



DIVISION 004

Commercial Fisheries Other Than Salmon or Shellfish

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 pallasii*);

(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.



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



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66 (m) “Trammel net” means a gillnet made with two or more walls joined to a common float
67 line;

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

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

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

77 (14) “Fishing trip” means a period of time between landings when fishing is conducted.

78 (15) “Food Fish” means any animal over which the State Fish and Wildlife Commission has
79 jurisdiction, pursuant to ORS 506.036.

80 (16) “Groundfish” means all species of ocean food fish defined as groundfish in the Pacific Coast
81 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part
82 660 and includes:

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

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

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

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

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

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

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

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

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



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- 98 (j) Finescale codling (*Antimora microlepis*);
- 99 (k) Flathead sole (*Hippoglossoides elassodon*);
- 100 (l) Kelp greenling (*Hexagrammos decagrammus*);
- 101 (m) Leopard shark (*Triakis semifasciata*);
- 102 (n) Lingcod (*Ophiodon elongatus*);
- 103 (o) Pacific cod (*Gadus macrocephalus*);
- 104 (p) Pacific sanddab (*Citharichthys sordidus*);
- 105 (q) Pacific whiting (*Merluccius productus*);
- 106 (r) Petrale sole (*Eopsetta jordani*);
- 107 (s) Ratfish (*Hydrolagus colliei*);
- 108 (t) Rex sole (*Glyptocephalus zachirus*);
- 109 (u) Rock sole (*Lepidopsetta bilineata*);
- 110 (v) Sablefish (*Anoplopoma fimbria*);
- 111 (w) Sand sole (*Psettichthys melanostictus*);
- 112 (x) Soupfin shark (*Galeorhinus zyopterus*);
- 113 (y) Spiny dogfish (*Squalus acanthias*); and
- 114 (z) Starry flounder (*Platichthys stellatus*).
- 115 (17) “Harvest guideline” means a specified numerical harvest objective that is not a quota.
- 116 Attainment of a harvest guideline does not automatically close a fishery.
- 117 (18) “Highly Migratory Species” means all species of ocean food fish defined as highly migratory
- 118 species in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory
- 119 Species and in the Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:
- 120 (a) Bigeye thresher shark (*Alopias superciliosus*);
- 121 (b) Bigeye tuna (*Thunnus obesus*);
- 122 (c) Blue shark (*Prionace glauca*);
- 123 (d) Common thresher shark (*Alopias vulpinus*);
- 124 (e) Common Mola (*Mola mola*);
- 125 (f) Dorado (*Coryphaena hippurus*);
- 126 (g) Escolar (*Lepidocybium flavobrunneum*);
- 127 (h) Lancetfishes (*Alepisauridae* species);
- 128 (i) Louvar (*Luvarus imperialis*);
- 129 (j) North Pacific albacore tuna (*Thunnus alalunga*);



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- 130 (k) Northern bluefin tuna (*Thunnus thynnus*);
- 131 (l) Pacific swordfish (*Xiphias gladius*);
- 132 (m) Pelagic sting ray (*Dasyatis violacea*);
- 133 (n) Pelagic thresher shark (*Alopias pelagicus*);
- 134 (o) Shortfin mako shark (*Isurus oxyrinchus*);
- 135 (p) Skipjack tuna (*Katsuwonus pelamis*);
- 136 (q) Striped marlin (*Tetrapturus audax*);
- 137 (r) Wahoo (*Acanthocybium solandri*); and
- 138 (s) Yellowfin tuna (*Thunnus albacares*).
- 139 (19) “Inland waters” means all waters of the state except the Pacific Ocean.
- 140 (20) “Intertidal” means the area in Oregon coastal bays, estuaries, and beaches between mean
- 141 extreme low water and mean extreme high water boundaries.
- 142 (21) “Land, landed, or landing” means either of the following:
- 143 (a) For fisheries where food fish were taken by use of a vessel, “land, landed or landing” means to
- 144 begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are
- 145 counted as part of that landing, except:
- 146 (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel’s
- 147 commercial fishing operation; and
- 148 (B) For vessels participating in the federal trawl rationalization program, the portion of
- 149 catch that is intended to be delivered to Washington or California is not considered part of that
- 150 landing.
- 151 (b) For fisheries where food fish were taken without use of any vessel, “land, landed or
- 152 landing” means to begin transfer of food fish from a harvester to a wholesale fish dealer,
- 153 wholesale fish bait dealer, or food fish canner, under which the following provisions apply:
- 154 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food
- 155 fish canner are
- 156 the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the
- 157 wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and
- 158 (B) Once transfer begins, all food fish from the harvest area are counted as part of that
- 159 landing.
- 160 (22) “Length” or “Length Overall” of a vessel means the manufacturer’s specification of overall
- 161 length, United States Coast Guard or Marine Board registered length documentation stating



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162 overall length or overall length as surveyed by a certified marine surveyor. In determining overall
163 length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part
164 of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders
165 aft of the transom, outboard motor brackets, or transom extensions such as a dive step or platform.

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

169 (24) “Nearshore species” includes (See ORS 506.011):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

193 (26) “Other nearshore rockfish” includes:



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



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226 (34) “Shared Ecosystem Component Species” means those ecosystem component species shared
227 between all of the Pacific Fishery Management Council’s Fishery Management Plans which occur
228 in the Pacific Ocean off Oregon and include:

229 (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and
230 Gonostomatidae;

231 (b) Pacific sand lance (*Ammodytes hexapterus*);

232 (c) Pacific saury (*Cololabis saira*);

233 (d) Silversides of the family Atherinopsidae;

234 (e) Smelts of the family Osmeridae; and

235 (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae,
236 Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and
237 Thysanoteuthidae.

238 (35) “Security interest” means an interest in a vessel or permit granted by the owner of the vessel
239 or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state’s
240 laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal
241 statutory provisions for federally documented vessels.

242 (36) “Sell” includes to offer or possess for sale, barter, exchange or trade.

243 (37) “Smelt” means all species in the family Osmeridae.

244 (38) “Take” means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue,
245 catch, capture or kill.

246 (39) “Transport” means transport by any means, and includes offer or receive for transportation.

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

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

255 (A) Period 1: January through February;

256 (B) Period 2: March through April;

257 (C) Period 3: May through June;



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- 258 (D) Period 4: July through August;
259 (E) Period 5: September through October; and
260 (F) Period 6: November through December.

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

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

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

272 (41) “Undue hardship” means death, serious illness requiring extended care by a physician,
273 permanent disability, or other circumstances beyond the individual’s control.

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

277 (43) “Vessel” means any floating craft, powered, towed, rowed or otherwise propelled which is
278 used for landing or taking food fish for commercial purposes, and has the same meaning as ‘boat’
279 as specified in ORS 506.006.

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

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



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

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

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

297 Stats. Implemented: ORS 496.162, 506.109, 506.129



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**DIVISION 005
Commercial Shellfish and Marine Invertebrate Fisheries**

635-005-0240

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.



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330 (13) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed
331 pursuant to ORS 496.112.

332 (14) "Dive gear" means gear used while a fisher is submerged underwater in order to take food
333 fish, and includes but is not limited to one or more of the following equipment: SCUBA or other
334 surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit
335 and fins.

336 (15) "Dungeness crab gear" means crab pots, crab rings or a combination thereof used for taking
337 Dungeness crab.

338 (16) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the
339 United States.

340 (17) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or
341 capable of being used to take food fish for commercial purposes, and includes:

342 (a) "Fixed gear" means longline, trap or pot, set net, and stationary hook-and-line (including
343 vertical hook-and-line) gears;

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

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

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

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

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

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

354 (h) "Purse seine" means **a floated and weighted** [~~an~~] encircling net that **is** [~~may be~~] closed by
355 **means of** a purse line threaded through **rings attached to** the bottom of the net. Purse seine gear
356 includes, **but is not limited to**, ring net, drum purse seine, and lampara nets;

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

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

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



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- 362 (l) “Spear” means a sharp, pointed, or barbed instrument on a shaft;
- 363 (m) “Trammel net” means a gillnet made with two or more walls joined to a common float
364 line;
- 365 (n) “Trawl gear” means a cone or funnel-shaped net which is towed or drawn through the
366 water by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl,
367 bottom trawl, pelagic trawl and Danish and Scottish seine gear;
- 368 (o) “Troll” means fishing gear that consists of one or more lines that drag hooks with bait or
369 lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not
370 disengaged from the vessel at any time during the fishing operation; and
- 371 (p) “Vertical hook and line” means a line attached to the vessel or to a surface buoy vertically
372 suspended to the bottom by a weight or anchor, with hooks attached between its surface and
373 bottom end.
- 374 (18) “Fishing trip” means a dock-to-dock transit during which fishing for commercial purposes
375 occurs, and is followed by a landing.
- 376 (19) “Food Fish” means any animal over which the State Fish and Wildlife Commission has
377 jurisdiction pursuant to ORS 506.036.
- 378 (20) “Groundfish” means all species of ocean food fish defined as groundfish in the Pacific Coast
379 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part
380 660 (See OAR 635-004-0240).
- 381 (21) “Intertidal” means the area in Oregon coastal bays, estuaries, and beaches between mean
382 extreme low water and mean extreme high water boundaries.
- 383 (22) “Land, Landed or Landing” means either of the following:
- 384 (a) For fisheries where food fish were taken by use of a vessel, “land, landed or landing”
385 means to begin
386 transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel are
387 counted as part of that landing, except anchovies being held live on a vessel for the purpose of
388 using for bait in that vessel’s commercial fishing operation; and
- 389 (b) For fisheries where food fish were taken without use of any vessel, “land, landed or
390 landing” means to begin transfer of food fish from a harvester to a wholesale fish dealer,
391 wholesale fish bait dealer, or food fish canner, under which the following provisions apply:



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

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

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

403 (24) “Ocean Dungeness Crab fishing season” means the period normally from December 1 of one
404 year through August 14 of the next year and is specific to the ocean Dungeness crab fishery. In
405 periods where a season delay occurs, “ocean Dungeness crab fishing season” means from the date
406 the fishery opens to the following August 14.

407 (25) “Oyster” includes oysters, oyster seed, oyster cultch, and oyster shell.

408 (26) “Pacific Ocean” means all water seaward of the end of the jetty or jetties of any river, bay, or
409 tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR
410 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the
411 river, bay, or tidal area where no jetties exist.

412 (27) “Permit holder” means a person or entity that owns an individual permit or owns the vessel to
413 which a vessel permit is attached. A lessee of a permit is not a permit holder.

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

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

419 (30) “Replacement vessel” is a vessel purchased to replace a Limited Entry permitted vessel which
420 has been lost due to fire, capsizing, sinking or other event.

421 (31) “Resident” means an actual bona fide resident of this state for at least one year, as specified in
422 ORS 508.285.

423 (32) “Salmon” means all anadromous species of salmon, including but not limited to:



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- 424 (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.
- 425 (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.
- 426 (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.
- 427 (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.
- 428 (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.
- 429 (33) “Security interest” means an interest in a vessel or permit granted by the owner of the vessel
- 430 or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state’s
- 431 laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal
- 432 statutory provisions for federally documented vessels.
- 433 (34) “Sell” includes to offer or possess for sale, barter, exchange or trade.
- 434 (35) “Shared Ecosystem Component Species” means those ecosystem component species shared
- 435 between all of the Pacific Fishery Management Council’s Fishery Management Plans which occur
- 436 in the Pacific Ocean off Oregon and include:
- 437 (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and
- 438 Gonostomatidae;
- 439 (b) Pacific sand lance (*Ammodytes hexapterus*);
- 440 (c) Pacific saury (*Cololabis saira*);
- 441 (d) Silversides of the family Atherinopsidae;
- 442 (e) Smelts of the family Osmeridae; and
- 443 (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae,
- 444 Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and
- 445 Thysanoteuthidae.
- 446 (36) "Shellfish Sanitation Certificate" means a license required by Oregon Department of
- 447 Agriculture to engage in business of harvesting, distributing or processing of oysters, clams,
- 448 mussels and scallops for human consumption.
- 449 (37) “Special Regulation Marine Areas” means specific areas described in OAR 635-039-0090
- 450 and the “Oregon Sport Fishing Regulations,” which includes all Marine Gardens, Subtidal
- 451 Research Reserves, Intertidal Research Reserves, Habitat Refuges, and other areas closed to
- 452 designated activities.
- 453 (38) “Take” means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue,
- 454 catch, capture or kill.
- 455 (39) “Transport” means transport by any means, and includes offer or receive for transportation.



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

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

- 464 (A) Period 1: January through February;
- 465 (B) Period 2: March through April;
- 466 (C) Period 3: May through June;
- 467 (D) Period 4: July through August;
- 468 (E) Period 5: September through October; and
- 469 (F) Period 6: November through December.

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

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

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

479 (41) “Undue hardship” means death, serious illness requiring extended care by a physician,
480 permanent disability, or other circumstances beyond the individual’s control.

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

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

486 (44) “Vessel operator” means the person onboard a fishing vessel who is responsible for leading a
487 fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from



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488 that fishing trip. A vessel operator may be a vessel owner or permit holder or both, individual
489 hired to operate a vessel, or lessee of a vessel, permit or both. Although more than one person may
490 physically operate a vessel during a fishing trip or transit, there may only be one person identified
491 as a vessel operator (commonly referred to as a captain or skipper) on a fishing vessel during any
492 one fishing trip or transit.

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

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

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

501 Stats. Implemented: ORS 506.109, 506.129 & 506.306

502

503

504 **635-005-0929** (New rule number)

505 **Closed Season**

506 **From 12:01 pm Friday through 11:59 am Sunday of any week, it is unlawful to:**

507 **(1) Take market squid for commercial purposes using purse seine net, dipnet, or trawl net**

508 **gear; or**

509 **(2) Use light to attract market squid for commercial purposes.**

510

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

512 Statutes/Other Implemented: ORS 506.109 & 506.129

513

514

515 **635-005-0930**

516 **Logbook Required - Squid Fishery**

517 (1) The Department shall make available a logbook to each licensed commercial fishing vessel
518 from which any species of squid are taken, regardless of gear **including a commercial fishing**
519 **vessel that uses light to attract market squid for commercial purposes.**

520 (2) The vessel operator of such vessel is responsible for maintaining the logbook in an accurate
521 and truthful manner and in accordance with the instructions contained therein.

522 (3) Upon request of an authorized representative of the Department or the Oregon State Police, the



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523 vessel operator shall permit examination and transcription of information of such logbook.

524 (4) Upon request from an authorized representative of the Department, the vessel operator shall
525 surrender a legible copy of such logbook.

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

527

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

529 Stats. Implemented: ORS 506.109 & 506.129

530

531

532 **635-005-0931**

533 **Fishing Gear - Squid Fishery**

534 **(1) For the purposes of OAR 635-005-0930 through 635-005-0922 and 635-012-0030 through**
535 **635-012-0150, “take” is defined to include attracting any squid by light.**

536 **(2) It is unlawful to take market squid for commercial purposes using a purse seine net that**
537 **is not pursed using a rib line that is a minimum of 18 inches above the lead line.**

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

541 **(a)**~~(1)~~ Has lawfully deployed purse seine gear during the current year and pumped
542 resultant catch onboard the same vessel for delivery to a port of landing or fish dealer in Oregon;

543 **(b)**~~(2)~~ Possesses onboard, in working order, legal seine gear capable of catching market
544 squid including but not limited to seine net, skiff, and pumping gear; and

545 **(c)**~~(3)~~ Documents the vessel that made the set, any other vessel pumping squid from the
546 pursed seine, and information on catch and location in the logbook required under OAR 635-004-
547 0376.

548

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

550 Statutes/Other Implemented: ORS 506.109 & 506.129



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DIVISION 012
Marine Reserves and Protected Areas In The Territorial Sea

554 **635-012-0030**

555 **Definitions**

556 For the purposes of OAR 635, Division 012 the following definitions apply:

557 (1) “Bank” means from the mainland or island shore or from docks physically attached to the shore.

558 (2) “Commission” means the Oregon Fish and Wildlife Commission.

559 (3) “Department” means the Oregon Department of Fish and Wildlife.

560 (4) “Fish species” means any animal over which the Commission has jurisdiction, pursuant to ORS
561 506.036.

562 (5) “Fishing gear” means any appliance or device intended for or capable of being used to take fish
563 species.

564 (6) “Groundfish” has the meaning given in OAR 635-004-0215.

565 (7) “Hook-and-line” has the meaning given in OAR 635-004-0215.

566 (8) “Net gear” means any type of fishing gear defined in OAR 635-004-0215 that employs a net.

567 (9) “Take” means to fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt,
568 pursue, catch, capture or kill, **and includes attracting any squid by light.**

569 (10) “Trawl gear” has the meaning given in OAR 635-004-0215.

570 (11) “Troll” has the meaning given in OAR 635-004-0215.

571 (12) “Wildlife species” means all wild birds, amphibians, reptiles, and wild mammals.

572

573 Stat. Auth.: ORS 506.119 & 506.129

574 Stats. Implemented: ORS 196.540-196.555 & SB 1510 (2012)

575

576

577 **635-012-0120**

578 **Cascade Head South Marine Protected Area Prohibitions and Allowances**

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

581 (2) The use of net gear to take any fish species is prohibited within the Cascade Head South Marine
582 Protected Area. **The use of any appliance or device to attract or aggregate any fish species for**
583 **the purpose of taking by net gear is prohibited within the Cascade Head South Marine**
584 **Protected Area, regardless of whether the take by net gear itself occurs within or without the**
585 **Cascade Head South Marine Protected Area boundary.**



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586

587 Stat. Auth.: ORS 506.119 & 506.129

588 Stats. Implemented: ORS 196.540-196.555 & SB 1510 (2012)