

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

STEPHANIE CLARK
INTERIM DIRECTOR800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701**NOTICE OF PROPOSED RULEMAKING**
INCLUDING STATEMENT OF NEED & FISCAL IMPACTCHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE**FILED**07/12/2019 9:56 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: ***CORRECTED FIS*** Commercial and Recreational Crab and Commercial Fixed Gear Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/13/2019 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.

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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: 09/13/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
& Wildlife Commissioners

ADDRESS: The Event Center

29392 Ellensburg Ave

Gold Beach, OR 97444

NEED FOR THE RULE(S):

These amended rules are needed to modify Oregon's regulations for commercial fixed gear and commercial and recreational commercial crab fisheries in order to 1) improve identification of sources of fishing gear implicated in whale entanglement events, 2) prevent speculative fishing behavior that may result from the Department's consideration of effort limitation in the later part of the commercial crab season to mitigate whale entanglement risk, 3) automatically implement Biotoxin Management Zone closures or evisceration requirements for the commercial fishery based on domoic acid test results rather than implementing through temporary rules, 4) improve timeliness and accessibility of information on time and area of crab harvested for each landing for both biotoxin and whale entanglement mitigation, and 5) add flexibility to the crab quality testing and decision making framework for opening the commercial crab season in order to increase the Department's ability to open areas when and where crab are ready to harvest while also considering risk factors such as biotoxins and whale entanglement. Housekeeping and technical corrections to the regulations will 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 9/13/2019.
2. Tri-State Summary (http://www.psmfc.org/crab/2018-2019%20Files/TriState2019_SummaryDecisions_Final.pdf)

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] 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:

The Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Agriculture (ODA), and Oregon State Police (OSP) could experience slight fiscal impacts, as changes may result in adjustments to staff time allotted to specific activities. These effects are not expected to be significant enough to affect the net number staff, however the majority of changes allow existing staff to increase productivity. As staff time impacts cannot be estimated in monetary terms, a written summary of the expected effects is provided below.

The biotoxin management measure requires an evisceration mandate or closure when domoic acid exceeds the Food and Drug Administration action levels allowing for some savings to ODFW and ODA, as this would eliminate the need for temporary rules when thresholds are met. Requirement for electronic fish tickets for all crab landings will reduce ODFW staff time spent on paper fish ticket data entry and correction. In addition, the efficiency improvements prompted from real-time electronic data on harvest location for each fishing vessel and dealer will allow for a reduction of ODFW, ODA, and OSP time spent on implementation and enforcement of recalls, embargos, closures, and/or biotoxin event evisceration orders. Updated pre-season testing protocols for meat yield increases management and enforcement complexity which will likely result in increased costs to ODFW and OSP. This cost increase is difficult to accurately estimate. Lastly, clarification made to the definition of "fishing" in relation to "fair start" regulations reduces ODFW and OSP staff time by clearly defining the activities that subject a vessel to fair start regulations.

There are no expected impacts to local governments.

There are impacts to crab fishers. Impacts include compliance cost effects to a subset of commercial and recreational crab gear owners, as well as to wholesale fish dealers that are not currently using electronic forms to submit fish tickets for crab landings.

There are potential impacts associated with changing starting dates, however these impacts would primarily delay revenues to commercial crab fisherman, and not reduce them.

There are potential impacts to fish dealers who do not currently issue electronic fish tickets. In 2018, approximately 43% of fish dealers who purchased crab used paper tickets only (37 individual dealers; includes ocean and bay landings). In the 2018-19 ocean crab season, as of July, approximately 28% of fish dealers (16 individual dealers) who purchased crab were utilizing paper tickets. Some of these dealers are small businesses that may not be issuing electronic tickets for other species purchased. Many of these dealers are also conforming to similar rule changes if they also do business in California, which uses the same system as Oregon and recently implemented mandatory electronic fish tickets for all fisheries. We estimate that the switch over to mandatory electronic reporting would only impact a very small percentage of these dealers.

The whale entanglement mitigation measure will result in one-time costs for a subset of commercial and recreational crab gear owners.

Ocean and Columbia River commercial crab gear owners will need to register buoy color pattern with ODFW. The additional cost is expected to be minimal, as buoy brand number is already a registration requirement.

Owners of commercial fixed gear and recreational crab buoys will require buoy identification, in both cases the cost of providing compliance is low, as it involves writing identifying information directly on buoys in a visible, legible, and permanent manner, such as with a permanent marker.

The mandatory electronic fish tickets for crab landings may impact a small number of small businesses. If a fish dealer was only using the paper tickets, and didn't have the equipment to fill out the electronic tickets, they would be required to purchase \$250-\$1000 worth of equipment along with any recurring fees associated with internet use. These costs may be mitigated by the use of smartphones to send fish tickets.

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?

In part.

The proposed regulation to require electronic fish tickets for all directed commercial crab landings was recommended by a Rules Advisory Committee (RAC) co-convened by the Department and the Oregon Department of Agriculture in 2017 to address biotoxin management issues. A RAC was not consulted for other proposed regulations. Development of these regulations involved extensive outreach to and input from the regulated public including but not limited to Department participation on the Oregon Whale Entanglement Working Group, a series of four coastal public meetings in October, 2018, two public Tri-State Committee meetings (2018 and 2019), engagement with the Department's Oregon Dungeness Crab Advisory Committee (ODCAC), Sportfish Advisory Committee (SAC), and with individuals during sport crabbing creel surveys, and numerous in-person, phone and email discussions between Department staff and affected individuals.

RULES PROPOSED:

635-004-0215, 635-004-0235, 635-005-0240, 635-005-0275, 635-005-0455, 635-005-0465, 635-005-0466, 635-005-0480, 635-005-0510, 635-006-0001, 635-006-0210, 635-006-0213, 635-039-0090

AMEND: 635-004-0215

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort

limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-004-0215

Definitions ¶¶

As used in Division 004 regulations:¶¶

- (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.¶¶
- (2) "Board" means the Commercial Fishery Permit Board.¶¶
- (3) "Buy" includes offer to buy, barter, exchange or trade.¶¶
- (4) "Coastal Pelagic Species" means all species of ocean food fish and shellfish defined as Coastal Pelagic Species in the Fishery Management Plan for U.S. West Coast Fisheries for Coastal Pelagic Species and in the Federal Coastal Pelagic Species Regulations, Title 50, Part 660, and include:¶¶
 - (a) Jack mackerel (*Trachurus symmetricus*);¶¶
 - (b) Jack smelt (*Atherinopsis californiensis*);¶¶
 - (c) Krill (all species in order Euphausiacea);¶¶
 - (d) Market squid (*Loligo opalescens*);¶¶
 - (e) Northern anchovy (*Engraulis mordax*);¶¶
 - (f) Pacific herring (*Clupea harengus pallasi*);¶¶
 - (g) Pacific mackerel (*Scomber japonicus*); and¶¶
 - (h) Pacific sardine (*Sardinops sagax*).¶¶
- (5) "Commercial harvest cap" means the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries.¶¶
- (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries.¶¶
- (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.¶¶
- (8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.¶¶
- (9) "Department" means the State Department of Fish and Wildlife.¶¶
- (10) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.¶¶
- (11) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish, and includes but is not limited to one or more of the following pieces of equipment: SCUBA or other surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.¶¶
- (12) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United States.¶¶
- (13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:¶¶
 - (a) "Fixed gear" means longline, trap or pot, set net, and stationary hook-and-line (including vertical hook-and-line)

gears;¶¶

(b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;¶¶

(c) "Hook-and-line" means one or more hooks attached to one or more lines;¶¶

(d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined to create bagging, and is hauled with purse rings;¶¶

(e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;¶¶

(f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;¶¶

(g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;¶¶

(h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;¶¶

(i) "Seine" means any non-fixed net other than a trawl net or gillnet and includes all types of purse seines;¶¶

(j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;¶¶

(k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;¶¶

(l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;¶¶

(m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;¶¶

(n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl, pelagic trawl and Danish and Scottish seine gear;¶¶

(o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation; and¶¶

(p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.¶¶

(14) "Fishing trip" means a period of time between landings when fishing is conducted.¶¶

(15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, pursuant to ORS 506.036.¶¶

(16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 and includes:¶¶

(a) All species of rockfish, thornyheads, and scorpionfish that occur off Washington, Oregon, or California (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*);¶¶

(b) All species of grenadiers in the family *Macrouridae* that occur off Washington, Oregon, or California, including but not limited to Giant grenadier, (*Albatrossia pectoralis*) and Pacific grenadier (*Coryphaenoides acrolepis*);¶¶

(c) All species of skates in the family *Arhynchobatidae* that occur off Washington, Oregon, or California, including but not limited to Aleutian skate (*Bathyraja aleutica*), Bering/sandpaper skate (*B. interrupta*), big skate (*Raja binoculata*), California skate (*R. inornata*), longnose skate (*R. rhina*), and rougtail/black skate (*B. trachura*);¶¶

(d) Arrowtooth flounder (*Atheresthes stomias*);¶¶

(e) Butter sole (*Isopsetta isolepis*);¶¶

(f) Cabezon (*Scorpaenichthys marmoratus*);¶¶

(g) Curlfin sole (*Pleuronichthys decurrens*);¶¶

(h) Dover sole (*Microstomus pacificus*);¶¶

(i) English sole (*Parophrys vetulus*);¶¶

(j) Finescale codling (*Antimora microlepis*);¶¶

(k) Flathead sole (*Hippoglossoides elassodon*);¶¶

(l) Kelp greenling (*Hexagrammos decagrammus*);¶¶

(m) Leopard shark (*Triakis semifasciata*);¶¶

(n) Lingcod (*Ophiodon elongatus*);¶¶

- (o) Pacific cod (*Gadus macrocephalus*);¶
 - (p) Pacific sanddab (*Citharichthys sordidus*);¶
 - (q) Pacific whiting (*Merluccius productus*);¶
 - (r) Petrale sole (*Eopsetta jordani*);¶
 - (s) Ratfish (*Hydrolagus colliei*);¶
 - (t) Rex sole (*Glyptocephalus zachirus*);¶
 - (u) Rock sole (*Lepidopsetta bilineata*);¶
 - (v) Sablefish (*Anoplopoma fimbria*);¶
 - (w) Sand sole (*Psettichthys melanostictus*);¶
 - (x) Soupfin shark (*Galeorhinus zyopterus*);¶
 - (y) Spiny dogfish (*Squalus acanthias*); and¶
 - (z) Starry flounder (*Platichthys stellatus*).¶
- (17) "Harvest guideline" means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.¶
- (18) "Highly Migratory Species" means all species of ocean food fish defined as highly migratory species in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and in the Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:¶
- (a) Bigeye thresher shark (*Alopias superciliosus*);¶
 - (b) Bigeye tuna (*Thunnus obesus*);¶
 - (c) Blue shark (*Prionace glauca*);¶
 - (d) Common thresher shark (*Alopias vulpinus*);¶
 - (e) Common Mola (*Mola mola*);¶
 - (f) Dorado (*Coryphaena hippurus*);¶
 - (g) Escolar (*Lepidocybium flavobrunneum*);¶
 - (h) Lancetfishes (*Alepisauridae* species);¶
 - (i) Louvar (*Luvarus imperialis*);¶
 - (j) North Pacific albacore tuna (*Thunnus alalunga*);¶
 - (k) Northern bluefin tuna (*Thunnus thynnus*);¶
 - (l) Pacific swordfish (*Xiphias gladius*);¶
 - (m) Pelagic sting ray (*Dasyatis violacea*);¶
 - (n) Pelagic thresher shark (*Alopias pelagicus*);¶
 - (o) Shortfin mako shark (*Isurus oxyrinchus*);¶
 - (p) Skipjack tuna (*Katsuwonus pelamis*);¶
 - (q) Striped marlin (*Tetrapturus audax*);¶
 - (r) Wahoo (*Acanthocybium solandri*); and¶
 - (s) Yellowfin tuna (*Thunnus albacares*).¶
- (19) "Inland waters" means all waters of the state except the Pacific Ocean.¶
- (20) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme low water and mean extreme high water boundaries.¶
- (21) "Land, landed, or landing" means either of the following:¶
- (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are counted as part of that landing, except:¶
 - (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and¶
 - (B) For vessels participating in the federal trawl rationalization program, the portion of catch that is intended to be delivered to Washington or California is not considered part of that landing.¶
 - (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner,

under which the following provisions apply:¶¶

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

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

(22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions such as a dive step or platform.¶¶

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

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

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

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

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

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

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

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

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

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

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

(j) Grass rockfish (*S. rastrelliger*);¶¶

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

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

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

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

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

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

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

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

(s) Treefish (*S. serriceps*);¶¶

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

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

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

(26) "Other nearshore rockfish" includes:¶¶

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

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

(c) Calico rockfish (*S. dalli*);¶¶

(d) China rockfish (*S. nebulosus*);¶¶

(e) Copper rockfish (*S. caurinus*);¶¶

(f) Gopher rockfish (*S. carnatus*);¶¶

(g) Grass rockfish (*S. rastrelliger*);¶¶

(h) Kelp rockfish (*S. atrovirens*);¶¶

(i) Olive rockfish (*S. serranoides*);¶¶

(j) Quillback rockfish (*S. maliger*); and¶¶

(k) Treefish (*S. serriceps*).¶¶

- (27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.¶¶
- (28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which a vessel permit is attached. A lessee of a permit is not a permit holder.¶¶
- (29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.¶¶
- (30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaking, pickling or filleting.¶¶
- (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS 508.285.¶¶
- (32) "Rockfish" includes all species in the following genera:¶¶
- (a) *Sebastes*; and¶¶
 - (b) *Sebastolobus*.¶¶
- (33) "Salmon" means all anadromous species of salmon, including but not limited to:¶¶
- (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.¶¶
 - (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.¶¶
 - (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.¶¶
 - (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.¶¶
 - (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.¶¶
- (34) "Shared Ecosystem Component Species" means those ecosystem component species shared between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the Pacific Ocean off Oregon and include:¶¶
- (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae;¶¶
 - (b) Pacific sand lance (*Ammodytes hexapterus*);¶¶
 - (c) Pacific saury (*Cololabis saira*);¶¶
 - (d) Silversides of the family Atherinopsidae;¶¶
 - (e) Smelts of the family Osmeridae; and¶¶
 - (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and Thysanoteuthidae.¶¶
- (35) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.¶¶
- (36) "Sell" includes to offer or possess for sale, barter, exchange or trade.¶¶
- (37) "Smelt" means all species in the family Osmeridae.¶¶
- (38) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.¶¶
- (39) "Transport" means transport by any means, and includes offer or receive for transportation.¶¶
- (40) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:¶¶
- (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips in each period, and periods apply to calendar months. The specified periods are as follows:¶¶
 - (A) Period 1: January through February;¶¶
 - (B) Period 2: March through April;¶¶
 - (C) Period 3: May through June;¶¶
 - (D) Period 4: July through August;¶¶
 - (E) Period 5: September through October; and¶¶

(F) Period 6: November through December.¶¶

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

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

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

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

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

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

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

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

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

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

Statutory/Other Authority: ORS 496.138, ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 496.162, ORS 506.109, ORS 506.129

AMEND: 635-004-0235

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-004-0235

Fishing Gear ¶¶

- (1) This regulation lists a complete set of legal gear types and associated general restrictions to take ocean food fish and Pacific halibut in the fisheries specified in this Division. However, most individual fishery sections in this Division contain additional gear regulations specific to those fisheries. Fishers should consult the specific section of the fishery they are interested in for additional regulations.¶¶
- (2) It is unlawful to possess, deploy, haul, or carry on board a fishing vessel any fishing gear not listed in section (3) of this rule, or fishing gear not in compliance with the restrictions listed in section (4) of this rule, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).¶¶
- (3) It is unlawful to take food fish for commercial purposes by any means except:¶¶
- (a) Hook-and-line gear, including, but not limited to handline, pole-and-line, reel-and-line and pole-reel-and-line;¶¶
 - (b) Longlines and vertical hook and lines are permitted in the ocean;¶¶
 - (c) Pots or traps are permitted in the ocean;¶¶
 - (d) Dipnets of hoop or A-frame design;¶¶
 - (e) Troll gear is permitted in the ocean;¶¶
 - (f) Seines are permitted in the ocean for ocean food fish other than groundfish and for the taking of herring, sardine, and anchovy from the following inland waters:¶¶
 - (A) Columbia River westerly of the U.S. Highway 101 Astoria Bridge across the Columbia River;¶¶
 - (B) Tillamook Bay;¶¶
 - (C) Yaquina Bay;¶¶
 - (D) Alsea Bay;¶¶
 - (E) Winchester Bay; and¶¶
 - (F) Coos Bay.¶¶
 - (g) Trawl gear is permitted in the ocean for ocean food fish;¶¶
 - (A) Trawl gear may not be used with any other gear type on a single fishing trip.¶¶
 - (B) Trawl gear must meet the specifications specified in the Code of Federal Regulations Title 50, Section 660.130.¶¶
 - (h) Set nets with an experimental gear permit pursuant to OAR 635-006-0020; or¶¶
 - (i) Spear.¶¶
- (4) Longline, vertical hook-and-line and pot gear which is fixed or anchored to the bottom or drifting unattached to the vessel have the following restrictions:¶¶
- (a) Gear shall not be left unattended for more than seven days;¶¶

(b) Longline and pot gear shall be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy showing clear identification of the owner or vessel operator;¶

(c) Vertical hook-and-line gear that is closely tended may be marked only with a single buoy of sufficient size to float the gear. "Closely tended" means that a vessel is within visual sighting distance or within 1/4 nautical mile as determined by electronic navigational equipment, of its vertical hook-and-line gear; and¶

(d) Pot gear used for other than Dungeness crab ~~or~~ hagfish or spot or coonstripe shrimp shall have biodegradable escape panels constructed with #21 or smaller, untreated cotton twine in such manner that an opening of at least eight inches in diameter will result when the twine deteriorates.¶

(5) ~~A buoy used to mark fixed gear under subsection (3)(b) of this rule must be marked with~~ Fixed gear, other than crayfish pots or ring nets, must be marked with a surface buoy bearing, in a visible, legible and permanent manner, a number clearly identifying the owner or vessel operator. The number may be either:¶

(a) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or¶

(b) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 506.306

AMEND: 635-005-0240

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0240

~~Commercial Shellfish and Invertebrate fishery~~ Definitions ¶¶

As used in Division 005 regulations:¶¶

- (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.¶¶
- (2) "Bait" means food fish not harvested for human consumption.¶¶
- (3) "Board" means the Commercial Fishery Permit Board.¶¶
- (4) "Buy" includes offer to buy, barter, exchange or trade.¶¶
- (5) "Catastrophic loss" means direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports.¶¶
- (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries.¶¶
- (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.¶¶
- (8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.¶¶
- (9) "Crab pot" means any portable, enclosed device used to take crab with one or more gates or entrances that allows crab restricted entry and exit, and has a line attached to surface floats.¶¶
- (10) "Crab ring" means any fishing device used to take crab that allows crab unrestricted entry or exit while fishing, and has a line attached to surface floats.¶¶
- (11) "Department" means the State Department of Fish and Wildlife.¶¶
- (12) "Derelict Dungeness crab gear" means Dungeness crab gear which was lost, forgotten, damaged, abandoned or otherwise deserted.¶¶
- (13) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.¶¶
- (14) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish, and includes but is not limited to one or more of the following equipment: SCUBA or other surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.¶¶
- (15) "Dungeness crab gear" means crab pots, crab rings or a combination thereof used for taking Dungeness crab.¶¶
- (16) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United States.¶¶

- (17) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:¶
- (a) "Fixed gear" means longline, trap or pot, set net, and stationary hook-and-line (including vertical hook-and-line) gears;¶
 - (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;¶
 - (c) "Hook-and-line" means one or more hooks attached to one or more lines;¶
 - (d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined to create bagging, and is hauled with purse rings;¶
 - (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;¶
 - (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;¶
 - (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;¶
 - (h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;¶
 - (i) "Seine" means any non-fixed net other than a trawl or gillnet and includes all types of purse seines;¶
 - (j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;¶
 - (k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;¶
 - (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;¶
 - (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;¶
 - (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl, pelagic trawl and Danish and Scottish seine gear;¶
 - (o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation; and¶
 - (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.¶
- (18) "Fishing trip" means a dock-to-dock transit during which fishing for commercial purposes occurs, and is followed by a landing.¶
- (19) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction pursuant to ORS 506.036.¶
- (20) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See OAR 635-004-0240).¶
- (21) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme low water and mean extreme high water boundaries.¶
- (22) "Land, Landed or Landing" means either of the following:¶
- (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel are counted as part of that landing, except anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and¶
 - (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner, under which the following provisions apply:¶
 - (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and¶

- (B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.¶
- (23) "Length" or "Overall Length" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform.¶
- (24) "Ocean Dungeness Crab fishing season" means the period normally from December 1 of one year through August 14 of the next year and is specific to the ocean Dungeness crab fishery. In periods where a season delay occurs, "ocean Dungeness crab fishing season" means from the date the fishery opens to the following August 14.¶
- (25) "Oyster" includes oysters, oyster seed, oyster cultch, and oyster shell.¶
- (26) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.¶
- (27) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which a vessel permit is attached. A lessee of a permit is not a permit holder.¶
- (28) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.¶
- (29) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaking, pickling or filleting. Cooking crab is not considered processing.¶
- (30) "Replacement vessel" is a vessel purchased to replace a Limited Entry permitted vessel which has been lost due to fire, capsizing, sinking or other event.¶
- (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS 508.285.¶
- (32) "Salmon" means all anadromous species of salmon, including but not limited to:¶
- (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.¶
 - (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.¶
 - (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.¶
 - (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.¶
 - (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.¶
- (33) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.¶
- (34) "Sell" includes to offer or possess for sale, barter, exchange or trade.¶
- (35) "Shared Ecosystem Component Species" means those ecosystem component species shared between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the Pacific Ocean off Oregon and include:¶
- (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae;¶
 - (b) Pacific sand lance (*Ammodytes hexapterus*);¶
 - (c) Pacific saury (*Cololabis saira*);¶
 - (d) Silversides of the family Atherinopsidae;¶
 - (e) Smelts of the family Osmeridae; and¶
 - (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and Thysanoteuthidae.¶
- (36) "Shellfish Sanitation Certificate" means a license required by Oregon Department of Agriculture to engage in business of harvesting, distributing or processing of oysters, clams, mussels and scallops for human consumption.¶
- (37) "Special Regulation Marine Areas" means specific areas described in OAR 635-039-0090 and the "Oregon Sport Fishing Regulations," which includes all Marine Gardens, Subtidal Research Reserves, Intertidal Research Reserves, Habitat Refuges, and other areas closed to designated activities.¶

(38) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.¶

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

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

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

(A) Period 1: January through February;¶

(B) Period 2: March through April;¶

(C) Period 3: May through June;¶

(D) Period 4: July through August;¶

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

(F) Period 6: November through December.¶

(b) "Daily trip limit" means the maximum amount of shellfish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time;¶

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

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

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

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

(43) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or taking food fish for commercial purposes.¶

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

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

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

Statutory/Other Authority: [ORS 506.036](#), [ORS 506.109](#), [ORS 506.119](#), [ORS 506.129](#)

Statutes/Other Implemented: [ORS 506.109](#), [ORS 506.129](#), [ORS 506.306](#)

AMEND: 635-005-0275

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0275

Commercial Shellfish and Marine Invertebrates Fishing Gear ¶

(1) This regulation lists a complete set of legal gear types and associated general restrictions to take shellfish and marine invertebrates in the fisheries specified in this Division. However, most individual fisheries listed in this Division are restrained additionally by supplemental regulations specific to those fisheries. Fishers should consult the specific section of the fishery they are interested in for additional regulations.¶

(2) It is unlawful to possess, deploy, haul, or carry on board a fishing vessel any fishing gear not listed in section (3) of this rule, or fishing gear not in compliance with the restrictions listed in section (4) of this rule, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).¶

(3) It is unlawful to take shellfish and invertebrates for commercial purposes by any means except:¶

(a) Hook-and-line gear, including, but not limited to handline, pole-and-line, reel-and-line and pole-reel-and-line;¶

(b) Longlines and vertical hook and lines are permitted in the ocean;¶

(c) Pots or traps (including pot longline gear) are permitted in the ocean;¶

(d) Rings;¶

(e) Dipnets of hoop or A-frame design;¶

(f) Seines are permitted in the ocean;¶

(g) Trawl gear is permitted in the ocean;¶

~~(h)~~ Trawl gear shall not be used with any other gear type on a single fishing trip.¶

~~(i)~~ Set nets are allowed with an experimental gear permit pursuant to OAR 635-006-0020;¶

~~(j)~~ Spear is permitted in the ocean;¶

~~(k)~~ Dive gear; or¶

~~(l)~~ By hand or hand powered methods including shovel, rake, and abalone iron.¶

(4) Longline, vertical hook-and-line and pot gear other than Dungeness crab gear and crayfish pots or ring nets which is fixed or anchored to the bottom or drifting unattached to the vessel have the following restrictions:¶

(a) Gear shall not be left unattended for more than seven days;¶

(b) Pot longline gear shall be marked at the surface and at each terminal end with a pole, flag, light, radar reflector, and a buoy showing clear identification of the owner or operator;¶

(c) Pot gear used for other than Dungeness crab, hagfish ~~and~~ or spot or coonstripe shrimp shall have biodegradable escape panels constructed with #21 or smaller, untreated cotton twine in such manner that an opening at least eight inches in diameter will result when the twine deteriorates.¶

(5) A buoy used to mark gear under subsection (3)(b) of this rule must be marked with Fixed gear, other than crayfish pots or ring nets, must be marked with a surface buoy bearing, in a visible, legible and permanent manner,

a number clearly identifying the owner or operator of the vessel. The number may be either:

(a) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(b) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 506.306

AMEND: 635-005-0455

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0455

License Limitation ¶

(1) In the event that a license limitation measure is adopted by the Commission, August 14, 1991, shall be used as the eligibility date for participation in the Dungeness crab fishery.¶

(2) In the event that a license limitation measure in addition to any limitation established under section (1) of this rule is adopted by the Commission for the late season, participation in the Ocean Dungeness Crab Fishery after August 14, 2018 shall not be used to determine eligibility for participation in the late season Dungeness crab fishery. For the purposes of this rule, "late season" means all or any part of the season occurring between April 1 and August 14.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 506.931

AMEND: 635-005-0465

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0465

Closed Season in Pacific Ocean and Columbia River

(1) It is unlawful to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River from August 15 through December 1, 08:59 AM.¶

(2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or more fishing zones based on the results of crab quality testing. The Pre-season Testing Protocol for the Tri-State Coastal Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the process for establishing fishing zones (section VI) and coordinating the opening of the fishery in Washington, Oregon, and California north of Point Arena (sections IV and V). Therefore, the following sections of the Tri-State Protocol (~~Revised July 2014~~ Insert Reference When Available) are hereby incorporated into Oregon Administrative Rule by reference:¶

(a) Section IV - Season Opening Criteria.¶

(b) Section V - Test Fishing and Process for Setting the Season Opening Date.¶

(c) Section VI - Procedure for Establishing Fishing Zones.¶

As used in the Tri-State Protocol "fishing" means any operation of Dungeness crab fishing gear to take, possess on board, or land Dungeness crab for commercial purposes, except setting Dungeness crab gear for another vessel as allowed per OAR 635-005-0405(1). In the event that crab quality tests do not meet the criteria for opening the season on December 1, the Director shall adopt temporary rules delaying the season in accordance with the Tri-State Protocol.¶

(3) It is unlawful to land, receive or buy, Dungeness crab in the first thirty days of the ocean Dungeness crab fishery from a vessel that has not been certified by officials of the State of Oregon, Washington, or California to have been free of Dungeness crab before fishing in the ocean Dungeness crab fishery. In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the ocean Dungeness crab fishery refers to the fishery in that zone for the purposes of this rule.¶

(4) In the event the area between Gray's Harbor, Washington and Point Arena, California is divided into zones with different season opening dates, the transfer of a permit from one vessel to another is suspended from the earliest season opening date through thirty days after the latest season opening date, except in the event a vessel is unintentionally destroyed due to fire, capsizing, sinking, or other event.¶

(5) Upon a determination by the Department that catch in Oregon's ocean Dungeness crab fishery after May 31 is greater than ten percent of the catch in the previous December 1 through May 31 period, the Director shall adopt a temporary rule closing the commercial season until the following December 1.¶

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

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

ADOPT: 635-005-0466

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0466

Dungeness Crab Closure or Evisceration Requirement Based on Biotoxin Testing

(1) For the purposes of this rule, unless context requires otherwise, the following definitions apply:¶

(a) "Biotoxin management zone" means one or more harvest areas that due to test results the Oregon Department of Agriculture, in order to protect public health from domoic acid or other biotoxin concerns, has so designated in accordance with OAR 603-025-0410;¶

(b) "Harvest area" means a section of waters of this state or the Pacific Ocean off Oregon delineated for crab traceability purposes in accordance with OAR 635-006-0201. ¶

(2) During any open commercial Dungeness crab season, it is unlawful to land Dungeness crab taken for commercial purposes from any biotoxin management zone that was so designated due to a single crab sample result of 20 ppm or above in the meat.¶

(3) During any open commercial Dungeness crab season, it is unlawful to land Dungeness crab taken for commercial purposes from any biotoxin management zone that was so designated due to a single crab sample result at or above 30 ppm in the viscera and below 20 ppm in the meat unless the conditions set forth in OAR 603-025-0410(6) are met, starting from:¶

(a) The date and time of the landing of the crab sample that was at or above 30 ppm in the viscera and below 20 ppm in the meat, if the landed Dungeness crab taken for commercial purposes was taken from a harvest area where such result was taken; or¶

(b) The date and time of the biotoxin management area designation, if the Dungeness crab taken for commercial purposes was not taken from a harvest area where a crab sample result was at or above 30 ppm in the viscera and below 20 ppm in the meat.

Statutory/Other Authority: ORS 506.109, ORS 506.129

Statutes/Other Implemented: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

AMEND: 635-005-0480

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0480

Dungeness Crab Buoy Tag and Gear Marking Requirements ¶

It is unlawful for commercial purposes to:¶

(1) Use commercial Dungeness crab gear in the Columbia River or Pacific Ocean unless the gear is individually marked with a surface buoy bearing, in a visible, legible and permanent manner, the ~~brand~~buoy brand and buoy color(s) of the owner, and the Department buoy tag, provided that:¶

~~(a) The brand is a number registered with and approved by the Department;¶~~

~~(b) Only one unique buoy brand, buoy brand consists of letters and/or numbers, and the buoy brand and buoy color or color combination are registered with and approved by the Department; The buoy color or color combination shall be submitted to the Department as a color photograph for registration;¶~~

~~(b) Only one unique buoy brand and one buoy color or color combination shall be registered to any one permitted vessel;¶~~

(c) All Dungeness crab gear fished by a permitted vessel must use only the Oregon buoy brand number and at least one buoy with the buoy color or color combination registered to that vessel in the area off of Oregon;¶

(d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in the amount determined by OAR 635-005-0405(5);¶

(e) All buoy tags eligible to a permit holder must be purchased from the Department at cost and attached to the gear prior to setting gear;¶

(f) Buoys attached to Dungeness crab gear must have the buoy tag securely attached to the buoy closest to the gear at the end away from the buoy line; and¶

(g) Additional buoy tags to replace lost tags will be issued by the Department as follows:¶

(A) As of the first business day after 30 days following the season opening in the area fished, up to ten percent of the tags initially issued for that season; or¶

(B) For a catastrophic loss, as defined in ORS 635-005-0240; or¶

(C) If the Director finds that the loss of buoy tags was:¶

(i) Due to an extraordinary event;¶

(ii) The loss was minimized with the exercise of reasonable diligence; and¶

(iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing gear.¶

(D) Upon receipt of the declaration of loss required by subsection (1)(g)(E) of this rule, and a request for replacement tags under sub-subsection (1)(g)(C) of this rule, the Director or the Director's designee may provide an opportunity for the permit holder requesting the replacement tags to describe why the buoy tag loss meets the criteria for replacement under subsection (1)(g)(C) of this rule. The Director or the Director's designee shall provide the Director's order to the permit holder and to the Department's License Services. The permit holder may appeal the Director's findings to the Fishery Permit Review Board under OAR 635-005-0425.¶

(E) Permit holders (or their alternative designated on the buoy tag order form) must obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of an authorized Department employee. The declaration shall state the number of buoy tags lost, the location and date where lost gear or tags were last observed, and the presumed cause of the loss.¶¶

(2) Possess on a vessel, use, control, or operate any Dungeness crab gear which does not have a tag affixed to the individual pot or ring identifying the gear as belonging to that vessel, a surface buoy bearing the Department buoy brand registered to that vessel, and a Department buoy tag issued by the Department to that vessel, as pursuant to ORS 509.415, except:¶¶

(a) To set gear as allowed under OAR 635-005-0405; or¶¶

(b) Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness crab gear to shore by another crab permitted vessel provided that:¶¶

(A) The vessel is incapacitated due to major mechanical failure or destroyed due to fire, capsizing, or sinking;¶¶

(B) Circumstances beyond the control of the permit holder as defined by undue hardship in OAR 635-005-0240;¶¶

(C) A Request must be in writing and a waiver approved and issued prior to retrieval; and¶¶

(D) A copy of the waiver must be on board the vessel making the retrieval (Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).¶¶

(c) Under a waiver granted by the Department to allow one time change of buoy tags associated with a Dungeness crab permit transfer under OAR 635-005-0440 provided that:¶¶

(A) A request must be in writing and a waiver approved and issued prior to change of buoy tags; and¶¶

(B) A copy of the waiver must be on board the vessel making the change of buoy tags (Contact Department of Fish and Wildlife Licensing Services, Salem for guidelines).¶¶

(d) When retrieving derelict Dungeness crab gear as pursuant to OAR 635-005-0490 or 635-005-0491;¶¶

(e) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to Oregon while possessing Dungeness crab gear not bearing Oregon buoy tags or Oregon buoy branded surface buoys, provided that the vessel is authorized and en route to participate or returning from participating in the Dungeness crab fishery of an adjacent state; or¶¶

(f) When operating crab rings in bays or estuaries, only a tag affixed to the individual ring is required.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-005-0510

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-005-0510

Fishing Gear In Bays and Estuaries ¶

In all bays and estuaries other than the Columbia river, it is unlawful for commercial purposes to:¶

(1) Take, land or possess Dungeness crab with any gear other than crab rings.¶

(2) Operate more than 15 individual crab rings from any one fishing vessel.¶

(3) Possess, use, control, or operate on a vessel any crab ring which does not have a:¶

(a) A tag identifying it as belonging to that vessel;¶

(b) A surface buoy bearing, in a visible, legible and permanent manner either the vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-006-0001

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-006-0001

~~Definitions Used In Division 635-006 Regulations~~

As used in ~~d~~Division 006 regulations:¶

- (1) "Board" means the Commercial Fishery Permit Board.¶
- (2) "Boat" means any vessel, any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or taking food fish, as specified in ORS 506.006.¶
- (3) "Buy" includes offer to buy, barter, exchange or trade.¶
- (4) "Commercial fishing license" means the commercial fishing licenses required by ORS 508.235 and, for purposes of the Limited Fish Seller Permit, includes an Albacore Tuna Landing License.¶
- (5) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.¶
- (6) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.¶
- (7) "Department" means the State Department of Fish and Wildlife, as specified in ORS 506.006.¶
- (8) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.¶
- (9) "Fair market value" shall be based on the market price of food fish or shellfish at the same time and place that the fish are landed, or the price established in OAR 635-006-0232 when the market price cannot be determined. For species not listed in OAR 635-006-0232, fair market value shall be based on the average price per pound paid to law enforcement officials for any fish or shellfish confiscated from persons landing legal overages, or the average ex-vessel price per pound paid for that species in that port during the month in which the overage occurred, whichever is greater. Unless otherwise noted, the fair market value is the price per pound and is based on round weight.¶
- (10) "Fish buyer" means an individual employed by a wholesale fish dealer or food fish canner to purchase or receive food fish or shellfish from commercial fishers at locations other than the licensed premises of the wholesale fish dealer or food fish canner.¶
- (11) "Fish-buying station" means a location other than the licensed premises of a wholesale fish dealer or food fish canner at which such wholesale fish dealer or food fish canner purchases or receives food fish or shellfish from commercial fishers.¶
- (12) "Fishing" means catching, taking or harvesting food fish that results in or can be reasonably expected to result in the sale, barter, trade or other disposition of fish for other than personal use or consumption.¶
- (13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:¶
 - (a) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line (including vertical hook-and-line)

gears;¶

(b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;¶

(c) "Hook-and-line" means one or more hooks attached to one or more lines;¶

(d) "Lampara net" means a surrounding net with the sections of netting made and joined to create bagging. It is hauled with purse rings and is generally much smaller in size than a purse seine net;¶

(e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;¶

(f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;¶

(g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;¶

(h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;¶

(i) "Seine" means any non-fixed net other than a trawl or gillnet;¶

(j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;¶

(k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;¶

(l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;¶

(m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;¶

(n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels;¶

(o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation;¶

(p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.¶

(14) "Fishing trip" means a period of time between landings when fishing is conducted.¶

(15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, as specified in ORS 506.036.¶

(16) "Food fish canner" means a wholesale fish dealer who cans food fish including shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.¶

(17) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See OAR 635-004-0240).¶

(18) "Harvester" means any person legally authorized to take food fish for commercial purposes.¶

(19) "Import" means to transport into Oregon from outside the State of Oregon.¶

(20) "Inland waters" means all waters of the state except the Pacific Ocean.¶

(21) "Land, Landed or Landing" means either of the following:¶

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

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

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

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

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

wholesale fish bait dealer, or food fish canner; and¶¶

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

(22) "Landing fees" means all fees due to the Department based on the pounds of fish or value of fish landed.¶¶

(23) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform.¶¶

(24) "Limited fish seller" means any person who holds a valid Oregon commercial fishing license and who has obtained an annual Limited Fish Seller Permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat, as specified in ORS 508.550.¶¶

(25) "Limited fish seller - non-treaty Columbia River Gillnet Salmon Vessel Permit fishery" means a person who holds a valid Oregon commercial fishing license, a Columbia River Gillnet Salmon Vessel Permit, and who has obtained an annual limited fish seller permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat or at locations away from the boat.¶¶

(26) "Non-reporting fish dealer" means a wholesale fish dealer or fish bait dealer who buys food fish exclusively from other wholesale fish dealers or bait dealers.¶¶

(27) "Overage" means any landing or portion of a landing that exceeds groundfish trip limits. Groundfish trip limits are approved by Pacific Fisheries Management Council and implemented by the National Marine Fisheries Service.¶¶

(28) "Owner" means any ownership interest in a vessel, including interests arising from partnerships, corporations, limited liability corporations, or limited liability partnerships. Owner does not include a leasehold interest.¶¶

(29) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.¶¶

(30) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.¶¶

(31) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaking, pickling or filleting. Cooking crab is not considered processing.¶¶

(32) "Processor" means a person who buys fresh food fish from a licensed commercial fisher or a wholesale fish dealer and processes food fish for sale through retail outlets or for sale to the ultimate consumer.¶¶

(33) "Purchase" means to obtain by paying money or its equivalent, trade, or barter.¶¶

(34) "Receive" or "Receiving" means to take or come into possession of.¶¶

(35) "Replacement vessel" means a vessel purchased to replace a permitted vessel which had been lost due to fire, capsizing, sinking or other event.¶¶

(36) "Resident" means an actual bona fide resident of this state for at least one year immediately prior to application.¶¶

(37) "Retail fish bait dealer" means a person who buys fresh food fish or shellfish from a wholesale fish dealer or wholesale fish bait dealer, and sells to the ultimate consumer for use as bait.¶¶

(38) "Retail fish dealer" means a person who buys fresh food fish or shellfish from wholesale fish dealers, undertakes limited processing activity (limited to loining of tuna, filleting, smoking, steaking, or pickling food fish or shellfish), and sells only to the ultimate consumer.¶¶

(39) "Retain" means to keep in possession or use.¶¶

(40) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS Chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.¶¶

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

- (42) "Shellfish canner" means a wholesale fish dealer who cans only shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.¶
- (43) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.¶
- (44) "Take home" means food fish that are sold commercially to a licensed wholesale fish dealer, reported on a fish receiving ticket and then purchased back for the purpose of private use by the harvester.¶
- (45) "Transport" means, for the purposes of OAR 635-006-0165, to move the food fish after landing.¶
- (46) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:¶
- (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips in each period, and periods apply to calendar months. The specified periods are as follows:¶
- (A) Period 1: January through February;¶
- (B) Period 2: March through April;¶
- (C) Period 3: May through June;¶
- (D) Period 4: July through August;¶
- (E) Period 5: September through October; and¶
- (F) Period 6: November through December.¶
- (b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of groundfish may be made in that 24-hour period;¶
- (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel during the first day through the last day of any calendar month.¶
- (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 7 consecutive days, starting at 00:01 hours local time on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.¶
- (47) "Ultimate consumer" means the party that utilizes the product as food, including restaurants.¶
- (48) "Value" means the monetary value of the food fish, or parts thereof, including eggs and other by-products, at the point of landing as usually determined by the first exchange between the harvester and the first purchaser. In addition:¶
- (a) Value is typically the amount of money which the first purchaser pays at the time and place that the fish are off-loaded from a vessel, or brought to shore if there is no vessel involved in harvesting, before any reductions or deductions in the amount of money as a result of the dealer furnishing ice, fuel, food or other commodities; and¶
- (b) Value includes bonuses and other payments based directly on the quantity or quality of food fish exchanged, regardless of the time of payment of such bonuses or other payments; and¶
- (c) Value includes any payments based on the proportion or percentage of processed products recovered from the food fish landed in the round or other form; and¶
- (d) Value for food fish not sold by the harvester is the value received for comparable fish sold to a wholesale fish dealer at the same time and place that the fish are landed; and¶
- (e) Value for food fish purchased from a harvester, by the harvester when acting as a wholesale fish dealer, is the price that is or would be paid to any other harvester for the same fish; and¶
- (f) Value for food fish sold by a limited fish seller is the retail price received by the harvester from the first purchaser; and¶
- (g) Value for food fish imported from out of state but not previously taxed out of state is the price paid for the fish by the first Oregon purchaser.¶

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

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

(51) "Weighbacks" means fish or shellfish with no commercial value.¶¶

(52) "Wholesale fish bait dealer" means a person who buys food fish or shellfish, or parts thereof, from a licensed commercial fisher, licensed commercial bait fisher, or licensed angler, and sells or uses such food fish or shellfish for bait, scientific or educational purposes, or live public display.¶¶

(53) "Wholesale fish dealer" means a person who:¶¶

(a) Buys food fish or shellfish from a commercial fisher; or¶¶

(b) Processes food fish or shellfish or any part thereof; or¶¶

(c) Sells food fish or shellfish to retail dealers or other wholesale fish dealers.¶¶

(54) "Working day" means Monday through Friday, excluding Oregon legal holidays.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS 513.020

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 508.025, ORS 508.040, ORS 508.550

AMEND: 635-006-0210

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-006-0210

Fish Receiving Ticket - All Fish

(1) Except as provided in OAR 635-006-0211, for each purchase of food fish or shellfish by a licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, or shellfish canner from a commercial fisher or commercial bait fisher, the dealer or canner shall prepare at the time of landing a Fish Receiving Ticket, or a separate document in lieu of a Fish Receiving Ticket provided the original dock ticket is attached to the completed dealer copy of the Fish Receiving Ticket and kept on file for inspection by the Director, the Director's authorized agent, or by the Oregon State Police. Fish dealers shall be required to account for all Fish Receiving Tickets received from the Department. Fish Receiving Tickets shall be issued in numerical sequence.¶

(2) Fish Receiving Tickets shall include the following:¶

(a) Fish dealer's name and license number, including the buying station and location if the food fish or shellfish were received at any location other than the licensed premises of the fish dealer;¶

(b) Date of landing;¶

(c) His or her name from whom purchase is made. If not landed from a vessel, then his or her commercial license number shall be added. If received from a Columbia River treaty Indian, his or her tribal affiliation and enrollment number as shown on the official identification card issued by the U.S. Department of Interior, Bureau of Indian Affairs, or tribal government, shall be used in lieu of an address or commercial fishing license;¶

(d) Boat name, boat license number, and federal document or State Marine Board number from which catch made;¶

(e) For groundfish harvested in the limited entry fixed gear fishery, the federal limited entry fixed gear permit number associated with the landing or portion of landing, which shall be provided by the vessel operator to the preparer of the fish ticket;¶

(f) Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a fishing trip;¶

(g) Fishing gear used by the fisher;¶

(h) For salmon ~~and, zone or area of primary catch and for~~ Dungeness crab, ~~zone or area of primary catch~~ all harvest areas as defined by OAR 635-006-0201 from which Dungeness crab were taken;¶

(i) Species or species group, as determined by the Department, of food fish or shellfish received;¶

(j) Pounds of each species or species group, as determined by the Department, received.¶

(A) Pounds must be determined and reported based on condition of the fish when landed, either dressed or round. Dressed pounds may only be used for species with a conversion factor listed at OAR 635-006-0215(3)(g). Measures must be taken using a certified scale.¶

(B) Pounds shall include those fish or shellfish with no commercial value.¶

(B) Pounds shall include those fish or shellfish with no commercial value.¶

(k) For Columbia River sturgeon the exact number of fish received and the actual round weight of that number of fish;¶

(l) Price paid per pound for each species received;¶¶

(m) Signature of the individual preparing the Fish Receiving Ticket;¶¶

(n) Signature of the vessel operator making the landing;¶¶

(o) Species name, pounds and value of fish retained by fisher for take home use.¶¶

(3) Except as provided in OAR 635-006-0212 and OAR 635-006-0213, the original of each Fish Receiving Ticket covering food fish and shellfish received shall be forwarded within five working days of the date of landing to the Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302 or through the Pacific States Marine Fisheries Commission West Coast E-Ticket system or as required by Title 50 of the Code of Federal Regulations, part 660 Subpart C. All fish dealer amendments must be conducted in the same system in which the ticket was initially submitted.¶¶

(4) For Columbia River non-treaty mainstem and Select Area commercial fisheries downstream of Bonneville Dam, each licensed wholesale fish dealer, wholesale fish bait dealer, limited fish seller, and food fish canner must submit fish receiving tickets electronically through the Pacific States Marine Fisheries Commission (PSMFC) West Coast E-Ticket System for all salmon, sturgeon, smelt and shad landed. Electronic fish tickets (e-tickets) must be submitted within 24 hours of closure of the fishing period, or within 24 hours of landing for fishing periods lasting longer than 24 hours. All fish dealer amendments to electronic fish tickets must be conducted in the same system in which the tickets were initially submitted.¶¶

(5) For the Ocean and Bay Dungeness Crab Fisheries, as defined in OAR 635-005-0400 and OAR 635-005-0400, each licensed wholesale fish dealer, wholesale fish bait dealer, limited fish seller, and food fish canner must submit fish receiving tickets electronically through the Pacific States Marine Fisheries Commission (PSMFC) West Coast E-Ticket System for all Dungeness crab landed. Electronic fish tickets (e-tickets) must be submitted within one working day of the date of landing. All fish dealer amendments to electronic fish tickets must be conducted in the same system in which the tickets were initially submitted.¶¶

(6) Wholesale fish bait dealers landing small quantities of food fish or shellfish may request authorization to combine multiple landings on one Fish Receiving Ticket and to deviate from the time in which Fish Receiving Tickets are due to the Department. Such request shall be in writing, and written authorization from the Department shall be received by the wholesale fish bait dealer before any such deviations may occur.

Statutory/Other Authority: ORS 496.138, ~~496.146, 496.162, 506.036, ORS 506.109, ORS 506.112~~9, ~~506.129, ORS 508.535, ORS 508.530~~40, ~~ORS 508.535~~0

Statutes/Other Implemented: ~~ORS 506.109, 8.025, ORS 496.146, ORS 496.162, ORS 506.036, ORS 506.120~~9, ~~508.025, 508.040, ORS 506.119, ORS 506.129, ORS 508.55~~30

AMEND: 635-006-0213

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-006-0213

Fish Receiving Ticket - Limited Fish Seller Permit ¶

- (1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0210.¶
- (2) For food fish or shellfish sold under a Limited Fish Seller Permit, the Limited Fish Seller shall complete daily entries of fish sold on a Fish Receiving Ticket. Fish Receiving Tickets are prenumbered in books of 50 tickets. Limited Fish Sellers shall account for all Fish Receiving Tickets received from the Department. Fish Receiving Tickets shall be issued in numerical sequence. The Fish Receiving Ticket shall include, for each day's sales:¶
- (a) Limited Fish Seller's name and license number;¶
 - (b) Date of sales;¶
 - (c) Boat name and federal document or State Marine Board number from which catch made;¶
 - (d) For groundfish harvested in the limited entry fixed gear fishery, the federal limited entry fixed gear permit number associated with the landing or portion of landing;¶
 - (e) Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a fishing trip;¶
 - (f) Fishing gear used;¶
 - (g) Species or species group of fish or shellfish sold;¶
 - (h) Quantity in pounds;¶
 - (i) Price received per pound;¶
 - (j) Signature of the individual preparing the fish ticket;¶
 - (k) Name of wholesale fish dealer to whom other food fish or shellfish were sold from the same fishing trip.¶
 - (l) For troll-caught salmon, fish receiving tickets shall show the number of each species of salmon landed, the number of halibut landed, if any, and the number of days fished during the trip in which the salmon were caught.¶
- (3) The original of each Fish Receiving Ticket covering fish and shellfish sold per trip shall be forwarded within ten working days following the landing to the Department.¶
- (4) For the Ocean and Bay Dungeness Crab Fisheries, as defined in OAR 635-005-0400 and OAR 635-005-0400, an initial electronic fish ticket must be submitted within one working day of the date of landing. The initial fish ticket shall include an estimate of the total pounds for the landing.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS 508.530, ORS 508.535, ORS 508.550

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ~~508.025~~, ~~508.040~~, ORS 508.550, ORS 508.025, ORS 508.55040

AMEND: 635-039-0090

RULE SUMMARY: These amended rules will 1) require identification markings on all recreational crab buoys and commercial fixed gear buoys where not already required, 2) establish a control date for future consideration of effort limitation in the later part of the commercial season, 3) close Biotoxin Management Zones to commercial crabbing when domoic acid action levels are exceeded in the meat and require evisceration of commercially landed crab from Biotoxin Management Zones when domoic acid action levels are exceeded in the viscera but not the meat of Dungeness crab, 4) require electronic fish tickets for all directed commercial Dungeness crab landings, 5) adopt modifications of the Revised Preseason Testing Protocol for the Tri-State Coastal Dungeness Crab Commercial Fishery agreed to by the three states at the May 2019 Tri-State Committee meeting.

CHANGES TO RULE:

635-039-0090

Inclusions and Modifications ¶¶

(1) The 2019 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 2019 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, 392.2 metric tons;¶¶

(b) Blue rockfish and deacon rockfish combined: 82.6 metric tons;¶¶

(c) Other Nearshore Rockfish combined: 11.7 metric tons;¶¶

(d) Cabezon, 16.8 metric tons; and¶¶

(e) Greenling, 42.6 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 2019 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 2019 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 May 1 through September 30, outside of the 40-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, 2018 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*), deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), 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.¶

(i) Topsmelt and jacksmelt are included in the daily limit for herring, anchovy, sardine, and true smelts of 25 pounds per day in aggregate. Topsmelt and jacksmelt are not included in the General Marine Species daily limit of 5 fish per day.¶

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

(6) Effective January 1, 2020, surface buoys used to mark recreational crab pots or rings must be marked in a visible, legible and permanent manner, with information clearly identifying the owner of the crab pots or rings. The identifying information must include first and last name or business name and at least one of the following:¶

(a) Permanent address;¶

(b) Phone number;¶

(c) Angler Identification number; or¶

(d) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state.¶

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

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

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