-0095, 635-023-0125, 635-023-0128, 635-023-0130, 635-023-0134, 635-023-0140, 635-039-0080, 635-039-0090

AMEND: 635-011-0100

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-011-0100

General Rule ¶¶

It is unlawful to take any fish, shellfish, or marine invertebrates for personal use except as provided in these rules which include and incorporate the 2018~~9~~ Oregon Sport Fishing Regulations by reference. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.¶¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-013-0004

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-013-0004

Inclusions and Modifications ¶¶

(1) OAR 635-013-0005 through OAR 635-013-0009 modify or are in addition to provisions contained in Code of Federal Regulations, Title 50, Part 660, Subparts A and H, and the 2018~~9~~ Oregon Sport Fishing Regulations.¶¶

(2) The Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H, and the 2018~~9~~ Oregon Sport Fishing Regulations contain requirements for sport salmon angling in the Pacific Ocean off the Oregon coast. However, additional regulations may be adopted from time to time, and, to the extent of any inconsistency, they supersede the published federal regulations and the 2018~~9~~ Oregon Sport Fishing Regulations. This means that persons must consult not only the federal regulations and the published sport fishing regulations but also the Department's web page to determine all applicable sport fishing regulations.¶¶

(3) This rule contains requirements that modify sport salmon angling regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean sport salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by Federal Regulations (CFR, Title 50, Part 660, Subparts A and H).

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-014-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-014-0080

Purpose and Scope ¶¶

(1) The purpose of Division 014 is to provide for management of sport fisheries in the Northwest Zone over which the State has jurisdiction.¶¶

(2) Division 014 incorporates by reference the 2018~~9~~ Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~ Oregon Sport Fishing Regulations in addition to Division 011 and Division 014 to determine all applicable sport fishing requirements for the Northwest Zone.¶¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-014-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-014-0090

Inclusions and Modifications ¶

~~(1)~~ The 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations pamphlet.¶

(2) Effective February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in the following areas: Youngs Bay Select Area (Clatsop Co.) from the Highway 101 Bridge upstream to markers at confluence of Youngs and Klaskanine rivers, including lower Lewis and Clark River upstream to Alternate Highway 101 Bridge and lower Walluski River upstream to Highway 202 Bridge; and Gnat Creek (Clatsop Co.) from railroad bridge upstream to Aldrich Point Road Bridge. Use of barbless hooks is still required when angling for these species in nearby areas within the Columbia Zone.

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-016-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-016-0080

Purpose and Scope ¶¶

(1) The purpose of Division 016 is to provide for management of sport fisheries in the Southwest Zone over which the State has jurisdiction.¶¶

(2) Division 016 incorporates by reference the 2018~~9~~ Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~ Oregon Sport Fishing Regulations in addition to Division 011 and Division 016 to determine all applicable sport fishing requirements for the Southwest Zone.¶¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-016-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-016-0090

Inclusions and Modifications ¶

The ~~2018~~ Oregon Sport Fishing Regulations provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the ~~2018~~ Oregon Sport Fishing Regulations pamphlet.

Statutory/Other Authority: ORS 496.138, 496.146

Statutes/Other Implemented: ORS 496.162

AMEND: 635-017-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-017-0080

Purpose and Scope ¶¶

(1) The purpose of Division 017 is to provide for management of sport fisheries in the Willamette Zone over which the State has jurisdiction.¶¶

(2) Division 017 incorporates by reference the 2018~~9~~ Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~ Oregon Sport Fishing Regulations in addition to Division 011 and Division 017 to determine all applicable sport fishing requirements for the Willamette Zone.¶¶

~~{Publications: Publications referenced are available from the agency.}~~

Statutory/Other Authority: ORS 496.138, 496.146

Statutes/Other Implemented: ORS 496.162

AMEND: 635-017-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-017-0090

Inclusions and Modifications ¶¶

(1) The ~~2018~~ Oregon Sport Fishing Regulations provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the ~~2018~~ Oregon Sport Fishing Regulations. ¶¶

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge. ¶¶

(3) Pacific Lamprey Harvest: ¶¶

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015; ¶¶

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday; ¶¶

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls; ¶¶

(d) Gear is restricted to hand or hand-powered tools only; ¶¶

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year. ¶¶

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel. ¶¶

(1) The 2019 Oregon Sport Fishing Regulations provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2019 Oregon Sport Fishing Regulations. ¶¶

(2) Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge. ¶¶

(3) Pacific Lamprey Harvest: ¶¶

(a) Pursuant to OAR 635-044-0130(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015; ¶¶

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday; ¶¶

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls; ¶¶

(d) Gear is restricted to hand or hand-powered tools only;¶¶

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.¶¶

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-017-0095

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-017-0095

Sturgeon Season ¶¶

The ~~2018~~ Oregon Sport Fishing Regulations provide requirements for the Willamette Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the ~~2018~~ Oregon Sport Fishing Regulations.¶¶

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

Statutory/Other Authority: ORS 183.325, 506.109, 506.119

Statutes/Other Implemented: ORS 506.129, 507.030

AMEND: 635-018-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-018-0080

Purpose and Scope ¶¶

(1) The purpose of Division 018 is to provide for management of sport fisheries in the Central Zone over which the State has jurisdiction.¶¶

(2) Division 018 incorporates by reference the 2018~~9~~² Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~² Oregon Sport Fishing Regulations in addition to Division 011 and Division 018 to determine all applicable sport fishing requirements for the Central Zone.¶¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-018-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-018-0090

Inclusions and Modifications ¶

The ~~2018~~ Oregon Sport Fishing Regulations provide requirements for the Central Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the ~~2018~~ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-019-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-019-0080

Purpose and Scope ¶¶

(1) The purpose of Division 019 is to provide for management of sport fisheries in the Northeast Zone over which the State has jurisdiction.¶¶

(2) Division 019 incorporates by reference the 2018~~9~~² Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~² Oregon Sport Fishing Regulations in addition to Division 011 and Division 019 to determine all applicable sport fishing requirements for the Northeast Zone.¶¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: 496.162, 506.129

AMEND: 635-019-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-019-0090

Inclusions and Modifications

The ~~2018~~²⁰¹⁹ Oregon Sport Fishing Regulations provide requirements for the Northeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the ~~2018~~²⁰¹⁹ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 496.162, ORS 506.129

AMEND: 635-021-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-021-0080

Purpose and Scope ¶¶

(1) The purpose of Division 021 is to provide for management of sport fisheries in the Southeast Zone, over which the State has jurisdiction.¶¶

(2) Division 021 incorporates by reference the 2018~~9~~ Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~ Oregon Sport Fishing Regulations in addition to Division 011 and Division 021 to determine all applicable sport fishing requirements for the Southeast Zone.¶¶

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

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 497.121, ORS 506.119

Statutes/Other Implemented: ORS 496.004, ORS 496.009, ORS 496.162, ORS 506.129

AMEND: 635-021-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-021-0090

Inclusions and Modifications

The 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 183.325, ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162

AMEND: 635-023-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0080

Purpose and Scope ¶¶

(1) The purpose of Division 023 is to provide for management of sport fisheries in the Columbia River Zone and in the Snake River Zone over which the State has jurisdiction.¶¶

(2) Division 023 incorporates by reference the 2018~~9~~ Oregon Sport Fishing Regulations. Therefore, persons must consult the 2018~~9~~ Oregon Sport Fishing Regulations in addition to Division 011 and Division 023 to determine all applicable sport fishing requirements for the Columbia River Zone and the Snake River Zone.¶¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 497.121, 506.119

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

AMEND: 635-023-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0090

Inclusions and Modifications ¶

~~(1) The 2018⁹ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2018⁹ Oregon Sport Fishing Regulations.¶~~

(2) Effective February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in the following areas:¶

(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers, including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge and the Walluski River upstream to the Highway 202 Bridge.¶

(b) Within the Knappa/Blind Slough Select Area (Clatsop County) from markers at the west end of Minaker Island upstream to markers at the mouth of Blind Slough, continuing upstream to the railroad bridge in Blind Slough.¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-023-0095

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0095

Sturgeon Season ¶

The ~~2018~~ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the ~~2018~~ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 183.325, 506.109, 506.119

Statutes/Other Implemented: ORS 506.129, 507.030

AMEND: 635-023-0125

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0125

Spring Sport Fishery ¶

The the 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.¶

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

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-023-0128

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0128

Summer Sport Fishery ¶

(1) The 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.¶

~~{Publications: Publications referenced are available from the agency.}~~(2) Retention of adult hatchery Chinook is prohibited in the mainstem Columbia River from the Astoria-Megler Bridge upstream to angling deadlines at Bonneville Dam beginning July 1, 2018.¶

(3) Retention of adult Chinook is prohibited in the mainstem Columbia from Bonneville Dam upstream to the Oregon/Washington border (upstream of McNary Dam) beginning July 7, 2018.¶

(4) Retention of sockeye is allowed in the mainstem Columbia River from the Astoria-Megler Bridge upstream to the Oregon/ Washington border (upstream of McNary Dam), effective July 1, 2018. ¶

(5) The daily bag limit is two adult fish (hatchery steelhead and hatchery sockeye only). All sockeye must be recorded as adults on combined angling tags.¶

(6) All other permanent rules for the Columbia River angling zone, as stated in the 2019 Oregon Sport Fishing Regulations, remain in effect, including bag limits for hatchery jack Chinook.

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-023-0130

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0130

Fall Sport Fishery II

The ~~2018~~ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the ~~2018~~ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162

AMEND: 635-023-0134

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0134

Snake River Fishery ¶

~~(1) The 2017⁹ Oregon Sport Fishing Regulations provide requirements for the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2017 Oregon Sport Fishing Regulations.¶~~

~~(2) Notwithstanding all other specifications and restrictions as outlined in the 2017 Oregon Sport Fishing Regulations, the following conditions apply:¶~~

~~(a) The Snake River from the Oregon-Washington border upstream to the deadline below Hells Canyon Dam is open seven (7) days per week, effective September 1 through the close of fishing on October 31, 2017, or until further notice.¶~~

~~(b) The Snake River from Cliff Mountain Rapids (RM 246.7, 1.1 miles below Hell's Canyon Dam) upstream to the deadline below Hells Canyon Dam is open seven (7) days per week, effective Tuesday, November 1 through the close of fishing on Thursday, November 17, 2017, or until further notice.¶~~

~~(c) For fisheries described in sections (2)(a) and (2)(b) above: The daily bag limit is six (6) adipose fin-clipped fall Chinook salmon; there are no daily, possession, or season limits for jack fall Chinook salmon.¶~~

~~(d) All summer steelhead must be released.¶~~

~~(e) Barbless hooks are required⁹ Oregon Sport Fishing Regulations.~~

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-023-0140

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-023-0140

Youngs Bay Control Zone ¶¶

(1) The 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.¶¶

(2) The Youngs Bay Control Zone is closed to recreational angling from August 1 through September 15.¶¶

(a) The Youngs Bay Control Zone is defined as those waters southerly of a line originating on the Oregon shore at the east end of the seawall at the Warrenton Fiber log yard (approximately river mile 10.1) northeasterly through green navigation buoys 29, 31, 33, and 35A to the center of the Astoria-Megler Bridge abutment adjacent to, and north of the ship channel, and continuing southerly in line with the center of the Megler Bridge span to the Oregon shore.¶¶

(b) The Youngs Bay Control Zone includes all waters from the line defined in section (2)(a) above south to the Highway 101 Bridge.

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129, SB 830 (2013)

AMEND: 635-039-0080

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-039-0080

Purpose and Scope ¶¶

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

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

(a) The sport fishing regulations of the State, included in the document entitled 2018~~9~~ Oregon Sport Fishing Regulations;¶¶

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2016~~8~~ ed.), as amended;¶¶

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 2016~~8~~ ed.), as amended; and¶¶

(d) Federal Register Vol. 82~~0~~, No. 24~~6~~, dated February 7, 2017 (82FR9634);¶¶

(e) Federal Register Vol. 83, No. 61, dated March 29, 2018 (83FR13428)¶¶

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

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

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-039-0090

RULE SUMMARY: These rules modify sport fishing regulations for finfish, shellfish, and marine invertebrates for 2019. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on businesses.

CHANGES TO RULE:

635-039-0090

Inclusions and Modifications ¶¶

(1) The 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.¶¶

(2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives. The following sport harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport fishery in a single calendar year:¶¶

(a) Black rockfish, 395.2 metric tons.¶¶

(b) Cabezon, 16.8 metric tons.¶¶

(c) Blue rockfish, deacon rockfish, and other nearshore rockfish combined, 32.8 metric tons.¶¶

(d) Greenling, 47.9 metric tons.¶¶

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

(4) In addition to the regulations for Marine Fish in the 2018~~9~~ Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:¶¶

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

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the 2018~~9~~ Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total sum or number), of which no more than one may be a cabezon, when retention of cabezon is allowed. Retention of the following species is prohibited:¶¶

(A) Yelloweye rockfish; and¶¶

(B) Cabezon from January 1 through June 30.¶¶

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

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

(e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c) including the

following:¶

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

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

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

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

(E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the Department. In this subsection, "descending device" means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve the fish's chance of survival.¶

(F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.¶

(f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish species, during April 1 through September 30, outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line as inseason modifications necessitate. In addition, the following management lines may be used to set area specific regulations for inseason action only:¶

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

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

(g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2017 ed.). Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.¶

(h) Notwithstanding any other provisions of this rule, on any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, the following apply:¶

(A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*); ¶

(B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);¶

(C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish;¶

(D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in aggregate of the species listed in (4)(b) in the same day;¶

(E) It is unlawful to fish for any species in the Groundfish Group, including those listed in section (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in section (4)(e)(F); and¶

(F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any inconsistency, including the definition of long-leader gear.¶

(5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2021.¶

¶

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

Statutory/Other Authority: 497.121, 506.119, 496.146, ORS 496.138

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129