



**Oregon Administrative Rules
Oregon Department of Fish and Wildlife**

1 NOTE: This is the format for Oregon Administrative Rules (OARs).

2 When adding text (**Bold and Underline**)

3 When deleting text [~~bracket and strikethrough~~]

4 No extra lines or page breaks between rules or sections.

5
6 **Division 4**

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

8 **635-004-0215**

9 **Definitions**

10 As used in Division 004 regulations:

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

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

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

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

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

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

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

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

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

24 (f) Pacific herring (*Clupea harengus pallasii*);

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

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

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

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

31 (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or
32 possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling,
33 processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish
34 or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS
35 506.006.

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

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

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

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

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

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

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

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

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

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



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



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



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- 157 licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish
 158 canner; and
 159 (B) Once transfer begins, all food fish from the harvest area are counted as part of that
 160 landing.
- 161 (22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length,
 162 United States Coast Guard or Marine Board registered length documentation stating overall length or
 163 overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors
 164 shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost
 165 part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor
 166 brackets, or transom extensions such as a dive step or platform.
- 167 (23) "Length, total" of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail
 168 (pinched together) without mutilation of the fish or the use of additional force to extend the 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 shellfish
 192 whether found in fresh or salt water.
- 193 (26) "Other nearshore rockfish" includes:
 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 tidal
 206 area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005,
 207 or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area
 208 where no jetties exist.



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



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- 261 (E) Period 5: September through October; and
 262 (F) Period 6: November through December.
 263 (b) "Daily trip limit" means the maximum amount of fish that may be taken and retained,
 264 possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only
 265 one landing of groundfish may be made in that 24-hour period;
 266 (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained,
 267 possessed or landed per vessel during the first day through the last day of any calendar month.
 268 (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained,
 269 possessed or landed per vessel in seven (7) consecutive days, starting at 00:01 hours local time
 270 on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be
 271 accumulated during multiple week trips. If a calendar week falls within two different months or two
 272 different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that
 273 week.
 274 (42) "Undue hardship" means death, serious illness requiring extended care by a physician, permanent
 275 disability, or other circumstances beyond the individual's control.
 276 (43) "Unlawful to buy" means that it is unlawful to buy, knowing or having reasonable cause to believe
 277 that the fish have been illegally taken or transported within this state, or unlawfully imported or otherwise
 278 unlawfully brought into this state.
 279 (44) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used for
 280 landing or taking food fish for commercial purposes, and has the same meaning as 'boat' as specified in
 281 ORS 506.006.
 282 (45) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a
 283 fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that fishing
 284 trip. A vessel operator may be a vessel owner or permit holder or both, individual hired to operate a
 285 vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a
 286 vessel during a fishing trip or transit, there may only be one person identified as a vessel operator
 287 (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.
 288 (46) "Vessel owner" means any ownership interest in a vessel, including interests arising from
 289 partnerships, corporations, limited liability corporations, or limited liability partnerships. A vessel owner
 290 does not include a leasehold interest.
 291 (47) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or
 292 other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays,
 293 inlets, lakes, rivers and streams within or forming the boundaries of this state.
 294 (48) "Week" means the period beginning at 00:01 hours local time on Sunday and ending at 24:00 hours
 295 local time on the following Saturday.

296 **Statutory/Other Authority:** ORS 506.119 & ORS 506.129

297 **Statutes/Other Implemented:** ORS 506.109

298

299 **635-004-0375**

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

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

308 (a) Code of Federal Regulations, Part 660, Subpart I, (October 1, [2020] **2022** ed.); and

309 (b) Federal Register [~~Vol. 87, no. 126, dated July 1, 2022 (87 FR 39384)] **INSERT CITATION**~~

310 **WHEN AVAILABLE**

- 311 (2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable



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312 coastal pelagic species fishing requirements. Where federal regulations refer to the fishery management
313 area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive
314 Economic Zone.

315 (3) The Commission may adopt additional or modified regulations that are more conservative than
316 federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-
317 0205 through 635-004-0235 and 635-004-0380 through 635-004-0545 for additions or modifications to
318 federal coastal pelagic species regulations.

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

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

321

322

Division 5

323

COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES

324

635-005-0240

325

Definitions

326

As used in Division 005 regulations:

327

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

330

(2) "Bait" means food fish not harvested for human consumption.

331

(3) "Board" means the Commercial Fishery Permit Board.

332

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

333

(5) "Catastrophic loss" means direct loss of non-deployed gear in the event of a vessel being destroyed
334 due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the
335 Department considers appropriate, such as fire department or US Coast Guard reports.

336

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

338

(7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or
339 possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling,
340 processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish
341 or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS
342 506.006.

343

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

344

(9) "Crab pot" means any portable, enclosed device used to take crab with one or more gates or
345 entrances that allows crab restricted entry and exit, and has a line attached to surface floats.

346

(10) "Crab ring" means any fishing device used to take crab that allows crab unrestricted entry or exit
347 while fishing, and has a line attached to surface floats.

348

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

349

(12) "Derelict Dungeness crab gear" means Dungeness crab gear which was lost, forgotten, damaged,
350 abandoned or otherwise deserted.

351

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

353

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

356

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



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- 358 (16) “Exclusive Economic Zone” means the zone between 3-200 nautical miles offshore of the United
359 States.
- 360 (17) “Fishing gear” means, as specified in ORS 506.006, any appliance or device intended for or capable
361 of being used to take food fish for commercial purposes, and includes:
- 362 (a) “Fixed gear” means longline, trap or pot, set net, and stationary hook-and-line (including
363 vertical hook-and-line) gears;
- 364 (b) “Gillnet” has the meaning as set forth in OAR 635-042-0010;
- 365 (c) “Hook-and-line” means one or more hooks attached to one or more lines;
- 366 (d) “Lampara net” means a surrounding or seine net with the sections of netting made and joined
367 to create bagging, and is hauled with purse rings;
- 368 (e) “Longline” means a stationary buoyed, and anchored groundline with hooks attached;
- 369 (f) “Mesh size” means the opening between opposing knots. Minimum mesh size means the
370 smallest distance allowed between the inside of one knot to the inside of the opposing knot
371 regardless of twine size;
- 372 (g) “Pot or trap” means a portable, enclosed device with one or more gates or entrances and one
373 or more lines attached to surface floats;
- 374 (h) “Purse seine” means a floated and weighted encircling net that is closed by means of a purse
375 line threaded through rings attached to the bottom of the net. Purse seine gear includes, but is
376 not limited to, ring net, drum purse seine, and lampara nets;
- 377 (i) “Seine” means any non-fixed net other than a trawl or gillnet and includes all types of purse
378 seines;
- 379 (j) “Setline” means a bottom longline used in rivers and estuaries for targeting white sturgeon;
- 380 (k) “Set net” means a stationary, buoyed and anchored gillnet or trammel net which takes fish
381 commonly by gilling and is not free to move or drift with the current or tide;
- 382 (l) “Spear” means a sharp, pointed, or barbed instrument on a shaft;
- 383 (m) “Trammel net” means a gillnet made with two or more walls joined to a common float line;
- 384 (n) “Trawl gear” means a cone or funnel-shaped net which is towed or drawn through the water
385 by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom
386 trawl, pelagic trawl and Danish and Scottish seine gear;
- 387 (o) “Troll” means fishing gear that consists of one or more lines that drag hooks with bait or lures
388 behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged
389 from the vessel at any time during the fishing operation; and
- 390 (p) “Vertical hook and line” means a line attached to the vessel or to a surface buoy vertically
391 suspended to the bottom by a weight or anchor, with hooks attached between its surface and
392 bottom end.
- 393 (18) “Fishing trip” means a dock-to-dock transit during which fishing for commercial purposes occurs, and
394 is followed by a landing.
- 395 (19) “Food Fish” means any animal over which the State Fish and Wildlife Commission has jurisdiction
396 pursuant to ORS 506.036.
- 397 (20) “Groundfish” means all species of ocean food fish defined as groundfish in the Pacific Coast
398 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See
399 OAR 635-004-0240).
- 400 (21) “Intertidal” means the area in Oregon coastal bays, estuaries, and beaches between mean extreme
401 low water and mean extreme high water boundaries.
- 402 (22) “Land, Landed or Landing” means either of the following:



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- 403 (a) For fisheries where food fish were taken by use of a vessel, “land, landed or landing” means
 404 to begin transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel
 405 are counted as part of that landing, except anchovies being held live on a vessel for the purpose
 406 of using for bait in that vessel’s commercial fishing operation; and
- 407 (b) For fisheries where food fish were taken without use of any vessel, “land, landed or landing”
 408 means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish
 409 bait dealer, or food fish canner, under which the following provisions apply:
- 410 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food
 411 fish canner are the same person or entity, transfer occurs when the food fish arrive at the
 412 licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish
 413 canner; and
- 414 (B) Once transfer begins, all food fish from the harvest area are counted as part of that
 415 landing.
- 416 (23) “Length” or “Overall Length” of a vessel means the manufacturer’s specification of overall length,
 417 United States Coast Guard or Marine Board registered length documentation stating overall length or
 418 overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors
 419 shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost
 420 part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor
 421 brackets, or transom extensions as in a dive step or platform.
- 422 (24) “Ocean Dungeness Crab fishing season” means the period normally from December 1 of one year
 423 through August 14 of the next year and is specific to the ocean Dungeness crab fishery. In periods where
 424 a season delay occurs, “ocean Dungeness crab fishing season” means from the date the fishery opens
 425 to the following August 14.
- 426 (25) “Oyster” includes oysters, oyster seed, oyster cultch, and oyster shell.
- 427 (26) “Pacific Ocean” means all water seaward of the end of the jetty or jetties of any river, bay, or tidal
 428 area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005,
 429 or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area
 430 where no jetties exist.
- 431 (27) “Permit holder” means a person or entity that owns an individual permit or owns the vessel to which
 432 a vessel permit is attached. A lessee of a permit is not a permit holder.
- 433 (28) “Possession” means holding any food fish, shellfish or parts thereof in a person’s custody or control.
- 434 (29) “Process or Processing” means fresh packaging requiring freezing of food fish, or any part thereof,
 435 or any type of smoking, reducing, loining, steaking, pickling or filleting. Cooking crab is not considered
 436 processing.
- 437 (30) “Replacement vessel” is a vessel purchased to replace a Limited Entry permitted vessel which has
 438 been lost due to fire, capsizing, sinking or other event.
- 439 (31) “Resident” means an actual bona fide resident of this state for at least one year, as specified in ORS
 440 508.285.
- 441 (32) “Salmon” means all anadromous species of salmon, including but not limited to:
- 442 (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.
 443 (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.
 444 (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.
 445 (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.
 446 (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.
- 447 (33) “Security interest” means an interest in a vessel or permit granted by the owner of the vessel or



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- 448 permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws
 449 enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory
 450 provisions for federally documented vessels.
- 451 (34) "Seine skiff" means an open vessel which travels with a larger fishing vessel at all times and is used
 452 solely at the direction of the operator of the larger fishing vessel to assist that larger fishing vessel in the
 453 deployment and retrieval of seine nets to take fish.
- 454 (35) "Sell" includes to offer or possess for sale, barter, exchange or trade.
- 455 (36) "Shared Ecosystem Component Species" means those ecosystem component species shared
 456 between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the
 457 Pacific Ocean off Oregon and include:
- 458 (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and
 - 459 Gonostomatidae;
 - 460 (b) Pacific sand lance (**Ammodytes personatus, previously** *Ammodytes hexapterus*);
 - 461 (c) Pacific saury (*Cololabis saira*);
 - 462 (d) Silversides of the family Atherinopsidae;
 - 463 (e) Smelts of the family Osmeridae; and
 - 464 (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae,
 - 465 Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and
 - 466 Thysanoteuthidae.
- 467 (37) "Shellfish Sanitation Certificate" means a license required by Oregon Department of Agriculture to
 468 engage in business of harvesting, distributing or processing of oysters, clams, mussels and scallops for
 469 human consumption.
- 470 (38) "Special Regulation Marine Areas" means specific areas described in OAR 635-039-0090 and the
 471 "Oregon Sport Fishing Regulations," which includes all Marine Gardens, Subtidal Research Reserves,
 472 Intertidal Research Reserves, Habitat Refuges, and other areas closed to designated activities.
- 473 (39) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch,
 474 capture or kill.
- 475 (40) "Transport" means transport by any means, and includes offer or receive for transportation.
- 476 (41) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per
 477 vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative
 478 or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed
 479 until the next period. Trip limits may be:
- 480 (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may taken and
 - 481 retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the
 - 482 number of landings or trips in each period, and periods apply to calendar months. The specified
 - 483 periods are as follows:
 - 484 (A) Period 1: January through February;
 - 485 (B) Period 2: March through April;
 - 486 (C) Period 3: May through June;
 - 487 (D) Period 4: July through August;
 - 488 (E) Period 5: September through October; and
 - 489 (F) Period 6: November through December.
 - 490 (b) "Daily trip limit" means the maximum amount of shellfish that may be taken and retained,
 - 491 possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time;
 - 492 (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained,



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- 493 possessed or landed per vessel during the first day through the last day of any calendar month.
494 (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained,
495 possessed or landed per vessel in 7 consecutive days, starting at 00:01 hours local time on
496 Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be
497 accumulated during multiple week trips. If a calendar week falls within two different months or two
498 different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that
499 week.
- 500 (42) "Undue hardship" means death, serious illness requiring extended care by a physician, permanent
501 disability, or other circumstances beyond the individual's control.
- 502 (43) "Unlawful to buy" means that it is unlawful to buy, knowing or having reasonable cause to believe
503 that the fish have been illegally taken or transported within this state, or unlawfully imported or otherwise
504 unlawfully brought into this state.
- 505 (44) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used for
506 landing or taking food fish for commercial purposes.
- 507 (45) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a
508 fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that fishing
509 trip. A vessel operator may be a vessel owner or permit holder or both, individual hired to operate a
510 vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a
511 vessel during a fishing trip or transit, there may only be one person identified as a vessel operator
512 (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.
- 513 (46) "Vessel owner" means any ownership interest in a vessel, including interests arising from
514 partnerships, corporations, limited liability corporations, or limited liability partnerships. A vessel owner
515 does not include a leasehold interest.
- 516 (47) "Waters of this state" means all waters over which the State of Oregon has jurisdiction, or joint or
517 other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays,
518 inlets, lakes, rivers and streams within or forming the boundaries of this state.
- 519 **Statutory/Other Authority:** ORS 506.119
520 **Statutes/Other Implemented:** ORS 506.109 & ORS 506.129