



- 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 sections.

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

8 **635-004-0235**

9 **Fishing Gear**

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



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- (4) Longline, vertical hook-and-line and pot gear which is fixed or anchored to the bottom or drifting unattached to the vessel have the following restrictions:
(a) Gear shall not be left unattended for more than seven days;
(b) Longline and pot gear shall be marked at the surface at each terminal end with a pole, flag, light, radar reflector, and a buoy showing clear identification of the owner or vessel operator;
(c) Vertical hook-and-line gear that is closely tended may be marked only with a single buoy of sufficient size to float the gear. "Closely tended" means that a vessel is within visual sighting distance or within 1/4 nautical mile as determined by electronic navigational equipment, of its vertical hook-and-line gear; and
(d) Pot gear used for other than Dungeness crab, hagfish or spot or coonstripe shrimp shall have biodegradable escape panels constructed with #21 or smaller, untreated cotton twine in such manner that an opening of at least eight inches in diameter will result when the twine deteriorates.
(5) Fixed gear, other than crayfish pots or ring nets, must be marked with a surface buoy bearing, in a visible, legible and permanent manner, a number clearly identifying the owner or vessel operator. The number may be either:
(a) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or
(b) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state.

(6) It is unlawful to use fixed gear that has on any part of the gear line marks or multi-colored line required for any state or federal fishery operating in the U.S. West Coast EEZ or in the state waters of Washington, Oregon, or California, other than the fishery the gear is being used in.

Statutory/Other Authority: [ORS 506.036], [ORS 506.409], ORS 506.119 & ORS 506.129
Statutes/Other Implemented: ORS 506.109, ORS 506.129[& ORS 506.306]

Division 5
COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES

635-005-0275

Commercial Shellfish and Marine Invertebrates Fishing Gear

- (1) This regulation lists a complete set of legal gear types and associated general restrictions to take shellfish and marine invertebrates in the fisheries specified in this Division. However, most individual fisheries listed in this Division are restrained additionally by supplemental regulations specific to those fisheries. Fishers should consult the specific section of the fishery they are interested in for additional regulations.
(2) It is unlawful to possess, deploy, haul, or carry on board a fishing vessel any fishing gear not listed in section (3) of this rule, or fishing gear not in compliance with the restrictions listed in section (4) of this rule, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution [F]rom Ships, 1973 (Annex V of MARPOL 73/78).
(3) It is unlawful to take shellfish and invertebrates for commercial purposes by any means except:
(a) Hook-and-line gear, including, but not limited to handline, pole-and-line, reel-and-line and pole-reel-and-line;



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- 86 (b) Longlines and vertical hook and lines are permitted in the ocean;
87 (c) Pots or traps (including pot longline gear) are permitted in the ocean;
88 (d) Rings;
89 (e) Dipnets of hoop or A-frame design;
90 (f) Seines are permitted in the ocean;
91 (g) Trawl gear is permitted in the ocean;
92 (h) Trawl gear shall not be used with any other gear type on a single fishing trip.
93 (i) Set nets are allowed with an experimental gear permit pursuant to OAR 635-006-0020;
94 (j) Spear is permitted in the ocean;
95 (k) Dive gear; or
96 (l) By hand or hand powered methods including shovel, rake, and abalone iron.
- 97 (4) Longline, vertical hook-and-line and pot gear other than Dungeness crab gear and crayfish pots or
98 ring nets which is fixed or anchored to the bottom or drifting unattached to the vessel have the following
99 restrictions:
- 100 (a) Gear shall not be left unattended for more than seven days;
101 (b) Pot longline gear shall be marked at the surface and at each terminal end with a pole, flag,
102 light, radar [-]reflector, and a buoy showing clear identification of the owner or operator;
103 (c) Pot gear used for other than Dungeness crab, hagfish or spot or coonstripe shrimp shall have
104 biodegradable escape panels constructed with #21 or smaller, untreated cotton twine in such
105 manner that an opening at least eight inches in diameter will result when the twine deteriorates.
- 106 (5) Fixed gear, other than crayfish pots or ring nets, must be marked with a surface buoy bearing, in a
107 visible, legible and permanent manner, a number clearly identifying the owner or operator of the vessel.
108 The number may be either:
- 109 (a) If required by applicable state law, the vessel's number, the commercial fishing license
110 number, or buoy brand number; or
111 (b) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented
112 vessel, the vessel registration number issued by the state.
- 113 **(6) It is unlawful to use fixed gear that has on any part of the gear line marks or multi-colored line**
114 **required for any state or federal fishery operating in the U.S. West Coast EEZ or in the state**
115 **waters of Washington, Oregon, or California, other than the fishery the gear is being used in.**
- 116 **Statutory/Other Authority:** [~~ORS 506.036, ORS 506.409~~], ORS 506.119 & ORS 506.129
117 **Statutes/Other Implemented:** ORS 506.109, ORS 506.129 [~~506.306~~]
- 118
- 119 **635-005-0446 (New Rule)**
- 120 **Electronic Monitoring**
- 121 **Vessels with an authorized Electronic Monitoring system may possess, or possess and land,**
122 **Dungeness crab in an area that is otherwise closed to take of Dungeness crab for commercial**
123 **purposes. Electronic Monitoring is not required to transit Marine Reserves per OAR 635-012-0050**
124 **or Marine Protected Areas per 635-012-0070, or to transit and land crab into Biotoxin Management**
125 **Zones designated by the Oregon Department of Agriculture. An authorized Electronic Monitoring**
126 **system must meet all the following conditions:**



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- 127 **(1) The vessel must:**
- 128 **(a) Possess and use an activated Vessel Monitoring System (VMS) that is type-approved**
129 **by the National Marine Fisheries Service (NMFS) Office of Law Enforcement (OLE), and**
130 **comply with all requirements per the Code of Federal Regulations, Title 50:**
- 131 **(A) Chapter IV, Part 660, Subpart C, Section 660.14;**
- 132 **(B) Chapter IV, Part 660, Subpart K, Section 660.712 or 660.713;**
- 133 **(C) Chapter III, Part 300, Section 300.26; or**
- 134 **(b) Possess and use an activated Electronic Monitoring (EM) system that transmits data to**
135 **an EM service provider no later than the end of each fishing trip, and:**
- 136 **(A) The EM service provider must receive transmissions and provide automated**
137 **data access to the Pacific States Marine Fisheries Commission (PSMFC) in a format**
138 **consistent with PSMFC specifications where it is available to ODFW and Oregon**
139 **State Police (OSP) for management and enforcement; and**
- 140 **(B) The vessel operator must ensure the EM system is maintained in good working**
141 **order; make the EM system available for inspection by ODFW, OSP, or the U.S.**
142 **Coast Guard; ensure the EM signal is not interfered with, disabled, or destroyed**
143 **and is operated according to service provider instructions; and pay all service**
144 **provider charges to ensure continuous operation of the EM system.**
- 145 **(2) The VMS or EM system required by section (1) of this rule must transmit vessel location and**
146 **speed at least once every 60 minutes.**
- 147 **(3) The vessel must maintain continuous transit through the closed area until reaching the port of**
148 **landing designated under section (4) or (5) of this rule. For the purposes of this rule, continuous**
149 **transit means that the vessel crosses an area closed to take of Dungeness crab for commercial**
150 **purposes on a heading as nearly as practicable to a direct route, consistent with navigational**
151 **safety, while maintaining expeditious headway throughout the transit without loitering or delay.**
- 152 **(4) The vessel must be registered with the Department at least 72 hours prior to entering a closed**
153 **area by completing the online form at**
154 **<https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/Closed Area Transit Info.asp>.**
- 155 **(5) The vessel must make a declaration prior to each time the vessel enters a closed area by**
156 **submitting an online form at**
157 **<https://www.dfw.state.or.us/MRP/shellfish/commercial/crab/Closed Area Transit Info.asp> or by**
158 **calling 541-857-2522 and giving the following information:**
- 159 **(a) Vessel name;**
- 160 **(b) Estimated date and time the vessel will enter closed area;**
- 161 **(c) Estimated date and time the vessel will leave the closed area; and**
- 162 **(d) Any changes from registration information required in section (4)(b)-(4)(f).**

163 **Statutory/Other Authority: ORS 506.119, ORS 506.129**

164 **Statutes/Other Implemented: ORS 506.109, ORS 506.129**

165

166 **635-005-0465**

167 **Closed Season in Pacific Ocean and Columbia River**

168 (1) It is unlawful to take, land or possess Dungeness crab for commercial purposes from the Pacific



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169 Ocean or Columbia River from August 15 through December 1, 08:59 AM.

170 (2) The season opening for the commercial Ocean Dungeness crab fishery may be delayed in one or
171 more fishing zones based on the results of crab quality testing. The Pre-season Testing Protocol for the
172 Tri-State Coastal Dungeness crab Commercial Fishery (hereafter, "Tri-State Protocol") specifies the
173 process for establishing fishing zones (section VI) and coordinating the opening of the fishery in
174 Washington, Oregon, and California north of Point Arena (sections IV and V). Therefore, the following
175 sections of the Tri-State Protocol (July 2024 [~~May 2020~~]) are hereby incorporated into Oregon
176 Administrative Rule by reference:

177 (a) Section IV – Season Opening Criteria.

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

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

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

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

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

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

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

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

202

203 **635-005-0480**

204 **Dungeness Crab Buoy Tag and Gear Marking Requirements**

205 It is unlawful for commercial purposes to:

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

210 (a) The buoy brand consists of letters and/or numbers, and the buoy brand and buoy color or
211 color combination are registered with and approved by the Department; The buoy color or color
212 combination shall be submitted to the Department as a color photograph for registration;



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- 213 (b) Only one unique buoy brand and one buoy color or color combination shall be registered to
214 any one permitted vessel;
- 215 (c) All Dungeness crab gear fished by a permitted vessel must use only the Oregon buoy brand
216 number and at least one buoy with the buoy color or color combination registered to that vessel in
217 the area off of Oregon;
- 218 (d) The Department shall issue crab buoy tags to the owner of each commercial crab permit in
219 the amount determined by OAR 635-005-0405(5);
- 220 (e) Except for replacement buoy tags, all other buoy tags eligible to a permit holder must be
221 purchased from the Department at cost and attached to the gear prior to setting gear;
- 222 (f) Buoys attached to Dungeness crab gear must have the buoy tag securely attached to the buoy
223 closest to the gear at the end away from the buoy line; and
- 224 (g) Additional buoy tags to replace lost tags will be issued by the Department as follows:
- 225 (A) For a catastrophic loss, as defined in OAR 635-005-0240; or
- 226 (B) If the Director finds that the loss of buoy tags was:
- 227 (i) Due to an extraordinary event;
- 228 (ii) The loss was minimized with the exercise of reasonable diligence; and
- 229 (iii) Reasonable efforts were taken to recover lost buoy tags and associated fishing
230 gear.
- 231 (C) Upon receipt of the declaration of loss required by subsection (1)(g)(D) of this rule,
232 and a request for replacement tags under subsection (1)(g)(B) of this rule, the Director or
233 the Director's designee may provide an opportunity for the permit holder requesting the
234 replacement tags to describe why the buoy tag loss meets the criteria for replacement
235 under subsection (1)(g)(B) of this rule. The Director or the Director's designee shall
236 provide the Director's order to the permit holder and to the Department's License
237 Services. The permit holder may appeal the Director's findings to the Fishery Permit
238 Review Board under OAR 635-005-0425.
- 239 (D) Permit holders (or their alternative designated on the buoy tag order form) must
240 obtain, complete, and sign a declaration of loss under penalty of perjury in the presence of
241 an authorized Department employee. The declaration shall state the number of buoy tags
242 lost, the location and date where lost gear or tags were last observed, and the presumed
243 cause of the loss.
- 244 (2) Possess on a vessel, use, control, or operate any Dungeness crab gear which does not have a tag
245 affixed to the individual pot or ring identifying the gear as belonging to that vessel, a surface buoy
246 bearing the Department buoy brand registered to that vessel, and a Department buoy tag issued by the
247 Department to that vessel for the current season, as pursuant to ORS 509.415, except:
- 248 (a) To set gear as allowed under OAR 635-005-0405;[~~or~~]
- 249 (b) Under a waiver granted by the Department to allow one time retrieval of permitted Dungeness
250 crab gear to shore by another crab permitted vessel provided that:
- 251 (A) The vessel is incapacitated due to major mechanical failure or destroyed due to fire,
252 capsizing, or sinking;
- 253 (B) Circumstances beyond the control of the permit holder as defined by undue hardship
254 in OAR 635-005-0240 occurred;
- 255 (C) A Request must be in writing and a waiver approved and issued prior to retrieval; and



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- 256 (D) A copy of the waiver must be on board the vessel making the retrieval[~~(Contact~~
257 ~~Department of Fish and Wildlife Licensing Services, Salem for guidelines)~~].
- 258 (c) Under a waiver granted by the Department to allow [a:]**the activities described in this**
259 **subsection. Waiver requests must be in writing and a waiver must be approved and issued**
260 **prior to conducting the activity. A copy of the waiver must be on board the vessel**
261 **conducting the activity. A waiver may be granted by the Department for a:**
- 262 (A) One time change of buoy tags for gear deployed at sea associated with a Dungeness
263 crab permit transfer under OAR 635-005-0440;
- 264 (B) One time change of buoy tags to another vessel's tags for gear deployed at sea. The
265 vessel making the change must be either the vessel that the deployed buoy tags are
266 assigned to or the vessel that the new tags are assigned to;
- 267 (C) One time change of buoy tags at sea to different crab pots or rings owned by the
268 same vessel making the change. The vessel making the change must be the vessel the
269 buoy tags are assigned to, and gear must be transported to shore on the same fishing trip;
- 270 (D) One time attachment of late season tags to gear deployed at sea by a vessel other
271 than the vessel the buoy tags are assigned to; or
- 272 (E) One time retrieval of permitted Dungeness crab gear to shore by another crab
273 permitted vessel from August 1 through August 14.
- 274 ~~[(d) Waivers for activities described in subsection (2)(c) of this rule may be issued by the~~
275 ~~Department provided that a:~~
- 276 ~~(A) Request must be in writing and a waiver approved and issued prior to conducting the~~
277 ~~activity; and~~
- 278 ~~(B) Copy of the waiver must be on board the vessel conducting the activity (Contact~~
279 ~~Department of Fish and Wildlife Licensing Services, Salem for guidelines).~~
- 280 ~~(e)](d) When retrieving derelict Dungeness crab gear as pursuant to OAR 635-005-0490 or 635-~~
281 ~~005-0491;~~
- 282 ~~[(f)](e) A vessel may transit through the Columbia River and the Pacific Ocean adjacent to~~
283 ~~Oregon while possessing Dungeness crab gear not bearing Oregon buoy tags or Oregon buoy~~
284 ~~branded surface buoys, provided that the vessel is authorized and en route to participate or~~
285 ~~returning from participating in the Dungeness crab fishery of an adjacent state; or~~
- 286 ~~[(g)](f) When operating crab rings in bays or estuaries, only a tag affixed to the individual ring is~~
287 ~~required.~~
- 288 ~~[(3) Use commercial Dungeness crab gear in the Columbia River or Pacific Ocean with a line mark that is~~
289 ~~required for any state or federal fishery, other than the Oregon Dungeness crab fishery, operating in the~~
290 ~~U.S. West Coast EEZ, or the state waters of Washington, Oregon, or California.]~~
- 291 ~~[(4)](3) From May 1 through August 14, possess on a vessel, use, control, or operate commercial~~
292 ~~Dungeness crab gear in the Columbia River or Pacific Ocean unless the gear is individually marked with~~
293 ~~a secondary Department buoy tag issued by the Department to that vessel for the current season in~~
294 ~~addition to the buoy tag required under section (1) of this rule, provided that:~~
- 295 (a) The primary buoy tag shall remain attached as required per section (1) of this rule;
- 296 (b) The secondary buoy tag shall be securely attached to the buoy closest to the gear at the end
297 away from the buoy line;
- 298 (c) The Department shall issue secondary buoy tags to the owner of each commercial crab permit
299 in the amount requested by the permit owner, not to exceed the amount determined by OAR 635-



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- 300 005-0405(10);
- 301 (d) Secondary buoy tags must be purchased from the Department at cost and attached to the
302 gear as of the effective date but no earlier than April 10;
- 303 (e) The exceptions found in sections (2)(b) through (2)(g) of this rule also apply to this section;
304 and
- 305 (f) Any commercial Dungeness crab gear found in the ocean or Columbia River without a
306 secondary buoy tag from May 21 through August 14 shall be considered derelict and may be
307 retrieved per OAR 635-005-0490;
- 308 ~~(5)~~**(4)** From May 1 through August 14, land Dungeness crab into Oregon for commercial purposes
309 unless secondary buoy tags have been purchased from the Department for the Oregon commercial crab
310 permit under which the landing vessel is operating, except vessels that do not have any Dungeness crab
311 gear deployed between 46° 15' 00" North Latitude (Oregon/Washington border) and 42° 00' 00" North
312 Latitude (Oregon/California border) may land crab legally taken from another state into the ports of
313 Astoria or Brookings, Oregon.
- 314 **(5) Use Dungeness crab gear with line other than dual-colored yellow and black line, with the**
315 **majority of strands colored yellow and at least 1/3 of strands colored black, as follows:**
- 316 **(a) Effective December 1, 2025:**
- 317 **(A) For all line used between any two buoys, except buoy gangions that are less**
318 **than four feet long may be any color. A buoy gangion is defined as line that passes**
319 **through, and is affixed to, the buoy forming loops on each end of the buoy. The**
320 **length of a buoy gangion is measured in a straight line between the opposing loop**
321 **ends;**
- 322 **(B) For gear with a single buoy or no line other than buoy gangions of less than**
323 **four feet connecting multiple buoys, for all line within six feet of the attachment**
324 **point of the buoy closest to the pot or ring, extending toward the crab pot or ring;**
- 325 **(b) Effective December 1, 2028, for all line within 90 feet of the attachment point of the**
326 **buoy closest to the crab pot or ring extending toward the crab pot or ring, except up to 30**
327 **feet of line closest to the crab pot or ring may be any color;**
- 328 **(c) Effective December 1, 2025, or December 1, 2028, as applicable, and through August**
329 **14, 2033, line with solid yellow and black marks meeting the following specifications may**
330 **be substituted for dual-colored yellow and black line required by this rule:**
- 331 **(A) Each set of marks shall cover the entire length and circumference of at least**
332 **four feet of line with at least two feet yellow within six inches of at least two feet**
333 **black;**
- 334 **(B) Marks shall be regularly serviced and maintained in a condition to readily**
335 **identify the line marking scheme of yellow and black;**
- 336 **(C) Effective December 1, 2025:**
- 337 **(i) Line between any two buoys must have at least one set of marks; and**
- 338 **(ii) For gear with a single buoy or no line other than buoy gangions of less**
339 **than four feet connecting multiple buoys, line must have one set of marks**



340 within six feet of the buoy; and
341 (D) Effective December 1, 2028, the 90 feet of line measured from the attachment
342 point of the buoy closest to the crab pot or ring extending toward the crab pot or
343 ring must have at least three sets of marks. Sets of marks shall be distributed such
344 that one set of marks is near each end and one set of marks is near the middle of
345 this 90-foot section of line.

346 **Statutory/Other Authority:** ORS 506.306, [~~ORS 506.109,~~] ORS 506.119[~~& ORS 506.129~~]
347 **Statutes/Other Implemented:** ORS 506.109 & ORS 506.129

348
349 **635-005-0490**
350 **Derelict Dungeness Crab Gear**

351 Derelict Dungeness crab gear may be retrieved from the ocean, including the Columbia River, and
352 transported to shore provided that:

- 353 (1) The retrieving vessel holds a valid boat license, issued pursuant to ORS 508.260, and the captain
354 and crew of that vessel hold valid commercial fishing license(s), issued pursuant to ORS 508.235.
- 355 (2) The number of derelict Dungeness crab gear which may be retrieved per trip are as follows:
- 356 (a) From the opening of the ocean Dungeness crab fishery in the area where retrieval takes place
357 until the second Monday in June of the same ocean Dungeness crab season: 25 derelict pots and
358 rings in aggregate;
 - 359 (b) From the second Monday in June through August 14: 50 derelict pots and rings in aggregate;
 - 360 (c) August 15 through October 31: an unlimited number of derelict pots and rings may be
361 retrieved[-];

362 (d) Under a waiver granted by the Department, the amount of derelict gear specified on the
363 waiver provided that:

- 364 (A) The vessel is operating under a state contract to recover derelict gear;
- 365 (B) A waiver request is submitted to the Department in writing;
- 366 (C) The waiver is approved and issued prior to retrieval efforts;
- 367 (D) A copy of the waiver is on board the vessel during all gear recovery activities;
368 and
- 369 (E) The vessel operator complies with all terms and conditions of the waiver.

- 370 (3) Upon retrieval from the ocean or Columbia River, the Dungeness crab gear must be un-baited.
- 371 (4) Crab from the retrieved Dungeness crab gear shall not be retained, except crab of legal size and sex
372 may be retained by vessels holding a valid Dungeness crab permit, from the starting date through August
373 14 of each Dungeness crab season. Crab shall not be retained from Dungeness crab gear that is
374 retrieved from within the boundaries of a marine reserve under any circumstances (OAR 635-012-0050).
- 375 (5) Immediately upon retrieval of Dungeness crab gear, the retrieving vessel operator must document in
376 the retrieving vessel's logbook the date and time of pot or ring retrieval, number of retrieved crab pots or
377 rings in aggregate, location of retrieval, and retrieved Dungeness crab gear owner identification
378 information.
- 379 (6) Any retrieved Dungeness crab gear must be transported to shore during the same fishing trip that
380 retrieval took place.



381 **Statutory/Other Authority:** ORS 506.119, ORS 506.129 [~~ORS 506.036~~]
382 **Statutes/Other Implemented:** ORS 506.129 & ORS 506.109

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Division 39

MARINE ZONE FISH, SHELLFISH AND MARINE INVERTEBRATES SPORT REGULATIONS

386 **635-039-0090**

387 **Inclusions and Modifications**

388 (1) The current annual **Oregon Sport Fishing Regulations** provide requirements for sport fisheries for
389 marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches,
390 commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule
391 division from time to time and to the extent of any inconsistency, they supersede the current
392 annual **Oregon Sport Fishing Regulations**.

393 (2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest
394 objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.
395 Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if
396 additional regulatory actions are necessary to achieve management objectives. The following sport
397 harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport
398 fishery in a single calendar year:

- 399 (a) Black rockfish, 389.1 metric tons;
- 400 (b) Blue rockfish and deacon rockfish combined: 66.7 metric tons;
- 401 (c) Other Nearshore Rockfish combined: 15.2 metric tons;
- 402 (d) Cabezon, 17.6 metric tons; and
- 403 (e) Greenling, 32.6 metric tons.

404 (3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black
405 and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*);
406 copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S.*
407 *serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).

408 (4) In addition to the regulations for Marine Fish in the current annual **Oregon Sport Fishing**
409 **Regulations**, the following apply for the sport fishery in the Marine Zone:

- 410 (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.
- 411 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine
412 fish species not listed in the current annual **Oregon Sport Fishing Regulations** in the Marine
413 Zone, located under the category of Finfish Species, General Marine Species: 5 fish daily bag
414 limit in aggregate (total sum or number), of which no more than one may be a cabezon, when
415 retention of cabezon is allowed. Retention of the following species is prohibited:
 - 416 (A) Yelloweye rockfish;
 - 417 (B) Cabezon from January 1 through June 30; and
 - 418 (C) Quillback rockfish.
- 419 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish
420 daily bag limit in aggregate (total sum or number).
- 421 (d) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the
422 category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish,



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- 423 herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species
424 (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the
425 vessel during open days for the all-depth sport fishery for Pacific halibut when the sport fishery for
426 general marine species (other than flatfish species) is closed outside of the 40 fathom curve as
427 specified in subsection (4)(f).
- 428 (A) Persons must also consult all publications referenced in OAR 635-039-0080 to
429 determine all rules applicable to the taking of Pacific halibut.
- 430 (B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for
431 general marine species (other than flatfish species) is closed outside of the 40-fathom
432 curve as specified in subsection (4)(f), fishing with long-leader gear is allowed on the
433 same trip as all-depth halibut fishing as follows:
- 434 (i) When rockfish are onboard the vessel, anglers are only allowed to retain the
435 species listed under subsection (4)(h)(A) and must use longleader gear as defined
436 in subsection (4)(e)(F);
- 437 (ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass,
438 hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin
439 shark) may be retained while all-depth halibut fishing, prior to retaining any
440 rockfish species;
- 441 (iii) It is not required to separate all-depth halibut fishing from long-leader fishing by
442 returning to the dock and offloading fish. A long-leader fishing trip must be
443 separated from any other fishing trip where groundfish are retained by returning to
444 the dock and offloading fish; and
- 445 (iv) All other requirements and prohibitions contained within subsection (4)(h)
446 apply.
- 447 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and
448 (4)(c) including the following:
- 449 (A) Minimum length for lingcod, 22 inches.
- 450 (B) Minimum length for cabezon, 16 inches.
- 451 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and
452 herring jigs.
- 453 (D) Mutilating the fish so the size or species cannot be determined prior to landing or
454 transporting mutilated fish across state waters is prohibited.
- 455 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in
456 possession of groundfish or Pacific halibut, all watercraft shall have a functional
457 descending device on board and shall use a descending device when releasing any
458 rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown
459 in **Title 50 Code of Federal Regulations Part 660 Section 71**. Upon request, a
460 descending device shall be presented for inspection by any person authorized to enforce
461 the wildlife laws or a representative of the Department. In this subsection, “descending
462 device” means a device capable of returning a rockfish back to a depth of at least 100 feet
463 to assist the fish in recompression and to improve the fish’s chance of survival.
- 464 (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with
465 a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between
466 the sinker and the lowest hook, and a non-compressible float attached to the line above
467 the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or



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- 468 rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length
469 and/or artificial flies. Natural bait may not be used.
- 470 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark
471 and soupfin shark are open January 1 through December 31, twenty-four hours per day, except
472 as provided in subsections 4(b) and (4)(d). A 20-fathom, 25-fathom, 30-fathom, or 40-fathom
473 curve, as shown in **Title 50 Code of Federal Regulations Part 660 Section 71** may be
474 implemented as the management line for depth-based inseason modifications as necessary. In
475 addition, the following management lines may be used to set area-specific regulations for
476 inseason action only:
- 477 (A) Cape Lookout (45°20'30" N latitude); and
478 (B) Cape Blanco (42°50'20" N latitude).
- 479 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
480 specified in **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, 2018 ed.).
481 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b)
482 and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing
483 gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any
484 species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and
485 Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a),
486 (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the
487 YRCA without fishing gear in the water.
- 488 (h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F))
489 occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in **Title 50**
490 **Code of Federal Regulations Part 660 Section 71**, the following apply:
- 491 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail
492 rockfish (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*),
493 deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*),
494 greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S.*
495 *paucispinis*), or silvergray rockfish (*S. brevispinis*);
- 496 (B) The daily bag limit is 12 fish in aggregate for the species listed in section (4)(h)(A);
- 497 (C) A long-leader fishing trip must be separated from any other fishing trip where
498 groundfish are retained by returning to the dock and offloading fish, except as specified in
499 subsection (4)(d)(B)(iii);
- 500 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more
501 than 10 fish in aggregate of the species listed in subsection (4)(b) in the same day;
- 502 (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in
503 subsection (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader
504 gear as defined in subsection (4)(e)(F); and
- 505 (F) Federal rules governing the long-leader fishery will supersede these rules to the extent
506 of any inconsistency, including the definition of long-leader gear.
- 507 (i) Take of abalone is prohibited.
- 508 **(j) It is unlawful to use recreational trap, pot, or ring gear that has on any part of the gear**
509 **line marks or multi-colored line required for any state or federal fishery operating in the**
510 **U.S. West Coast EEZ or in the state waters of Washington, Oregon, or California, other**
511 **than the fishery the gear is being used in.**



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512 **Statutory/Other Authority:** ORS 496.138 & ORS 496.146
513 **Statutes/Other Implemented:** ORS 496.162

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