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4 **Division 4**
5 **COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH**

6 **635-004-0215**

7 **Definitions**

8 As used in Division 004 regulations:

9 (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes
10 intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea
11 urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.

12 (2) "Board" means the Commercial Fishery Permit Board.

13 (3) "Buy" includes offer to buy, barter, exchange or trade.

14 (4) "Coastal Pelagic Species" means all species of ocean food fish and shellfish defined as Coastal
15 Pelagic Species in the Fishery Management Plan for U.S. West Coast Fisheries for Coastal Pelagic
16 Species and in the Federal Coastal Pelagic Species Regulations, Title 50, Part 660, and include:

17 (a) Jack mackerel (*Trachurus symmetricus*);

18 (b) Jack smelt (*Atherinopsis californiensis*);

19 (c) Krill (all species in order Euphausiacea);

20 (d) Market squid (*Loligo opalescens*);

21 (e) Northern anchovy (*Engraulis mordax*);

22 (f) Pacific herring (*Clupea harengus pallasi*);

23 (g) Pacific mackerel (*Scomber japonicus*); and

24 (h) Pacific sardine (*Sardinops sagax*).

25 (5) "Commercial harvest cap" means the total fishery-related mortality for a given species, or species
26 group, that may occur in a single calendar year in Oregon commercial fisheries.

27 (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that
28 may be taken in a single calendar year in Oregon commercial fisheries.

29 (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or
30 possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling,
31 processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish
32 or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS
33 506.006.

34 (8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.

35 (9) "Department" means the State Department of Fish and Wildlife.

36 (10) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to
37 ORS 496.112.

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

41 (12) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United
42 States.

43 (13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable
44 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 joined
50 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
smallest distance allowed between the inside of one knot to the inside of the opposing knot
regardless of twine size;

- 53 (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one
54 or more lines attached to surface floats;
- 55 (h) "Purse seine" means a floated and weighted encircling net that is closed by means of a purse
56 line threaded through rings attached to the bottom of the net. Purse seine gear includes, but is
57 not limited to, ring net, drum purse seine, and lampara nets;
- 58 (i) "Seine" means any non-fixed net other than a trawl net or gillnet and includes all types of purse
59 seines;
- 60 (j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;
- 61 (k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish
62 commonly by gilling and is not free to move or drift with the current or tide;
- 63 (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;
- 64 (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;
- 65 (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water
66 by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom
67 trawl, pelagic trawl and Danish and Scottish seine gear;
- 68 (o) "Troll" means fishing gear that consists of one or more lines that drag hooks with bait or lures
69 behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged
70 from the vessel at any time during the fishing operation; and
- 71 (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically
72 suspended to the bottom by a weight or anchor, with hooks attached between its surface and
73 bottom end.
- 74 (14) "Fishing trip" means a period of time between landings when fishing is conducted.
- 75 (15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction,
76 pursuant to ORS 506.036.
- 77 (16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast
78 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 and
79 includes:
- 80 (a) All species of rockfish, thornyheads, and scorpionfish that occur off Washington, Oregon, or
81 California (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*);
- 82 (b) All species of grenadiers in the family *Macrouridae* that occur off Washington, Oregon, or
83 California, including but not limited to Giant grenadier, (*Albatrossia pectoralis*) and Pacific
84 grenadier (*Coryphaenoides acrolepis*);
- 85 (c) All species of skates in the family *Arhynchobatidae* that occur off Washington, Oregon, or
86 California, including but not limited to Aleutian skate (*Bathyraja aleutica*), Bering/sandpaper skate
87 (*B. interrupta*), big skate (*Raja binoculata*), California skate (*R. inornata*), longnose skate (*R.*
88 *rhina*), and rougtail/black skate (*B. trachura*);
- 89 (d) Arrowtooth flounder (*Atheresthes stomias*);
- 90 (e) Butter sole (*Isopsetta isolepis*);
- 91 (f) Cabezon (*Scorpaenichthys marmoratus*);
- 92 (g) Curlfin sole (*Pleuronichthys decurrens*);
- 93 (h) Dover sole (*Microstomus pacificus*);
- 94 (i) English sole (*Parophrys vetulus*);
- 95 (j) Finescale codling (*Antimora microlepis*);
- 96 (k) Flathead sole (*Hippoglossoides elassodon*);
- 97 (l) Kelp greenling (*Hexagrammos decagrammus*);
- 98 (m) Leopard shark (*Triakis semifasciata*);
- 99 (n) Lingcod (*Ophiodon elongatus*);
- 100 (o) Pacific cod (*Gadus macrocephalus*);
- 101 (p) Pacific sanddab (*Citharichthys sordidus*);
- 102 (q) Pacific whiting (*Merluccius productus*);
- 103 (r) Petrale sole (*Eopsetta jordani*);
- 104 (s) Ratfish (*Hydrolagus colliei*);

- 105 (t) Rex sole (*Glyptocephalus zachirus*);
106 (u) Rock sole (*Lepidopsetta bilineata*);
107 (v) Sablefish (*Anoplopoma fimbria*);
108 (w) Sand sole (*Psettichthys melanostictus*);
109 (x) Soupfin shark (*Galeorhinus zyopterus*);
110 (y) Spiny dogfish (*Squalus acanthias*); and
111 (z) Starry flounder (*Platichthys stellatus*).
- 112 (17) "Harvest guideline" means a specified numerical harvest objective that is not a quota. Attainment of
113 a harvest guideline does not automatically close a fishery.
- 114 (18) "Highly Migratory Species" means all species of ocean food fish defined as highly migratory species
115 in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and in the
116 Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:
- 117 (a) Bigeye thresher shark (*Alopias superciliosus*);
118 (b) Bigeye tuna (*Thunnus obesus*);
119 (c) Blue shark (*Prionace glauca*);
120 (d) Common thresher shark (*Alopias vulpinus*);
121 (e) Common Mola (*Mola mola*);
122 (f) Dorado (*Coryphaena hippurus*);
123 (g) Escolar (*Lepidocybium flavobrunneum*);
124 (h) Lancetfishes (*Alepisauridae* species);
125 (i) Louvar (*Luvarus imperialis*);
126 (j) North Pacific albacore tuna (*Thunnus alalunga*);
127 (k) Northern bluefin tuna (*Thunnus thynnus*);
128 (l) Pacific swordfish (*Xiphias gladius*);
129 (m) Pelagic sting ray (*Dasyatis violacea*);
130 (n) Pelagic thresher shark (*Alopias pelagicus*);
131 (o) Shortfin mako shark (*Isurus oxyrinchus*);
132 (p) Skipjack tuna (*Katsuwonus pelamis*);
133 (q) Striped marlin (*Tetrapturus audax*);
134 (r) Wahoo (*Acanthocybium solandri*); and
135 (s) Yellowfin tuna (*Thunnus albacares*).
- 136 (19) "Inland waters" means all waters of the state except the Pacific Ocean.
- 137 (20) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme
138 low water and mean extreme high water boundaries.
- 139 (21) "Land, landed, or landing" means either of the following:
- 140 (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means
141 to begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel
142 are counted as part of that landing, except:
- 143 (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's
144 commercial fishing operation; and
145 (B) For vessels participating in the federal trawl rationalization program, the portion of
146 catch that is intended to be delivered to Washington or California is not considered part of
147 that landing.
- 148 (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing"
149 means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish
150 bait dealer, or food fish canner, under which the following provisions apply:
- 151 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food
152 fish canner are the same person or entity, transfer occurs when the food fish arrive at the
153 licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish
154 canner; and
155 (B) Once transfer begins, all food fish from the harvest area are counted as part of that
156 landing.

- 157 (22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length,
158 United States Coast Guard or Marine Board registered length documentation stating overall length or
159 overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors
160 shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost
161 part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor
162 brackets, or transom extensions such as a dive step or platform.
- 163 (23) "Length, total" of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail
164 (pinched together) without mutilation of the fish or the use of additional force to extend the length.
- 165 (24) "Nearshore species" includes (See ORS 506.011):
- 166 (a) Black and yellow rockfish (*Sebastes chrysomelas*);
 - 167 (b) Brown Irish lord (*Hemilepidotus spinosus*);
 - 168 (c) Brown rockfish (*Sebastes auriculatus*);
 - 169 (d) Buffalo sculpin (*Enophrys bison*);
 - 170 (e) Cabezon (*Scorpaenichthys marmoratus*);
 - 171 (f) Calico rockfish (*Sebastes dalli*);
 - 172 (g) China rockfish (*S. nebulosus*);
 - 173 (h) Copper rockfish (*S. caurinus*);
 - 174 (i) Gopher rockfish (*S. carnatus*);
 - 175 (j) Grass rockfish (*S. rastrelliger*);
 - 176 (k) Kelp greenling (*Hexagrammos decagrammus*);
 - 177 (l) Kelp rockfish (*Sebastes atrovirens*);
 - 178 (m) Olive rockfish (*S. serranoides*);
 - 179 (n) Painted greenling (*Oxylebius pictus*);
 - 180 (o) Quillback rockfish (*Sebastes maliger*);
 - 181 (p) Red Irish lord (*Hemilepidotus hemilepidotus*);
 - 182 (q) Rock greenling (*Hexagrammos lagocephalus*);
 - 183 (r) Tiger rockfish (*Sebastes nigrocinctus*);
 - 184 (s) Treefish (*S. serriceps*);
 - 185 (t) Vermillion rockfish (*S. miniatus*); and
 - 186 (u) White spotted greenling (*Hexagrammos stelleri*).
- 187 (25) "Ocean food fish" means all saltwater species of food fish except salmon, halibut, and
188 shellfish whether found in fresh or salt water.
- 189 (26) "Other nearshore rockfish" includes:
- 190 (a) Black and yellow rockfish (*Sebastes chrysomelas*);
 - 191 (b) Brown rockfish (*S. auriculatus*);
 - 192 (c) Calico rockfish (*S. dalli*);
 - 193 (d) China rockfish (*S. nebulosus*);
 - 194 (e) Copper rockfish (*S. caurinus*);
 - 195 (f) Gopher rockfish (*S. carnatus*);
 - 196 (g) Grass rockfish (*S. rastrelliger*);
 - 197 (h) Kelp rockfish (*S. atrovirens*);
 - 198 (i) Olive rockfish (*S. serranoides*);
 - 199 (j) Quillback rockfish (*S. maliger*); and
 - 200 (k) Treefish (*S. serriceps*).
- 201 (27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal
202 area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005,
203 or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area
204 where no jetties exist.
- 205 (28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which
206 a vessel permit is attached. A lessee of a permit is not a permit holder.
- 207 (29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.
- 208 (30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof,

209 or any type of smoking, reducing, loining, steaking, pickling or filleting.
210 (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS
211 508.285.
212 (32) "Rockfish" includes all species in the following genera:
213 (a) Sebastes; and
214 (b) Sebastolobus.
215 (33) "Salmon" means all anadromous species of salmon, including but not limited to:
216 (a) Oncorhynchus gorboscha, commonly known as humpback, humpies or pink salmon.
217 (b) Oncorhynchus keta, commonly known as chum or dog salmon.
218 (c) Oncorhynchus kisutch, commonly known as coho or silver salmon.
219 (d) Oncorhynchus nerka, commonly known as sockeye, red or blueback salmon.
220 (e) Oncorhynchus tshawytscha, commonly known as Chinook salmon.
221 (34) "Shared Ecosystem Component Species" means those ecosystem component species shared
222 between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the
223 Pacific Ocean off Oregon and include:
224 (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and
225 Gonostomatidae;
226 (b) Pacific sand lance (Ammodytes hexapterus);
227 (c) Pacific saury (Cololabis saira);
228 (d) Silversides of the family Atherinopsidae;
229 (e) Smelts of the family Osmeridae; and
230 (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae,
231 Ommastrephidae except Humboldt squid (Dosidicus gigas), Onychoteuthidae, and
232 Thysanoteuthidae.
233 (35) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or
234 permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws
235 enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory
236 provisions for federally documented vessels.
237 (36) **"Seine skiff" means an open vessel which travels with a larger fishing vessel at all times and**
238 **is used solely at the direction of the operator of the larger fishing vessel to assist that larger**
239 **fishing vessel in the deployment and retrieval of seine nets to take fish.**
240 (37) "Sell" includes to offer or possess for sale, barter, exchange or trade.
241 (38[37]) "Smelt" means all species in the family Osmeridae.
242 (39[38]) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue,
243 catch, capture or kill.
244 (40[39]) "Transport" means transport by any means, and includes offer or receive for transportation.
245 (41[40]) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed
246 per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its
247 cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are
248 not landed until the next period. Trip limits may be:
249 (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and
250 retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the
251 number of landings or trips in each period, and periods apply to calendar months. The specified
252 periods are as follows:
253 (A) Period 1: January through February;
254 (B) Period 2: March through April;
255 (C) Period 3: May through June;
256 (D) Period 4: July through August;
257 (E) Period 5: September through October; and
258 (F) Period 6: November through December.
259 (b) "Daily trip limit" means the maximum amount of fish that may be taken and retained,
260 possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only

261 one landing of groundfish may be made in that 24-hour period;
262 (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained,
263 possessed or landed per vessel during the first day through the last day of any calendar month.
264 (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained,
265 possessed or landed per vessel in seven (7) consecutive days, starting at 00:01 hours local time
266 on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be
267 accumulated during multiple week trips. If a calendar week falls within two different months or two
268 different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that
269 week.
270 (42[41]) "Undue hardship" means death, serious illness requiring extended care by a physician,
271 permanent disability, or other circumstances beyond the individual's control.
272 (43[42]) "Unlawful to buy" means that it is unlawful to buy, knowing or having reasonable cause to
273 believe that the fish have been illegally taken or transported within this state, or unlawfully imported or
274 otherwise unlawfully brought into this state.
275 (44[43]) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used
276 for landing or taking food fish for commercial purposes, and has the same meaning as "boat" as specified
277 in ORS 506.006.
278 (45[44]) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a
279 fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that fishing
280 trip. A vessel operator may be a vessel owner or permit holder or both, individual hired to operate a
281 vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a
282 vessel during a fishing trip or transit, there may only be one person identified as a vessel operator
283 (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.
284 (46[45]) "Vessel owner" means any ownership interest in a vessel, including interests arising from
285 partnerships, corporations, limited liability corporations, or limited liability partnerships. A vessel owner
286 does not include a leasehold interest.
287 (47[46]) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or
288 other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays,
289 inlets, lakes, rivers and streams within or forming the boundaries of this state.
290 (48[47]) "Week" means the period beginning at 00:01 hours local time on Sunday and ending at 24:00
291 hours local time on the following Saturday.

292
293 **Statutory/Other Authority:** [~~ORS 496.138, ORS 506.036, ORS 506.109,~~] ORS 506.119 & ORS 506.129
294 **Statutes/Other Implemented:** [~~ORS 496.162,~~]ORS 506.109[~~& ORS 506.129~~]

295
296 **Division 5**
297 **COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES**
298

299 **635-005-0240**

300 **Definitions**

301 As used in Division 005 regulations:

- 302 (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes
303 intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea
304 urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.
305 (2) "Bait" means food fish not harvested for human consumption.
306 (3) "Board" means the Commercial Fishery Permit Board.
307 (4) "Buy" includes offer to buy, barter, exchange or trade.
308 (5) "Catastrophic loss" means direct loss of non-deployed gear in the event of a vessel being destroyed
309 due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the
310 Department considers appropriate, such as fire department or US Coast Guard reports.
311 (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that
312 may be taken in a single calendar year in Oregon commercial fisheries.

- 313 (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or
314 possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling,
315 processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish
316 or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS
317 506.006.
- 318 (8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.
- 319 (9) "Crab pot" means any portable, enclosed device used to take crab with one or more gates or
320 entrances that allows crab restricted entry and exit, and has a line attached to surface floats.
- 321 (10) "Crab ring" means any fishing device used to take crab that allows crab unrestricted entry or exit
322 while fishing, and has a line attached to surface floats.
- 323 (11) "Department" means the State Department of Fish and Wildlife.
- 324 (12) "Derelict Dungeness crab gear" means Dungeness crab gear which was lost, forgotten, damaged,
325 abandoned or otherwise deserted.
- 326 (13) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to
327 ORS 496.112.
- 328 (14) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish, and
329 includes but is not limited to one or more of the following equipment: SCUBA or other surface supplied
330 air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.
- 331 (15) "Dungeness crab gear" means crab pots, crab rings or a combination thereof used for taking
332 Dungeness crab.
- 333 (16) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United
334 States.
- 335 (17) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable
336 of being used to take food fish for commercial purposes, and includes:
- 337 (a) "Fixed gear" means longline, trap or pot, set net, and stationary hook-and-line (including
338 vertical hook-and-line) gears;
- 339 (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;
- 340 (c) "Hook-and-line" means one or more hooks attached to one or more lines;
- 341 (d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined
342 to create bagging, and is hauled with purse rings;
- 343 (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;
- 344 (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the
345 smallest distance allowed between the inside of one knot to the inside of the opposing knot
346 regardless of twine size;
- 347 (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one
348 or more lines attached to surface floats;
- 349 (h) "Purse seine" means a floated and weighted encircling net that is closed by means of a purse
350 line threaded through rings attached to the bottom of the net. Purse seine gear includes, but is
351 not limited to, ring net, drum purse seine, and lampara nets;
- 352 (i) "Seine" means any non-fixed net other than a trawl or gillnet and includes all types of purse
353 seines;
- 354 (j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;
- 355 (k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish
356 commonly by gilling and is not free to move or drift with the current or tide;
- 357 (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;
- 358 (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;
- 359 (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water
360 by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom
361 trawl, pelagic trawl and Danish and Scottish seine gear;
- 362 (o) "Troll" means fishing gear that consists of one or more lines that drag hooks with bait or lures
363 behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged
364 from the vessel at any time during the fishing operation; and

- 365 (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically
366 suspended to the bottom by a weight or anchor, with hooks attached between its surface and
367 bottom end.
- 368 (18) "Fishing trip" means a dock-to-dock transit during which fishing for commercial purposes occurs, and
369 is followed by a landing.
- 370 (19) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction
371 pursuant to ORS 506.036.
- 372 (20) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast
373 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See
374 OAR 635-004-0240).
- 375 (21) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme
376 low water and mean extreme high water boundaries.
- 377 (22) "Land, Landed or Landing" means either of the following:
- 378 (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means
379 to begin transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel
380 are counted as part of that landing, except anchovies being held live on a vessel for the purpose
381 of using for bait in that vessel's commercial fishing operation; and
- 382 (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing"
383 means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish
384 bait dealer, or food fish canner, under which the following provisions apply:
- 385 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food
386 fish canner are the same person or entity, transfer occurs when the food fish arrive at the
387 licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish
388 canner; and
- 389 (B) Once transfer begins, all food fish from the harvest area are counted as part of that
390 landing.
- 391 (23) "Length" or "Overall Length" of a vessel means the manufacturer's specification of overall length,
392 United States Coast Guard or Marine Board registered length documentation stating overall length or
393 overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors
394 shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost
395 part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor
396 brackets, or transom extensions as in a dive step or platform.
- 397 (24) "Ocean Dungeness Crab fishing season" means the period normally from December 1 of one year
398 through August 14 of the next year and is specific to the ocean Dungeness crab fishery. In periods where
399 a season delay occurs, "ocean Dungeness crab fishing season" means from the date the fishery opens
400 to the following August 14.
- 401 (25) "Oyster" includes oysters, oyster seed, oyster cultch, and oyster shell.
- 402 (26) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal
403 area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005,
404 or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area
405 where no jetties exist.
- 406 (27) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which
407 a vessel permit is attached. A lessee of a permit is not a permit holder.
- 408 (28) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.
- 409 (29) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof,
410 or any type of smoking, reducing, loining, steaking, pickling or filleting. Cooking crab is not considered
411 processing.
- 412 (30) "Replacement vessel" is a vessel purchased to replace a Limited Entry permitted vessel which has
413 been lost due to fire, capsizing, sinking or other event.
- 414 (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS
415 508.285.
- 416 (32) "Salmon" means all anadromous species of salmon, including but not limited to:

- 417 (a) *Oncorhynchus gorboscha*, commonly known as humpback, humpies or pink salmon.
418 (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.
419 (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.
420 (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.
421 (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.
- 422 (33) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or
423 permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws
424 enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory
425 provisions for federally documented vessels.
- 426 (34) **"Seine skiff" means an open vessel which travels with a larger fishing vessel at all times and**
427 **is used solely at the direction of the operator of the larger fishing vessel to assist that larger**
428 **fishing vessel in the deployment and retrieval of seine nets to take fish.**
- 429
- 430 (35) "Sell" includes to offer or possess for sale, barter, exchange or trade.
- 431 (36[35]) "Shared Ecosystem Component Species" means those ecosystem component species shared
432 between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the
433 Pacific Ocean off Oregon and include:
- 434 (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and
435 Gonostomatidae;
436 (b) Pacific sand lance (*Ammodytes hexapterus*);
437 (c) Pacific saury (*Cololabis saira*);
438 (d) Silversides of the family Atherinopsidae;
439 (e) Smelts of the family Osmeridae; and
440 (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae,
441 Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and
442 Thysanoteuthidae.
- 443 (37[36]) "Shellfish Sanitation Certificate" means a license required by Oregon Department of Agriculture
444 to engage in business of harvesting, distributing or processing of oysters, clams, mussels and scallops
445 for human consumption.
- 446 (38[37]) "Special Regulation Marine Areas" means specific areas described in OAR 635-039-0090 and
447 the "Oregon Sport Fishing Regulations," which includes all Marine Gardens, Subtidal Research
448 Reserves, Intertidal Research Reserves, Habitat Refuges, and other areas closed to designated
449 activities.
- 450 (39[38]) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue,
451 catch, capture or kill.
- 452 (40[39]) "Transport" means transport by any means, and includes offer or receive for transportation.
- 453 (41[40]) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed
454 per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its
455 cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are
456 not landed until the next period. Trip limits may be:
- 457 (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and
458 retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the
459 number of landings or trips in each period, and periods apply to calendar months. The specified
460 periods are as follows:
- 461 (A) Period 1: January through February;
462 (B) Period 2: March through April;
463 (C) Period 3: May through June;
464 (D) Period 4: July through August;
465 (E) Period 5: September through October; and
466 (F) Period 6: November through December.
- 467 (b) "Daily trip limit" means the maximum amount of shellfish that may be taken and retained,
468 possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time;

469 (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained,
470 possessed or landed per vessel during the first day through the last day of any calendar month.
471 (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained,
472 possessed or landed per vessel in 7 consecutive days, starting at 00:01 hours local time on
473 Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be
474 accumulated during multiple week trips. If a calendar week falls within two different months or two
475 different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that
476 week.

477 (42[44]) "Undue hardship" means death, serious illness requiring extended care by a physician,
478 permanent disability, or other circumstances beyond the individual's control.

479 (43[42]) "Unlawful to buy" means that it is unlawful to buy, knowing or having reasonable cause to
480 believe that the fish have been illegally taken or transported within this state, or unlawfully imported or
481 otherwise unlawfully brought into this state.

482 (44[43]) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used
483 for landing or taking food fish for commercial purposes.

484 (45[44]) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a
485 fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that fishing
486 trip. A vessel operator may be a vessel owner or permit holder or both, individual hired to operate a
487 vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a
488 vessel during a fishing trip or transit, there may only be one person identified as a vessel operator
489 (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.

490 (46[45]) "Vessel owner" means any ownership interest in a vessel, including interests arising from
491 partnerships, corporations, limited liability corporations, or limited liability partnerships. A vessel owner
492 does not include a leasehold interest.

493 (47[46]) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or
494 other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays,
495 inlets, lakes, rivers and streams within or forming the boundaries of this state.

497 **Statutory/Other Authority:** ~~ORS 506.036, ORS 506.109,~~ ORS 506.119 & ORS 506.129

498 **Statutes/Other Implemented:** ORS 506.109[, ~~ORS 506.129 & ORS 506.306~~]

500 635-005-0930

501 Logbook Required — Squid Fishery

502 (1) The Department shall make available a logbook to each licensed commercial fishing vessel from
503 which any species of squid are taken, regardless of gear [~~including a commercial fishing vessel that uses~~
504 ~~light to attract market squid for commercial purposes~~].

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

507 (3) Upon request of an authorized representative of the Department or the Oregon State Police, the
508 vessel operator shall permit examination and transcription of information of such logbook.

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

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

513 **Statutory/Other Authority:** ORS [~~506.036, 506.109,~~] 506.119 & 506.129

514 **Statutes/Other Implemented:** ORS 506.109 [~~& 506.129~~]

516 635-005-0931

517 Fishing Gear — Squid Fishery

518 (1) For the purposes of OAR 635-005-0930 through 635-005-0922 and 635-012-0030 through 635-012-
519 0150, "take" is defined to include attracting any squid by light.

520 (2) It is unlawful to take market squid for commercial purposes using a purse seine net that:

- 521 (a) Exceeds 1,800 feet in length;
522 (b) Exceeds 2,600 meshes in depth, excluding chaffing strip and corkline strip;
523 (c) Exceeds 1 ¾ inch mesh size, excluding chaffing strip and corkline strip;
524 (d) Has a chaffing strip or a corkline strip that is more than 25 meshes wide;
525 (e) Has purse rings or a purse ring bridle attached less than 36 inches above the lead line, except
526 purse rings or purse ring bridles may be attached less than 36 inches above the lead line within 60 feet
527 of each end of the net;
528 (f) Is not pursed using a rib line that is a minimum of 36 inches above the lead line; or
529 (g) Is pursed using a steel cable purse line.
- 530 (3) It is unlawful for a vessel to pump market squid onboard directly from the pursed seine of another
531 vessel unless squid so received make up no more than 20% of the weight of each landing and the vessel
532 receiving squid in such manner:
- 533 (a) Has lawfully deployed purse seine gear during the current year and pumped resultant catch
534 onboard the same vessel for delivery to a port of landing or fish dealer in Oregon;
- 535 (b) Possesses onboard, in working order, legal seine gear capable of catching market squid
536 including but not limited to seine net, seine skiff, and pumping gear; and
- 537 (c) Documents the vessel that made the set, any other vessel pumping squid from the pursed
538 seine, and information on catch and location in the logbook required under OAR 635-004-0376.
- 539 **(4) It is unlawful to attract market squid by light displayed from a vessel, except from the same**
540 **vessel that is deploying fishing gear for the take, possession, and landing of market squid so**
541 **attracted or from the seine skiff of the same vessel.**

542
543 **Statutory/Other Authority: ORS 506.119 & ORS 506.129**

544 **Statutes/Other Implemented: ORS 506.109 [~~ORS 506.129~~]**