



1 **Division 4**

2 **COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH**

3 **635-004-0375**

4 **Scope, Inclusion, and Modification of Rules**

5 (1) The commercial coastal pelagic species fishery in the Pacific Ocean off Oregon is jointly managed by
6 the state of Oregon and the federal government through the Pacific Fishery Management Council
7 process. The Code of Federal Regulations provides federal requirements for this fishery, including but
8 not limited to the time, place, and manner of taking coastal pelagic species. However, additional
9 regulations may be promulgated subsequently by publication in the Federal Register, and these
10 supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following
11 publications are incorporated into Oregon Administrative Rule by reference:

12 (a) Code of Federal Regulations, Part 660, Subpart I, (October 1, ~~[2018]~~**2020** ed.); and

13 (b) ~~[Federal Register Vol. 85, no. 129, dated July 6, 2020 (85 FR 40135)]~~**INSERT REFERENCE**

14 **WHEN AVAILABLE**

15 (2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable
16 coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management
17 area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive
18 Economic Zone.

19 (3) The Commission may adopt additional or modified regulations that are more conservative than
20 federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-
21 0205 through 635- 004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to
22 federal coastal pelagic species regulations.

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

25 **Statutory/Other Authority:** ORS 506.119

26 **Statutes/Other Implemented:** ORS 506.109 & ORS 506.129