

2005 Synopsis

OREGON COMMERCIAL FISHING REGULATIONS

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Or write: Office for Human Resources, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

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Compiled and edited by:
Oregon Department of Fish and Wildlife
Fish Division

ATTENTION

This publication lists the commercial fishing regulations in condensed form for the convenience of the commercial harvester and is not intended to replace the laws or administrative rules. Laws (ORS) and rules (OAR) are cited in parentheses to help the reader refer to the original sections that were condensed. For detailed information refer to these laws and rules. Copies of specific laws and rules may be obtained from Oregon Department of Fish and Wildlife (ODFW) offices. The ORS and OAR are also available in most public libraries, and may be found on the internet at www.oregon.gov. Commercial fishery laws not listed here are still applicable. Any person participating in any commercial fishery in Oregon must abide by all applicable state and federal laws and rules.

NOTE: Sections in this synopsis with new or revised text have a halftone background as shown here.

Related Publications:

1. Federal Regulations Applying in the Exclusive Economic Zone (3-200 miles) for the U.S. Commercial and Recreational Groundfish Fisheries off the Coasts of Washington, Oregon, and California.

2. Emergency Federal Regulations Applying in the Fishery Conservation Zone (3-200 miles) for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California.

These publications are available from:

Pacific Fishery Management Council
7700 NE Ambassador Place
Suite 200
Portland, OR 97220-1384
(503) 820-2280
FAX (503) 820-2299
Toll Free: 1 866-806-7204
www.pcouncil.org

3. Pacific Halibut Fishery Regulations.

This publication available from:

International Pacific Halibut Commission
P.O. Box 95009
Seattle, WA 98145-2009
(206) 634-1838
FAX (206) 632-2983
www.iphc.washington.edu

Alternate Contact:

Current information relating to the Exclusive Economic Zone (EEZ) groundfish and salmon regulations are available at the website for the NOAA Fisheries NW Regional Office in Seattle:

www.nwr.noaa.gov

GENERAL REGULATIONS

IT IS ALWAYS UNLAWFUL:

- For a guest on board a commercial fishing vessel to assist in any way in either taking food fish or operating the boat or fishing gear unless licensed as a commercial harvester.
- To have on board a commercial fishing vessel while fishing for or landing food fish, any gear which is not legal for use in commercial fishing under Oregon law.
- For commercial harvesters to transport their catch of food fish in this state to a fish dealer away from the point of landing without first completing a transportation report or invoice indicating:
 - (1) date; (2) harvester's name, commercial fishing license number, and boat identification number; (3) name and address of the licensed fish dealer to whom food fish are being delivered; and (4) number and species of food fish and their estimated weight. The transportation report must be retained by the fisher for a period of six months and is subject to inspection by ODFW personnel or Oregon State Police at any time during that period. See the example at the end of this booklet.
- For commercial harvesters to sell their food fish catch, transported away from the point of landing, to other than an Oregon-licensed wholesale fish or bait dealer.
- To take any food fish from waters of the state or to land food fish without first procuring the necessary license and permit.
- To sell catch to other than a licensed wholesale fish dealer, bait dealer, canner, or buyer, except under a Limited Fish Seller Permit.
- To retain fish or shellfish taken under commercial license for private use without first selling it to a wholesale fish dealer or bait dealer, except as authorized under a Limited Fish Seller Permit. All commercially landed fish must be reported.
- To intentionally kill marine mammals except for the protection of human life. All fishers are required to report any incidental injury or death of a marine mammal while fishing. Under an agreement developed between NOAA Fisheries (NOAA) and ODFW, information collected for licensing purposes by the State of Oregon will be provided to NOAA in lieu of NOAA requiring a separate MMAP registration. Vessel owners who apply for and obtain a Developmental Fisheries Permit to harvest and land swordfish using drift gillnet gear or a Developmental Fisheries Permit to harvest and land swordfish or blue shark using surface longline gear will automatically receive an authorization for the incidental take of marine mammals at the time of permit issuance. Vessel owners will receive marine mammal injury and mortality reporting forms along with their fisheries permit and Authorization. For further information on marine mammal Authorizations and reporting requirements contact the NOAA Fisheries, Protected Resources Division at (206) 526-6733.

- To wantonly waste or destroy any food fish or shellfish.

DEFINITIONS:

1. Pacific Ocean — Inland Waters

The Pacific Ocean and inland waters lie respectively west and east of a line drawn between the ends of jetties and/or shorelines at high tide at river mouths except the Columbia River where they are separated by a line drawn between the knuckle of the south jetty and the in-shore end of the north jetty.

2. Resident

An actual bona fide resident of this state for at least one year prior to application for a license.

RESTRICTIONS — AREAS CLOSED TO ALL COMMERCIAL FISHING (ORS 511.106-511.806)

In addition to closed seasons, the following waters are closed to all commercial fishing:

Rogue River — Closed to taking of all food fish except shellfish from Rogue River and its tributaries and within a radius of 1 mile from the center of the mouth of the Rogue River.

Curry County Rivers — The following are closed to taking any food fish: Floras Creek, Hunters Creek, Sixes River, Pistol River, Elk River, Chetco River, Euchre Creek, Winchuck River.

Umpqua River — Unlawful to take sturgeon from the Umpqua River or any of its bays or tributaries.

Nestucca Bay — Unlawful to take any food fish except shellfish from Nestucca Bay or any of its tributaries.

Willamette River — Unlawful to take salmon, shad, striped bass or sturgeon from the Willamette River or any of its tributaries or sloughs.

Columbia River — Unlawful to take all food fish in all tributaries of the Columbia River, as well as within several sanctuary areas designated in OAR 635-042-0005 and 635-041-0045. These include areas at and adjacent to the mouths of the Sandy, Hood, Deschutes, John Day and Umatilla rivers and each of the Columbia River dams.

BOAT RESTRICTIONS, COMMERCIAL FISHING (ORS 508.025, 508.030, 508.035, 508.235, 508.260, and 508.285)

There are no restrictions on the type or size of vessel which may be licensed for commercial fishing.

Identification of Commercial Fishing Boat (OAR 635-006-0140)

A pair of decals bearing the last two numbers of the year are issued with the boat license. The decals are to be affixed to the licensed boat in a conspicuous place on each side of the boat on the superstructure as near amidships as practicable.

Licensed boats which are federally documented must display their document identification number in not less than 3-inch high block figures adjacent to the current year license decal (vessels over 25 feet fishing for groundfish in federal waters are subject to additional federal vessel identification restrictions).

Licensed boats which are state registered, must have their identification number displayed on each side of the bow.

For gear restrictions see the specific regulations relating to type of food fish or shellfish to be harvested.

NOTE: Commercial fishing boats operating in the Pacific Ocean and estuaries of Oregon must comply with safety and other federal boating restrictions enforced by the US Coast Guard, NOAA Fisheries, and/or the Oregon State Marine Board.

Commercial harvesters may use their boats for sport fishing as long as they decide to do so before they go out, use only sport gear, and all passengers and crew stay within sport bag and size limits. Current year International Pacific Halibut Commission (IPHC) rule changes may create exceptions in the Pacific halibut fishery. Contact IPHC for status (see pages 1 and 14).

COMMERCIAL LICENSES AND PERMITS

Temporary commercial fishing licenses and single delivery licenses are issued at selected Wholesale Fish Dealers and ODFW offices in Brookings, Charleston, or Newport. ALL other commercial fishing licenses are issued only at ODFW offices in: Salem, Newport, or Charleston. Call ahead for sales hours. Application forms are available from all ODFW coastal offices.

NOTE: Part-time staff are available to issue licenses at the Astoria ODFW office from December through March.

INDIVIDUAL AND CREW LICENSES:

- **Resident Commercial Fishing License** **Fee \$50**
- **Nonresident Commercial Fishing License** (regardless of age) **Fee \$100**
- **Commercial Crewmember Fishing License** **Fee \$85**
- **Juvenile Commercial Fishing License** Resident - 18 years of age or younger¹ **Fee \$25**

¹ Persons 18 years of age or younger may be subject to state and federal labor laws which prohibit them from working for someone on a commercial fishing vessel.

Every individual operating or assisting in the operation of any commercial fishing gear or commercial fishing boat must have a commercial fishing license or crewmember fishing license. Every member of the crew on a commercial fishing boat must be licensed. Commercial harvesters must sell

their catch to an Oregon-licensed wholesale fish dealer, bait dealer, canner, or buyer, except under a Limited Fish Seller's Permit, or a Columbia River gillnet harvester delivering to a licensed Washington fish dealer by boat.

BOAT LICENSES:

- **Resident Commercial Fishing Boat License** **Fee \$200**
- **Nonresident Commercial Fishing Boat License** **Fee \$400**

Required of any boat, vessel, or floating craft used in taking food fish or shellfish for commercial purposes, except clams and crayfish. Boat licenses are not required to take fish for bait under a bait fishing license. This license is not transferable to another boat. See: BOAT RESTRICTIONS, page 3.

The residential status of the vessel owner determines whether the vessel qualifies for a resident or a nonresident boat license (see DEFINITIONS, page 3).

As a license condition, owners or operators of commercial fishing vessels must cooperate with ODFW or Federal fishery observers, or observers collecting data for ODFW or a Federal agency. For additional information refer to OAR 635-006-0140 or contact the ODFW Marine Resources Program office in Newport at (541) 867-4741.

- **Single-Delivery License** **Fee \$100**

Only one single-delivery landing license per vessel may be obtained and used in lieu of commercial fishing and boat licenses in a 12-month period, except:

1. Prohibited for landing **ocean troll salmon** unless vessel has current Oregon troll salmon vessel permit.
2. Prohibited for landing **ocean pink shrimp** unless vessel has current Oregon pink shrimp vessel permit or appropriate permit or license issued by another state for landing shrimp. Use is limited to one shrimp delivery per year when dependent on a license or permit issued by another state.
3. Prohibited for landing **ocean scallops** unless vessel has current Oregon scallop vessel permit or unless and until Washington and California implement a limited entry system for scallop fishing and the vessel has a current permit or license issued by California or Washington for landing scallops.
4. Prohibited for landing **ocean Dungeness crab** unless vessel has current Oregon crab vessel permit. Use is limited to 2 ocean Dungeness crab deliveries in any one crab season.

NOTE: This license must be obtained prior to fishing in state waters. If an unlicensed vessel catches food fish outside of state waters, a single-delivery license must be purchased at the time of landing. Licenses are available at most large wholesale fish dealers and ODFW's Marine Program offices in Newport, Charleston, Brookings, or Astoria.

OTHER LICENSES AND MISCELLANEOUS PERMITS:

- **Albacore Tuna Landing License** **Fee \$20**
May be obtained in lieu of commercial fishing and boat licenses when landing only albacore tuna. Application for this license may be made and the fee paid at time of landing, on an ODFW license application form. This license allows unlimited landings of albacore tuna by the vessel during the calendar year of issue.
- **Bait Fishing License** **Fee \$60**
May be obtained in lieu of a commercial fishing and boat license to take food fish or shellfish for sale only to fish bait dealers and not for human consumption. A bait harvester cannot sell to a wholesale fish dealer.
- **Juvenile Commercial Jig License** **Free**
May be obtained from ODFW's Marine Program office in Newport for taking herring, pilchard, perch, anchovies, and candlefish by a hand or jig line and selling to wholesale fish or bait dealer.
- **Permit to Take Nongame Fish** **Fee \$4.50**
Required of any person using other than gear authorized for personal use, to take nongame fish in freshwater.
- **Experimental Fishing Gear Permit** **Fee \$3**
Required of any person using gear other than that authorized for commercial use, to take food fish or shellfish other than nongame fish above.
- **Snagging Permit** **Free**
Required of any person to operate a snagging net for the purpose of removing snags or obstructions from fishing areas. This snagging permit does not confer exclusive rights to fish any area of the Columbia River.
- **Live Fish Transportation Permit** **Free**
Required for any person to transport live marine fish into, out of, or within Oregon. This includes transporting live fish from the first point of landing to an Oregon licensed wholesale dealer, fish buyer, or bait dealer. Contact ODFW's Marine Program office in Newport for an application form.

RESTRICTED FISHERIES PERMITS: (ORS 508.760 through 508.941) (OAR 635-006-1005 through 635-006-1210)

These permits are required in addition to a Commercial Fishing Boat License to participate in the following fisheries. Permits must be renewed annually to remain valid for renewal in the next year (i.e., applications for renewal in 2005 must be received by 12-31-05). Sea urchin permits and brine shrimp permits must be renewed by January 31 of the permit year. Black/Blue rockfish permits and Black/Blue permits with nearshore endorsement must be applied for by January 1 of the permit year or by April 1 of the permit year accompanied by a \$150 late fee.

Transferable permits are bought and sold by vessel owners and the transactions must be recorded by ODFW.

ODFW has no knowledge of which permits are available for sale. We suggest checking fisheries trade magazines, coastal newspapers and harvesters' associations as possible sources of information for permits available for purchase.

- **Ocean Troll Salmon Vessel Permit Fee \$75**
Required in addition to a boat license for salmon trolling. **No new permits are available.**

NOTE: A Boat license must be purchased prior to or at the time of permit renewal. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Ocean Pink Shrimp Vessel Permit Fee \$75**
Required in addition to a boat license for shrimp fishing. **No new permits are available.** Prior year's permit renewable upon application and payment of fees.

NOTE: A Boat license must be purchased prior to or at the time of permit renewal. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Columbia River Gillnet Salmon Permit Fee \$75**
Required in addition to a boat license for gillnetting salmon and sturgeon in Columbia River. **No new permits are available.** Prior year's permit renewable if gillnet permit fees are paid by December 31 of permit year. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Ocean Dungeness Crab Permit Fee \$75**
Required in addition to a boat license to participate in the ocean Dungeness crab fishery. **No new permits are available.** Prior year's permit renewable if crab permit fees were paid by December 31 of permit year. A Dungeness crab permit which is not renewed will lapse, and may not be renewed for subsequent years. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Scallop Vessel Permit Fee \$75**
Required in addition to a boat license for ocean scallop (weathervane scallop) fishing. **No new permits are available.** Prior year's permit is renewable if vessel was used in prior year to land at least 5,000 pounds of food fish in Oregon. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Yaquina Bay Roe-Herring Permit Fee \$75**
Required in addition to a boat license for participating in Yaquina Bay roe-herring fishery. **No new permits are available.** Prior year's permit renewable if permit fees are paid by

December 31 of permit year. Permit holders may transfer permit to another vessel. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Sea Urchin Permit Fee \$75**
Required in addition to a commercial fishing license for sea urchin harvest. **No new permits are available.** Prior year's permit renewable if diver harvested 5,000 pounds of sea urchins in the prior year. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Black/Blue Rockfish Permit Fee \$75**
Required in addition to a boat license to participate in the black/blue rockfish limited entry fishery. **No new permits are available.** Prior year's permit is renewable if the vessel made a minimum of five commercial fish landings in Oregon during the calendar year prior to the request for renewal. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Black/Blue Rockfish Permit with a Nearshore Endorsement Fee \$75**
Required in addition to a boat license to participate in the black/blue rockfish nearshore limited entry fishery. **No new permits are available.** Prior year's permit is renewable if the vessel made a minimum of five commercial fish landings in Oregon during the calendar year prior to the request for renewal. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

- **Brine Shrimp Permit Fee \$75**
Required in addition to a boat license and commercial fishing license for brine shrimp fishing. **Three permits are available.** Prior year's permit is renewable if vessel used in prior year to land at least 5,000 pounds of brine shrimp in Oregon. Permit holders may transfer a permit to another person or vessel only if statutory requirements are met. For more information contact ODFW Licensing Services in Salem at (503) 947-6100 for specifics.

DEVELOPMENTAL FISHERIES PERMIT (ORS 506.450 through 506.465) (OAR 635-006-0800 through 635-006-0950)

Fee \$75 (except intertidal harvest of bay clams, fee \$25)

Required in addition to commercial fishing and/or boat license to harvest species on Developmental Fisheries list, Category A (Table 1), except as bycatch in another established fishery. Before applying for a permit, an applicant must obtain an appropriate commercial fishing boat and/or individual fishing license for the year the permit will be issued. Prior year's permit is renewable by January 1 except, December 1 for box crab permits if minimum renewal requirements were

met. Renewal requirements listed in Table 1 are expressed as a minimum of: deliveries, or pounds, or deliveries and pounds per delivery. For example, renewal of the blue shark permit requires a minimum of 5 deliveries of 500 pounds each or 1 landing of 5,000 pounds.

NOTE: Permit is not transferable. The number of available permits will vary with the fishery. If the number of applicants is more than the number of available permits, a lottery will be held to issue permits. Unsuccessful lottery applicants will receive a preference point to apply to future lotteries of the same species/gear category. Preference points are lost when a permit is obtained or if an applicant does not apply for that species/gear category for two consecutive years. Permit holders are required to maintain a logbook provided by ODFW's Marine Program office in Newport.

Contact the Marine Program office in Newport or License Sales at the Salem office for applications and information on permits available.

Table 1. 2005 Developmental Fisheries Species, Category A.

Species	No. of Permits	Renewal Requirement (landings/lb)
Pacific hagfish	25	5/1000 or 25000 lbs./year
blue shark	10	5/500 or 1/5000
swordfish	20 floating longline & 10 other gear	5/500 or 1/5000
anchovy & herring	15 ocean	5/500 or 1/5000
sardine	20 ocean	5 landings totaling 80000 lbs. or \$25,000 ex-vessel
box crab	25	5/100
Oregon hair crab, scarlet king crab, & grooved tanner crab	10	5/100
spot prawn	10 pot gear	5/100 or 1/1000 (round weight)
Coonstripe shrimp, & sidestripe shrimp	10 pot gear	5/100 (round weight)
cockle clams,	10 individual	5/100 or 2500

butter clams,	or vessel	annual
gaper clams,	5 south coast	
native littleneck clams, and softshell clams	Intertidal Unlimited	none
giant octopus	10	5/100
marine snails	10	5/100
flat abalone	1	10/20

HIGH SEAS FISHERY PERMIT

The High Seas Fishery Compliance Act (HSFCA) which became law on March 3, 1996, requires vessels of United States registry, that fish on the high seas to have a HSFCA permit. High seas are defined as those waters beyond the Exclusive Economic Zone of any country. Permits are valid for 5 years. Information and an application for a permit can be obtained from:

NOAA Fisheries (NWR)
7600 Sand Point Way NE
Seattle, WA 98115-0070
Ph. (206) 526-4353
Fax (206) 526-6736

www.nwr.noaa.gov/1susfish/permits01.htm#HighSeas

As of March 26, 2004, NOAA is again accepting applications for HSFCA permits. Until further notice the following fisheries are not allowed:

- (1) **West Coast-based Longline Swordfish Fishing** - Fishing with longline gear and targeting swordfish (shallow set fishing) by vessels based in California, Oregon, or Washington.
- (2) **Cobb Seamount Fishing** - Fishing in the Pacific Ocean on the Cobb Seamount; general reference is FAO statistical area 67.
- (3) **Other** - Fishing anywhere on the high seas in any other fishery not regulated or formally controlled by the United States.

FISH DEALER LICENSES:

- **Wholesale Fish Dealer License, Fee \$350**
- **Food Fish Canner License, Fee \$350**
- **Shellfish Canner License, Fee \$350**

Required for any person who:

1. Buys food fish or shellfish from a commercial harvester, regardless of its disposition.
2. Regardless of the source from which received, sells food fish or shellfish to other wholesalers, canners, or retailers.
3. Processes food fish or shellfish by smoking, reduction, or fresh packaging requiring freezing or refrigeration for sale through retail outlets.

A Canner license is required of any person who processes commercial food fish or shellfish in hermetically sealed containers. It is used in lieu of a Wholesale Fish Dealer license, and carries the same requirements.

Except for activities authorized under a "Limited Fish Sellers Permit," a commercial harvester must have a wholesale license in order to sell catch to anyone other than an Oregon-licensed Wholesale Fish Dealer or Canner.

Wholesale Fish Dealers, Canners, and Bait Dealers pay a landing fee which is a percentage of the value of the food fish purchased from commercial harvesters:

- 3.15% for all salmon and steelhead;
- 5.00% for Black/Blue Rockfish and Nearshore fish as defined on page 23;
- 1.09% for all other species of fish and shellfish.

In addition, there is a restoration and enhancement fee of 5 cents per pound (round weight) for salmon and steelhead landed.

A bond, assigned savings, or deposit of at least \$1,000 and in many cases more, guaranteeing payment of fees, is required. Applications and bond forms may be obtained from ODFW in Salem. A Wholesale Fish Dealer License must be obtained for each location where fish is processed.

• **Fish Buyer License Fee \$150**

This license is required of a Wholesale Fish Dealer or Canner to purchase or receive food fish or shellfish from commercial harvesters at locations other than the licensed premises of any licensed Wholesale Fish Dealer, Canner or Buying Station. The fish or shellfish must be weighed and a fish ticket prepared at the buying location before the fish are transported. No processing activities are allowed at a Buying Station.

• **Fish Bait Dealer License Fee \$60**

The Fish Bait Dealer License is designed for the small volume dealer who sells or uses food fish or shellfish for bait, scientific or educational purposes, or live public display. Fish Bait Dealers are required to sell all fish and shellfish for bait and may buy from either a licensed bait harvester or commercial harvester. Sale for human consumption under this license is prohibited. A minimum cash deposit of \$25 is required to assure payment of landing fees. The landing fees are the same as those listed in the Wholesale Fish Dealer and Canner License section.

• **Limited Fish Sellers Permit Fee \$20**

This permit authorizes licensed commercial harvesters to sell their catch of food fish and shellfish directly from their boat, but only to the ultimate consumer, defined as a person that will ultimately consume the fish.

All Limited Fish Seller Permits are issued from ODFW's Salem Office. It is recommended that applicants telephone ahead to obtain details of licensing requirements. A Limited Fish Seller Permit can usually be issued over-the-counter if applying in person at the Salem headquarters. Applying in

person at the ODFW Newport or Charleston offices can take up to two weeks to accommodate for processing of applications and bonds, and return mailing of licenses, forms, and instructions to applicant. Renewals handled through the mail can take as much as three weeks. Permit renewals may take longer if the prior year's fish tickets, monthly reports, or account balances are not in order.

Landing fees are the same as for wholesale fish dealers. A minimum of a \$200 bond or cash payment is required to assure payment of landing fees. The amount may be higher in subsequent years if renewing a permit.

Limited Fish Seller Permit holders must notify ODFW, at 503-947-6247, if the holder is going to sell from a vessel or at a port other than the one listed on the Limited Fish Seller's application. A fish ticket must be started prior to sales. A certified scale is required to weigh the fish. It is unlawful to fillet or loin any fish prior to recording on a fish ticket the round weight, or the dressed weight for those species with an approved conversion factor listed in OAR 635-006-0215. A numbered, generic receipt is needed for each sale to the public. Permit holders must keep receipt copies of food fish or shellfish sales on board their vessel for six months and available for three years. Receipt copies are subject to inspection by an authorized ODFW agent or the State Police.

**COLUMBIA RIVER GILLNET PILOT PROGRAM
(OAR 635-006-0133)**

In addition to the rules listed under the Limited Fish Sellers permit, a person with a valid Columbia River Gillnet permit and a limited fish sellers permit may sell their catch away from their vessel or designate other persons to sell the catch away from the vessel.

The permitted person and all designees must carry a copy of the permit and a copy of the fish receiving ticket or a signed statement for transporting and/or selling any portion of the catch.

Prior to selling their catch away from the vessel a fish receiving ticket must be completed and forwarded to ODFW.

FISH DEALER REPORTING REQUIREMENTS:

1. **Fish Receiving Tickets** — Must be immediately completed by wholesale fish dealers upon purchase of fish or shellfish from harvesters. Fish tickets reporting troll caught salmon must be forwarded within four consecutive days of the landing to ODFW, 3406 Cherry Avenue N.E. Salem, OR 97303-4924. All other fish tickets must be forwarded within five working days of the landing to the same address.

2. **Monthly Fee Reports and Landing Fees** — Must be received or postmarked by the 20th of each month for purchases in the preceding month. A penalty charge of \$5.00 or 5%, whichever is greater, is assessed with a one per cent per month interest on any delinquent fee payments. Monthly

reports must be submitted even if there are no purchases for the month.

FISH DEALER GENERAL INFORMATION

All dealers must have an Oregon address where records reporting food fish or shellfish purchases are maintained. All such records must be maintained for not less than three years and are subject to inspection by an authorized ODFW agent or the State Police.

Any licensed wholesale fish dealer, canner, or buying station whose licensed premises include a receiving or docking facility for unloading the catch from a commercial fishing vessel shall be considered as the receiver and purchaser and shall have the responsibility for weighing the catch (including weighbacks), reporting and paying fees on such catch.

**For additional license and permit information call:
ODFW License Sales in Salem at (503) 947-6100**

This publication lists the commercial regulations in condensed form for the convenience of the commercial harvesters and is not intended to replace the laws or administrative rules.

FISHERIES

COASTAL RIVERS SHAD FISHERY

(OAR 635-004-0055 through 635-004-0065)

Season

It is unlawful to take shad for commercial purposes from coastal rivers (see pg. 16 for Columbia River shad) except: Siuslaw, Umpqua, and Smith River, a tributary of the Umpqua River, from 6 a.m. May 10 to 6 a.m. July 1 of each year. In addition, the following areas of the Siuslaw, Umpqua, and Smith Rivers are closed:

1. In the Siuslaw River;

- Above a line across the river drawn at right angles to the thread of the stream at the lower end of the mouth or confluence of Morgan Creek with the Siuslaw River; and

- The North Fork of the Siuslaw River above the state highway bridge crossing the north fork between Cushman and Florence in Lane County; and

- Duncan Inlet or South Inlet or tributaries.

2. In the Umpqua River;

- above the confluence of Mill Creek, outlet of Loon Lake with the Umpqua River in Douglas County.

3. In the Smith River;

- above the confluence of the North Fork of the Smith River with the Smith River.

Gear

See OAR 635-004-0060 or contact the Southwest Regional Office, (541) 440-3353, for a copy.

COLUMBIA RIVER FISHERIES

• Columbia River Anchovies and Herring (OAR 635-042-0100)

Anchovies and herring may be taken for commercial purposes at any time in the Columbia River seaward of the Megler-Astoria Bridge with purse; lampara; and round haul seines of a mesh size not less than one-half inch and not over 1,400 feet in length. All other species taken in operation of such gear must immediately, with care, be returned to the water.

• Columbia River Carp and Other Nongame Fish (OAR 635-042-0154)

It is legal to fish commercially for carp and other nongame fish in the Columbia River only:

1. With an approved permit issued by the ODFW, at 3406 Cherry Avenue N.E., Salem, OR 97303-4924; or

2. During open commercial fishing periods with gear authorized for those open fishing periods.

• Columbia River Gill-Net Salmon and Sturgeon (OAR 635-041-0005 through 635-042-0190)

Regulations for the Columbia River gillnet fisheries change frequently. Consult the latest Oregon Administrative Rules covering these fisheries before fishing. Restricted fishery permit required for salmon and sturgeon. For more information see page 7 (salmon) and page 35 (sturgeon).

• Columbia River Shad Fishery (OAR 635-042-0105)

Season

During salmon seasons with gear authorized for taking salmon. See OAR 635-042-0110 and 635-042-0115 for special shad seasons.

PACIFIC HALIBUT FISHERY

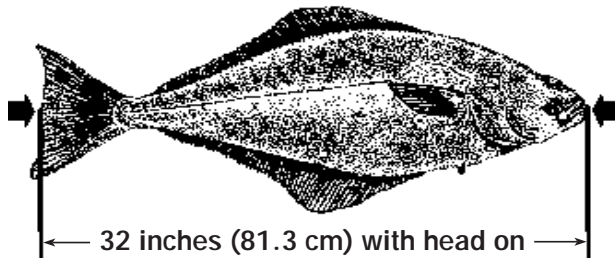
(OAR 635-004-0005)

Seasons and Gear

The 2005 commercial season, regulations, and restrictions will be set early in 2005 by the International Pacific Halibut Commission (IPHC). It is unlawful to take halibut for commercial purposes except as set by the IPHC and in accordance with a valid permit issued by the IPHC. Contact either the IPHC, Seattle, Washington, (206) 634-1838 or the ODFW Marine Program office in Newport, for current regulations.

A free license is required for all commercial vessels and charter vessels which retain Pacific halibut. Applications may be obtained from the Halibut Commission; US Customs offices; and ODFW offices in Astoria; Brookings; Charleston; Newport; or Salem.

Pacific Halibut



Size Limit

No person, firm, or corporation may retain or have in possession any Pacific halibut that with head on is less than 32 inches as measured in a straight line, passing over the pectoral fin, from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

All Pacific halibut caught in IPHC Area 2A (Washington, Oregon, and California) must be landed with their heads on.

Retention of Tagged Pacific Halibut — Exception to Rules

A vessel may retain and land at any time, any Pacific halibut that has a Halibut Commission tag attached to it at the time of capture, if the halibut with tag still attached is reported at time of landing to a representative of the Halibut Commission or to an officer of a state or provincial (Canada) government.

OCEAN FOOD FISH FISHERY (OAR 635-004-0018 through 635-004-0052)

NOTE: Directed fisheries on some species require possession of a Developmental Fisheries Permit. See page 9 for a listing.

DEFINITIONS

1. Ocean Food Fish

Includes all saltwater species of food fish except salmon, Pacific halibut, and shellfish whether found in freshwater or saltwater.

2. Land, Landing, or Landed

To begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

3. Trip Limit

The total allowable amount of a groundfish species or species complex, by weight, or by percentage of fish on board, that may be taken and retained, possessed, or landed per vessel from a single fishing trip. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next period as long as the fish are not landed until the next period.

4. Daily Trip Limit

The maximum amount that may be taken and retained, possessed, or landed per vessel in 24 consecutive hours, starting at 0001 hours local time. Only one landing of groundfish may be made in that 24-hour period.

5. Cumulative trip limit

The maximum amount that may be taken and retained, possessed, or landed per vessel in a specified period of time, without a limit on the number of landings or trips. Cumulative trip limits may apply to calendar months or two calendar month periods. For two calendar month cumulative limits, the periods are: Jan.-Feb.; Mar.-Apr.; May-Jun.; Jul.-Aug.; Sept.-Oct.; and Nov.-Dec.

Area

The Pacific Ocean is open to the commercial harvest of ocean food fish described in this section, except for a Groundfish Conservation Area (GCA) described in the Code of Federal Regulations, Title 50 Part 660, subpart G which restricts most directed groundfish fishing activities. Federal rules describing the current year restricted fishing area are available at the NOAA Fisheries NW Region office website: www.nwr.noaa.gov/1sustfsh/gdfsh01.htm

Additional closed or restricted areas may be imposed via state rule (see black rockfish section). Information on closed or restricted fishing areas is available at the ODFW website, www.dfw.state.or.us. More direct access to this information is available via ODFW's Marine Resources Program website, www.hmsc.orst.edu/odfw/

It is unlawful to take ocean food fish for commercial purposes from Oregon coastal bays, estuary waters of the Columbia River, or from man-made structures that extend from coastal bays, or within 200 yards of any man-made structure, except as allowed by OAR 635-004-0025(2).

Gear

Categories 1 through 6 of this section, describe gear which is legal for use in the ocean fishery, with restrictions as noted under each gear type.

Trawl nets and longlines may not be fished in any estuary and use of seines is permitted only in specific estuaries. Pots, traps, and gear listed under category 6, Other Gear (see below), may be fished in estuaries (with the exceptions noted for seines).

1. Trawl Nets

Limited entry trip limits may vary depending on the type of trawl gear that is on board a vessel during a fishing trip: **large footrope**; **small footrope**; or **midwater trawl gear**.

Definitions of the four trawl gear types are:

(a) **Large footrope** trawl gear is bottom trawl gear with a footrope diameter larger than 8 inches (including rollers, bobbins, or other material encircling or tied along the length of the footrope. The net shall have a minimum mesh

size of 4-1/2 inches (between the knots) **throughout the net.**

(b) **Small footrope** trawl gear is bottom trawl gear with a footrope diameter 8 inches or smaller (including rollers, bobbins, or other material encircling or tied along the length of the footrope), except chafing gear may be used only on the last 50 meshes of a small footrope trawl, measured from the terminal (closed) end of the codend. Other lines or ropes that run parallel to the footrope may not be augmented or modified to violate footrope size restrictions. The net shall have a minimum mesh size of 4-1/2 inches (between the knots) **throughout the net.**

(c) **Selective flatfish** trawl gear is a type of small footrope trawl gear. The selective flatfish trawl net must be a two-seamed net and its breastline may not be longer than 3 ft (0.92 m) in length. There may be no floats along the center third of the selective flatfish trawl net's headrope and the headrope must be at least 30 percent longer in length than the footrope. Selective flatfish trawl gear may not have a footrope that is longer than 105 ft (32.26 m) in length. A selective flatfish trawl is the only on bottom trawl gear that may be fished shoreward of the federal rockfish conservation area beginning January 1, 2005. Modification of this requirement, if any, would require federal inseason regulation action.

(d) **Midwater trawl** gear is pelagic trawl gear. The footrope of midwater trawl gear may not be enlarged by encircling it with chains or by any other means. Ropes or lines running parallel to the footrope of midwater trawl gear must be bare and may not be suspended with chains or other materials. The net shall have a minimum mesh size of 3 inches (between the knots).

Other trawl gear requirements - For at least 20 feet immediately behind the footrope or headrope, bare ropes or mesh or 16-inch minimum mesh size must completely encircle the net. A band of mesh (a "skirt") may encircle the net under transfer cables, lifting, or splitting straps. It must be over riblines and restraining straps, of the same mesh size, coincide knot-to-knot with the net to which it is attached, and be no wider than 16 meshes.

Double-walled codends are not permitted on any trawl nets. Manufactured double-ply mesh is not considered double-walled.

Chafing gear may encircle no more than 50 per cent of the net's circumference, except as provided in above paragraph on description of band of mesh immediately behind the footrope or headrope. No section of chafing gear may be longer than 50 meshes of the net to which it is attached. Except at the corners, the terminal end (the end farthest from the mouth) of each section of chafing gear must not be connected to the net.

Chafing gear must be attached outside any riblines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

Minimum trawl mesh size requirements are met if a 20-gauge stainless steel wedge can be passed with thumb pressure only through 16 of 20 sets of two meshes each (meshes are to be doubled over) of wet mesh. The wedge used to measure 3-inch mesh is 2.975 inches (75.5 mm) wide and 0.025 inches (1 mm) thick. The wedge used to measure 4.5 inch mesh is 4.451 inches (113.5 mm) wide and 0.025 inches (1 mm) thick.

2. **Pots or Traps, and Longlines**

Pot and longline gear which is fixed or anchored to the bottom shall not be left unattended for more than seven days. Longline and pot gear shall be marked at each terminal surface end with a pole and a flag, light, and radar reflector, and buoy showing clear identification of the owner or operator.

Pot gear used for other than Dungeness crab and hagfish shall have a biodegradable escape panel constructed with #21 or smaller, untreated cotton twine in such a manner that an opening at least 8 inches in diameter will result when the twine deteriorates.

Pot gear used for hagfish shall include a biodegradable escape exit of at least 3 inches in diameter constructed with 120 thread size or smaller, untreated cotton twine or mild steel not to exceed 1/4-inch (6mm) in diameter or other materials approved by ODFW. All other finfish and shellfish caught in hagfish pots must be returned immediately to the water.

3. **Vertical Hook-and-Line**

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-mile, as determined by electronic navigational equipment, of its vertical hook-and-line gear.

If gear is not closely tended, rules cited in first paragraph under no. 2, directly above, apply.

4. **Set Nets**

Set nets are permitted in the ocean outside state waters for groundfish taken south of latitude 38° N (Pt. Reyes, CA). The use of set nets is prohibited in all areas of the Pacific Ocean north of latitude 38° N except when permitted by an experimental gear permit.

5. **Drift or Set Gill Nets**

Allowed for ocean food fish under Developmental Fisheries or Experimental Fishing Gear Permits only. Applications available at ODFW's Marine Program office in Newport. (Note – for some species a Federal Experimental Fishing Permit is required before a state permit can be issued.)

6. **Other Gear**

Other gear lawful for taking ocean food fish includes handline, pole-and-line, pole-reel-and-line, longline, dipnets, spear, and seines. In the Columbia River downstream of the

Astoria-Megler Bridge seines with a mesh size 1/2-inch or larger and not over 1,400 feet in length may be used to take herring and anchovy. Seines are permitted in the ocean for ocean food fish other than groundfish. Seines are permitted for the taking of herring, sardine, smelt, and anchovy from the following inland waters: Tillamook Bay; Yaquina Bay; Alsea Bay; Winchester Bay; and Coos Bay.

Logbook Required

The skipper of a boat fishing by trawl, pot, longline or hook & line for shrimp, scallops, or groundfish (including sablefish) must keep an accurate and truthful log on ODFW forms. In addition, a log is required of each vessel fishing for squid, regardless of gear and for each individual or vessel permitted to harvest developmental fishery species (see note on page 9).

Logs shall be completed as per instructions provided in the logbook. A log should be completed for a fishing trip within one week of landing. The skipper or authorized agent shall, upon request, surrender one of the two copies of each completed logbook page to ODFW personnel.

Logbooks are available from ODFW offices in Newport, Astoria, Charleston and Brookings. Logbook information is considered confidential by the ODFW.

Maintenance of Cumulative Catch Records

Vessels landing groundfish under a cumulative catch limit must have on board copies of fish landing receipts for inspection by authorized enforcement officials for a minimum of 90 days from date of delivery. Receipts must be signed and dated by both the dealer and vessel captain. Landing receipts may be in the form of ODFW Fish Receiving Tickets; fish dealer "dock tickets" identified with official dealer logo or letterhead; or official Fish Receiving Tickets from other states.

Seasons and Trip Limits

The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species of ocean food fish change throughout the season and Oregon Administrative Rules and federal regulations should be consulted before fishing:

Groundfish Management Groups

Black Rockfish (see page 23)	Pacific Ocean Perch
Canary Rockfish	Longspine Thornyhead
Darkblotched Rockfish	Shortspine Thornyhead
Tiger Rockfish (see page 23)	Arrowtooth Flounder
Vermilion Rockfish (see page 23)	Dover Sole
Widow Rockfish	Petrale Sole
Yelloweye Rockfish	Rex Sole
Yellowtail Rockfish	Other Flatfish
Minor Nearshore Rockfish (see page 23)	Lingcod
Minor Shelf Rockfish	Sablefish
Minor Slope Rockfish	Pacific Whiting

These species may be subject to seasons, trip limits, and quotas which are set annually by the Pacific Fishery Management Council. **These limits are subject to change**

as the season progresses and are not published here. When a vessel legally carries or fishes two or more types of trawl nets on board, the vessel will be required to meet the most restrictive trip limits. Contact any of the offices in the following list for current trip limits and regulations:

Oregon Dept. of Fish and Wildlife

Marine Program Office
2040 SE Marine Science Drive
Newport, OR 97365
Telephone: (541) 867-4741

Oregon Dept. of Fish and Wildlife

63538 Boat Basin Drive
P.O. Box 5430
Charleston, OR 97420
Telephone: (541) 888-5515

Oregon Dept. of Fish and Wildlife

2001 Marine Drive, Room 120
Astoria, OR 97103
Telephone: (503) 325-2462

Oregon Dept. of Fish and Wildlife

16217 Hoffelt Lane
P.O. Box 480
Brookings, OR 97415
Telephone: (541) 412-7364

Information on recent changes to catch allowances or trip limits may also be found at ODFW's Marine Resources Program website: www.hmsc.orst.edu/odfw/

Sorting Required

It is unlawful to fail to sort prior to the first weighing after offloading those groundfish species or species groups for which there is a trip limit, harvest guideline, quota, or harvest cap.

1. Herring

A. In inland waters, except Yaquina Bay:

(1) It is unlawful to take herring from January 1 through April 15 without a permit issued by ODFW's Marine Program office in Newport at (541) 867-4741;

(2) Herring taken January 1 through April 15 with a permit issued by the Marine Program office may be sold only for bait.

B. In Yaquina Bay:

(1) Herring may be taken only from February 1 through December 31 and may be sold for any purpose. Restricted Fishery permit required (see page 9).

(2) During the period February 1 through April 15:
(a) It is unlawful to take herring without a permit from the Marine Program office in Newport;

(b) Herring may not be taken with nets from midnight Friday through midnight Sunday of any week;

(c) Purse seines may be no larger than 50 fathoms by 7 fathoms.

2. Thresher Shark

It is unlawful to take thresher shark for commercial purposes with gillnets, except as bycatch in the swordfish fishery. Thresher shark, taken with gear legal for other ocean food fish and within catch and season restrictions for other food fish, may be landed in Oregon.

Rules regarding the harvest of highly migratory species (including thresher shark) are scheduled to change sometime during 2004. Please consult the latest federal and state rules before fishing.

3. Surfperch

It is unlawful to take surfperch for commercial purposes from August 1 through September 30.

Size Limits

1. Lingcod

It is unlawful to take lingcod smaller than 24 inches total length with trawl gear. It is unlawful to take lingcod smaller than 24 inches total length with open access fishing gear. The size limit applies to the longest measurement of the fish without mutilation of the fish or the use of force to extend the length of the fish.

A. For whole lingcod, total length (24 inches) will be measured from the tip of the snout (mouth closed) to the tip of the tail in a natural relaxed position.

B. For a lingcod with the head removed, the length (19.5 inches for both trawl and open access gear) will be measured from the origin of the first dorsal fin to the tip of the upper lobe of the tail; the dorsal fin and tail must be left intact.

2. Sturgeon

It is unlawful to take white sturgeon for commercial purposes which are less than 48 inches or more than 60 inches in length or to take green sturgeon which are less than 48 inches or more than 66 inches in length. See page 35 for a picture and description of the correct way to measure the fish.

3. Black Rockfish/Blue Rockfish/Nearshore Fishery

It is unlawful to take China, Copper, Grass, and Quillback rockfish or Greenling smaller than 12 inches in length with non-trawl fishing gear. It is unlawful to take Cabezon smaller than 16 inches in length with non-trawl fishing gear.

Far Offshore Fishery

(OAR 635-004-0125 through 635-004-0150)

“Far Offshore Fishery” is defined as a fishery where the fish are taken outside the United States 200-mile fishery conservation zone.

The vessel operator of any vessel participating in a far offshore fishery intending to land fish products in Oregon shall notify ODFW of any such fishing trip at least 48 hours prior to leaving port. This requirement applies only to a groundfish target fishery. Vessel operators of any vessel

targeting albacore tuna or swordfish in the far offshore fishery are not required to make a far offshore declaration. The notification provides opportunity for ODFW to conduct a hold inspection to certify that the hold is empty of fish products and that the vessel is authorized to participate in the far offshore fishery. See page 10 for information on the High Seas Fishery Permit.

A declaration (either written or verbal) to leave for a far offshore fishery shall include:

1. Intended area to be fished; and
2. Intended port and processor of delivery.

The vessel operator will also be asked to provide:

1. Vessel name and documentation number;
2. Date and time of departure;
3. Intended gear;
4. Intended target species; and
5. Estimate of date trip will be completed.

The operator of a vessel participating in, and intending to return from, the far offshore fishery must notify ODFW at least 24 hours prior to delivery and include the following information:

1. Vessel name and documentation number;
2. Date and time of delivery;
3. Port and processor of delivery; and
4. Estimated weight of fish on board.

Vessel operators may contact any ODFW Marine Program office during regular office hours.

Black Rockfish/Blue Rockfish/Nearshore Fishery (OAR 635-004-0160 through 635-004-0170)

Permit Required

Restricted fishery permit required for Black Rockfish; Blue Rockfish; and Nearshore Fishery (see page 9).

Area

The Pacific Ocean is open to the commercial harvest of ocean food fish described in this section, except for a Groundfish Conservation Area (GCA) described in the Code of Federal Regulations, Title 50 Part 660, subpart G which restricts most directed groundfish fishing activities. Federal rules describing the current year restricted fishing area are available at the NOAA Fisheries NW Region office website: www.nwr.noaa.gov/1sustfsh/gdfsh01.htm

Additional closed or restricted areas may be imposed via state rule. Information on closed or restricted fishing areas is available at the ODFW website: www.dfw.state.or.us.

Gear

It is unlawful to take black rockfish / blue rockfish / nearshore fishery species by any means other than:

1. **Hook and line** gear (including pole and line; troll; longline; and stick gear).

2. **Pot** gear may be used if a Developmental Fisheries permit for nearshore species using pot gear was issued in 2003. Pot gear shall be limited to a maximum of 35 pots.

Length

See top of page 22.

Seasons and Trip Limits

The season for black and blue rockfish and nearshore fish is open year-round until catch quotas are met. Regulations for these species change throughout the season and Oregon Administrative Rules and federal regulations should be consulted before fishing.

Nearshore Species List:

- | | |
|----------------------------------|---------------------------|
| Cabezon | Grass Rockfish |
| Kelp Greenling | Kelp Rockfish |
| Painted Greenling | Olive Rockfish |
| Rock Greenling | Quillback Rockfish |
| Whitespotted Greenling | Tiger Rockfish |
| Black and Yellow Rockfish | Vermilion Rockfish |
| Brown Rockfish | Brown Irish Lord |
| Calico Rockfish | Red Irish Lord |
| China Rockfish | Buffalo Sculpin |
| Copper Rockfish | Treefish |
| Gopher Rockfish | |

A person without a permit may catch black rockfish / blue rockfish / nearshore fish if the person:

1. For only one landing per day, lands no more than 15 pounds of black rockfish, blue rockfish, nearshore fish or a combination thereof and if the black rockfish, blue rockfish and nearshore fish:

(a) Make up 25% or less of the total poundage of the landing; and

(b) Are landed with fishing gear that is legal to use in the fishery in which the black rockfish, blue rockfish or nearshore fish are landed;

2. Operates a vessel in the ocean troll salmon fishery and the person lands black rockfish, blue rockfish or a combination thereof in the same landing in which the person lands a salmon under the permit required by ORS 508.801 to 508.825. All black rockfish and blue rockfish described in this paragraph must be landed dead. A person who lands black rockfish and blue rockfish described in this paragraph may land up to the greater of:

(a) 30 black rockfish or 30 blue rockfish per landing or a combination thereof; or

(b) 100 pounds of black rockfish, blue rockfish or a combination thereof per landing;

3. Operates a vessel in the west coast groundfish trawl fishery and lands no more than 1,000 pounds of black rockfish, blue rockfish or a combination thereof per calendar year and if the black rockfish and blue rockfish:

(a) Make up 25% or less of the total poundage of each landing; and

(b) Are landed dead; or

4. Is a nonprofit aquarium or has contracted with a nonprofit aquarium to land black rockfish, blue rockfish or nearshore fish for the purpose of displaying or conducting research on the black rockfish, blue rockfish or nearshore fish.

(OAR 635-004-0036)

The following trip limit applies to black rockfish (Sebastes melanops) taken with a black rockfish / blue rockfish permit or a black rockfish / blue rockfish permit with a nearshore endorsement:

1. It is unlawful to take or retain more than 200 pounds of black rockfish, or 65 fish, whichever is greater, per vessel from a single fishing trip within one of the following areas:

(a) Tillamook Head (45° 56'45" N. latitude) to Cape Lookout (45° 20'15" N. latitude);

(b) Cascade Head (45° 03'50" N. latitude) to Cape Perpetua (44° 18' N. latitude);

(c) From a point (43° 30' N. latitude), approximately 8-1/2 nautical miles north of the Coos Bay north jetty to a point (43° 03' N. latitude) adjacent to the mouth of Fourmile Creek, approximately 4-1/2 nautical miles south of the Bandon south jetty;

(d) Mack Arch (42° 13'40" N. latitude) to Oregon-California border (42° N. latitude).

2. No vessel shall take, retain, possess, or land more than the allowed trip limit when fishing occurs for any species of fish within one of these restricted areas.

SALMON, OCEAN TROLL FISHERY

(OAR 635-003-0003 through 635-003-0085)

Permit Required

Regulations for the ocean troll salmon fishery change frequently. Consult the latest Oregon Administrative Rule and federal regulations covering this fishery before fishing. For further information, contact the Pacific Fishery Management Council at (866) 806-7204 or NOAA Fisheries at (206) 526-6140, or ODFW Marine Program Office in Newport at (541) 867-4741. For a recorded message that summarizes inseason changes to date, call the ocean salmon telephone hotline at (206) 526-6667 or (800) 662-9825. Restricted fishery permit required, see page 7.

Area

Pacific Ocean only. See **DEFINITIONS** on page 3.

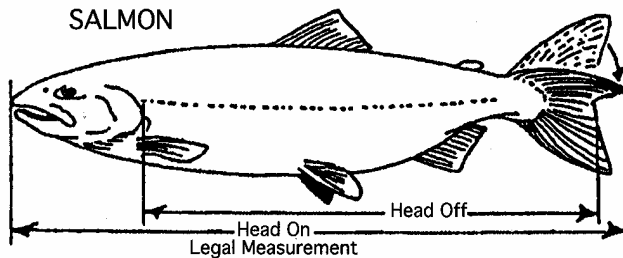
Gear

Commercial troll gear only, which is defined as one or more lines that drag hooks behind a moving fishing vessel. In that portion of the fishery management area off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation. It is unlawful to engage in recreational fishing while aboard a vessel engaged in commercial fishing.

Length

The length of a salmon is the shortest distance between the tip of the snout or jaw (whichever extends further) and the tip of the longest lobe of the tail when in line with the backbone.

All salmon must be landed with the head on, except heads may be removed from salmon which are to be frozen and will remain frozen until landed and which do not have the adipose fin removed (coded-wire tagged fish).



The head-off length of a salmon is the distance between the midpoint of the clavicle arch and the fork of the tail.

Steelhead and striped bass cannot be taken for commercial purposes.

SMELT FISHERY

(OAR 635-004-0070 through 635-004-0075, 635-042-0130)

Seasons

It is unlawful to take smelt for commercial purposes except during those times specified:

Pacific Ocean at all times;

Umpqua River at all times in those areas not closed by ORS 511.506 (closes Umpqua and Smith rivers upstream from about river miles 21 and 15, respectively);

Sandy River at all times downstream from and north of the highway bridge at Troutdale, Oregon US 30 Alternate;

NOTE: Rule changes are pending for the Columbia River smelt fishery. For current regulations, contact Columbia River Management at ODFW in Clackamas, (503) 657-2000.

Gear

It is unlawful to take smelt for commercial purposes from the:

Pacific Ocean by any means other than fishing gear authorized for the taking of ocean food fish;

Umpqua River by any means other than dip nets and by gill nets not more than 600 feet in length and of a mesh size no more than 2 inches;

Sandy River by any means other than dip nets;

Columbia River by any means other than gill nets with a mesh size of no more than 2 inches, dip nets having a bag frame no more than 36 inches in diameter or trawl nets with:

Head rope not more than 25 feet;

Foot rope or groundline not more than 25 feet;

Door size not more than 3 feet by 4 feet;

Mesh size not more than 2 inches;

Bag length not more than 35 feet;

Breast rope not more than 5 feet;

Bridle rope not more than 8 feet.

Upstream from Tongue Point trawl vessels may not exceed 32 feet.

SHELLFISH FISHERIES

Directed fisheries on some shellfish species require possession of a Developmental Fisheries Permit. See pages 8-10 for a species listing. Some of the shellfish fisheries listed below also require other types of permits. Requirements are noted at the beginning of each fishery description.

- **Abalone**
(OAR 635-005-0005, 635-006-0850)

No commercial harvest except as provided under a Developmental Fishery Permit, see pages 8-10.

- **Clam Fishery**
(OAR 635-005-0001, 635-005-0015 through 635-005-0035)

Permit Required

Developmental Fisheries Permit required (fee required) for estuarine harvest of cockle, butter, gaper, littleneck, and softshell clams (see pages 8-10). Commercial shellfish harvest permit required (no fee required) to take razor clams. Contact ODFW in Astoria at (503) 325-2462.

Diggers of clams for human consumption must also obtain a shellfish sanitation certificate (\$75 fee) from the Oregon Dept. of Agriculture (ODA). Call (503) 986-4720 for information.

Seasons, Closures, and Restrictions

1. Gaper clams may be taken:
 - (a) from July 1 through December 31; and
 - (b) holders of a Developmental Fisheries subtidal clam permit may take gaper clams from January through June as incidental catch at a ratio of 25 pounds of gaper clams per 100 pounds of butter clams or one gaper clam per eight butter clams, whichever allows a greater incidental catch of gaper clams.
2. Razor clams may be taken year-round, except from July 15 through September 30 in the area north of Tillamook Head in Clatsop County.
3. Only cockles may be taken from Netarts Bay.
4. All other species of clams may be taken at any time in accordance with regulations, except clams **may not** be taken for commercial purposes from: Little Nestucca Bay; Big Nestucca Bay; Salmon River and Bay; Siletz River and Bay; and all state parks south of Tillamook Head.

5. Posted shellfish preserves in Netarts and Yaquina bays are closed to all clam digging (see pages 36-38).

Gear

It is unlawful to take any species of clams for commercial purposes by any means other than hand or hand-powered tool except as provided by OAR 635-005-0016.

Size

The minimum legal size of razor clams taken for commercial purposes is 3-3/4 inches shell length, measured tip-to-tip.

Time of Sale

Clams being sold as bait must be sold within 48 hours of harvest or leaving the digging area, whichever comes last.

Clams being sold for human consumption must be sold within 24 hours of harvest or leaving the digging area, whichever comes last.

Logbook Required

Each commercial digger harvesting clams must keep a log on forms provided by ODFW. All clam diggers shall fill out logbooks prior to leaving the digging area. Submit monthly report forms for bay clam harvest to ODFW, Newport and for razor clam harvest to ODFW, Astoria, within 10 days following the end of the month that clams were harvested.

Restrictions - Oregon Dept. of Agriculture (ODA)

1. It is unlawful to take clams or mussels for any commercial purpose from a health closure area closed due to the level of biotoxins (which are naturally occurring shellfish toxins monitored by ODA).

2. It is unlawful for any person to sell shellfish for human consumption:

(a) taken from an area designated as restricted by ODA; or

(b) taken without a shellfish sanitation certificate from ODA.

3. Health closure information, warnings and alerts can be obtained by calling the ODA shellfish telephone hotline at (503) 986-4728 or (503) 986-4720. And, on the Internet at www.oregon.gov/ODA/FSD/shellfish_status.html.

Clams and Mussels for Bait

Clams and mussels taken as bait must be visibly dyed with an ODFW-approved dye (Red #40).

1. Dyeing must occur before leaving the harvest area, before being transported by vehicle, or before the time of docking of the vessel used in harvesting.

2. Clams and mussels taken for bait may not be possessed aboard a vessel while clams and mussels for human consumption are on board. Upon leaving the vessel or the harvest area, clams and mussels taken as bait may not be mixed with clams and mussels taken for human consumption.

3. Prior to sale, clams or mussels taken from restricted areas and live boxed must be stored in a restricted area pending sale.

4. Clams or mussels taken for human consumption and later sold as bait must be dyed at the time of sale to a bait dealer.

OCEAN DUNGENESS CRAB FISHERY (OAR 635-005-0045 through 635-005-0060)

Permit Required

Restricted fishery permit required for ocean fishery, see page 7.

Seasons and Trip Limits

It is unlawful to take, land or possess Dungeness crab for commercial purposes from the Pacific Ocean or Columbia River from August 15 through November 30 (see Pacific Ocean definition page 3). It is illegal to place or leave pots in the ocean or Columbia River during the closed season except baited pots may be set up to 64 hours prior to the season opening; and unbaited, open pots may be left in the ocean (not including the Columbia River) for no more than 14 days after the season closure. It is unlawful for any vessel to take, land or possess more than 1,200 pounds of ocean and Columbia River Dungeness crab per week beginning the second Monday in June through August 14. Crabbers must maintain copies of all landing receipts on board the fishing vessel during this period. A Dungeness crab permit is not required for vessels that are engaged solely in setting gear for a permitted vessel and which do not retrieve, retain or possess Dungeness crab. Vessel holds must be inspected before crab can be landed in Oregon. At the time of the hold inspection, the vessel operator must declare and certify on the Oregon hold inspection certification form the maximum number of pots that will be used in that season's fishery before fishing.

Season openings may be delayed if preseason sampling indicates meat recovery criteria (25% south of Cascade Head and 23% north of Cascade Head) are not met or projected to be met by December 1. In that event, emergency regulations will be adopted to establish season opening dates, areas, and any additional restrictions.

In the event of a delayed season opening for part of the Oregon coast, vessels electing to fish in the area open on December 1 may not fish in an area with a delayed opening within the first 30 days after the delayed opening date. In addition, vessels electing to fish in an area shall be certified to have been free of crab on the day immediately prior to the opening of the selected fishing area.

Fisheries restrictions may also apply after May 31 to protect softshell crab. If the catch of the Oregon ocean Dungeness crab fishery after May 31 is greater than 10 percent of the catch of the previous December 1 through

May 31 period, the season shall be closed until the following December 1.

Gear

Crab pots or rings of any size or construction may be used. Crab pots must have no less than two escape ports of at least 4-1/4 inches (inside diameter) on top or side of pot (upper half only) and one of the following:

1. Iron lid strap hooks of mild steel rod not greater than 1/4-inch diameter;
2. A single loop of untreated cotton twine or other natural fiber twine, or other twine approved by ODFW not heavier than 120 thread between the pot lid tiedown hoods and the tiedown straps; or
3. Any modification of the wire mesh on the top or side of the pot, secured with a single strand of 120 thread size untreated cotton, natural fiber, or other twine approved by ODFW which, when removed, will create an opening of at least 5 inches in diameter.

Each crab ring or crab pot used for the taking of crabs for commercial purposes must have attached to it a tag identifying the owner or the vessel from which the rings or pots are operated.

Crab pot buoys must be marked with a number registered to the owner by ODFW. Marks must be legible and permanent. Register by writing or calling an ODFW Marine Program office in Newport, Astoria, or Charleston.

Crab pots may not be used in any bay or estuary except the Columbia River. Boats are limited to a maximum of 15 rings per boat except in the Columbia River.

A ring is any device that allows unrestricted entry or exit while fishing.

It is unlawful to use longline trap gear for Dungeness crab fishing. When used for other species, crab longline gear means commercial crab pots or traps that are attached together with a line. Each terminal end of crab longline gear shall be marked with a surface buoy inscribed with a registered number. Longline marker buoys shall be equipped with a pole and a flag, light, and radar reflector.

Sex and size

1. Only male Dungeness crab 6-1/4 inches or larger may be taken or possessed. Measurement is a straight line or caliper measurement made directly in front of 10th anterolateral spine.
2. Undersized or female crabs must be released unharmed in the fishing area within 15 minutes of capture in the ocean, and released immediately when captured inside any bay.
3. Crab must be landed whole.

Pot Limit Control Date (OAR 635-006-1015)

If the Oregon Fish and Wildlife Commission establishes a vessel crab pot limitation or allocation system beyond the

2002-03 ocean crab season, August 14, 2001 is the control date for eligibility criteria related to past participation in the ocean fishery.

BAY DUNGENESS CRAB FISHERY (OAR 635-005-0049 through 635-005-0060)

Seasons and Trip Limits

Commercial fishing in bays is open from September 6, 2005 through December 31, 2005, except for the Columbia River, which is similar to the ocean Dungeness crab season.

It is unlawful to take bay Dungeness crab:

1. During December, if the adjacent ocean area is closed;
2. From midnight Friday through midnight Sunday of any week; and
3. On all legal state and/or federal holidays.

Fishing Gear

Crab rings of any size or construction are permitted. A ring is any device that allows unrestricted entry or exit while fishing. Crab pots may not be used in any bay or estuary except the Columbia River. Boats are limited to a maximum of 15 rings per boat in all bays and estuaries except the Columbia River.

Sex and Size

1. Only male Dungeness crab 6-1/4 inches or larger may be taken or possessed. Measurement is a straight line or caliper measurement made directly in front of the 10th anterolateral spine.
2. Undersized or female Dungeness crabs must be released immediately when captured inside any bay.
3. Crab must be landed whole.

RED ROCK; BOX; TANNER; OREGON HAIR; AND SCARLET KING CRAB

(OAR 635-005-0063 through 635-005-0067)

Permit Required

Directed fisheries on Box, Tanner, Oregon Hair, and Scarlet King crab require a Developmental Fisheries Permit, pages 8-10. Permits to land Tanner and Box crab taken as incidental catch in trawl nets outside Oregon waters (beyond three miles) may be obtained from ODFW's Marine Program office in Newport. Call (541) 867-4741 for more information.

Season and Area

Unlawful to take Red Rock, Box, Tanner, Oregon Hair, and Scarlet King crab:

1. From the Pacific Ocean from November 1 until the opening of the next ocean Dungeness crab season in the area; and
2. From the Pacific Ocean shoreward of the 40 fathom line when the ocean Dungeness crab season is closed.

Gear

Unlawful to take Red Rock, Box, Tanner, Oregon Hair, and Scarlet King crab except by rings, pots, and crab

longline gear. Gear used must comply with provisions outlined in Dungeness crab section, pages 28-30.

Size

There are no size or sex restrictions for taking Red Rock, Box, or Tanner crabs. However, these crabs may not be mutilated before landing such that their species cannot be determined.

CRAYFISH FISHERY

(OAR 635-005-0070 through 635-005-0085)

Season

April 1 through October 31. Crayfish with eggs attached must be returned immediately unharmed to the water.

Possession of crayfish with eggs attached is prohibited.

Gear and Size Restriction

Crayfish pots or rings are the only permissible gear. Crayfish must be at least 3-5/8 inches in length from tip of nose to tip of tail. All boats, traps, buoys, liveboxes, holding pens, boxes, bags, and other containers used to take, hold, or transport crayfish must be labeled with an ODFW issued brand number.

Closed Areas

Malheur Reservoir (Malheur County), South Twin Lake (Deschutes County), and the Williamson River (Klamath County) are closed to commercial harvest.

MISCELLANEOUS FISHERIES:

MUSSELS, BAIT SHRIMP, AND MISCELLANEOUS MARINE INVERTEBRATES

(OAR 635-005-0090 through 635-005-0120)

Permit Required

Permit (no fee required) required from ODFW to take miscellaneous mussels, bait (ghost and mud) shrimp, and marine invertebrates. Contact ODFW's Marine Program office in Newport or Astoria.

Gear and Area Restrictions

It is unlawful to take miscellaneous marine invertebrates or mussels by means or in areas other than those set forth in the permit. Areas closed to commercial harvest are the Marine Gardens at Haystack Rock (Cannon Beach), Cape Kiwanda, Otter Rock, Yaquina Head, Yachats State Park, Cape Perpetua, and Harris Beach State Park; and Research Reserves at Boiler Bay, Pirate Cove, Neptune State Park, Gregory Point, Cape Arago, and Brookings; and the Whale Cove Habitat Refuge. See pages 36-38 for more detailed descriptions of closed area boundaries. See also the 2005 Oregon Sport Fishing Regulations booklet for detailed maps of closed areas (pages 98-100).

Time of Sale

Mussels must be sold within 48 hours of harvest or leaving the harvesting area, whichever comes last. See

pages 27-28 for restrictions on clams and mussels from health closure areas.

SCALLOP FISHERY

(OAR 635-005-0170 through 635-005-0175)

Permit Required

Restricted fishery permit required to take ocean (weathervane) scallops, see pages 6-7.

Season

Open entire year.

Gear

Trawl nets or dredge with 3-inch mesh (between the knots) or rings throughout. Rock scallops may be taken with an abalone iron.

Size

No size limit.

SEA URCHIN FISHERY

(OAR 635-005-0180)

Permit Required

Restricted fishery permit required, see pages 6-8.

Season

Open entire year.

Size

Red urchins must be 3-1/2 inches or larger in shell diameter (not including spines) except that each diver may have up to 50 red urchins less than 3-1/2 inches in their possession. Purple urchins must be 2 inches or larger in shell diameter (without spines). Special harvesting permit required prior to harvesting purple urchins. Contact the ODFW Marine Program office in Newport for details.

Area

Urchins cannot be taken in water depths less than 10 feet at mean lower low water.

During the period, May 1 through August 31, urchins may not be taken within specific buffer zone at Pyramid rock at Rogue Reef. During the period May 1 through October 31, urchins may not be taken at Orford Reef, defined as the area between the parallels of latitude 42° 49' N. and 42° 46' N. Contact the ODFW office in Newport for descriptions of these closed areas.

Diver Limit

Not more than two divers operating from any one boat may be in the water at the same time and no more than two persons without permits on board.

Logbook Required

Each diver harvesting sea urchins must keep a log on ODFW forms and return the log to ODFW each month urchins are harvested.

Other Requirements

A vessel's federal document or Marine Board number must be displayed on a weather deck to be clearly visible from above. The numbers must be block Arabic numerals at least 18-inches high for vessels over 65-feet in length and at least 10-inches high for vessels 65-feet or less.

OCEAN PINK SHRIMP FISHERY (OAR 635-005-0185 through 635-005-0200)

Permit Required

Restricted fishery permit required, see pages 6-7.

Season

April 1 through October 31. Shrimp legally landed north of the U.S.-Canada border may be processed in Oregon at any time.

Gear

Trawl nets or pots only.

It is unlawful to land shrimp taken south of the Oregon-California border with nets having a mesh size of less than 1-3/8 inches between knots.

Maximum Count Per Pound

It is unlawful to possess or land shrimp from any one trip or landing which exceeds an average count of 160 whole shrimp per pound. This rule does not apply to landing or possession of less than 3,000 pounds of shrimp.

To determine average count per pound when a landing exceeds 3,000 pounds of shrimp, one sample must be taken from each one thousand pounds up to a maximum requirement of twenty samples. The sampling unit shall consist of at least one pound of whole unbroken shrimp.

For the purpose of determining count per pound, "whole shrimp" and "whole unbroken shrimp" are defined as shrimp in which the body is substantially intact, including an identifiable carapace, abdomen, and telson (tail). It is not intended to require shrimp to have an unbroken rostrum, complete set of legs, antennae, or other appendages.

Logbook Required

The skipper of a boat fishing for pink shrimp must keep an accurate and truthful log on ODFW forms (see page 19).

Other Restrictions

Bycatch Reduction Devices (BRDs) are required at all times when trawl fishing for ocean pink shrimp. Only soft-panel and Nordmore grate style BRDs are allowed. Contact any ODFW Marine Program office for further information on approved BRDs.

Incidental catch of Dover, English, or Petrale sole less than 11 inches in length must not exceed 250 lbs. in the aggregate.

Federal groundfish trip limits, size limits, and sorting requirements now apply to the ocean pink shrimp fishery.

Contact ODFW's Marine Program office in Newport for current information.

Vessels with a valid permit or license issued by another state for landing shrimp may, upon purchase of a single-delivery license, land shrimp in Oregon. Frequency of use is limited. See Single-Delivery License, page 5.

SPOT, SIDESTRIPE, AND COONSTRIPE SHRIMP FISHERIES

(OAR 635-005-0205 through 635-005-0220)

Permit Required

A target fishery on these three species requires possession of a Developmental Fisheries Permit, see pages 8-10.

Gear

Pot gear only

Closed Season

There is no closed season for the taking of Spot, Sidesripe, or Coonstripe shrimp.

Fishing Area

It is unlawful to take Spot, Sidesripe, or Coonstripe from areas other than the Pacific Ocean.

Incidental Catch Limit

Provisions under OAR 635-005-0195 for the possession of incidental catch apply to the taking of Spot, Sidesripe, and Coonstripe shrimp, within state waters. Other federal groundfish limits, size limits and sorting requirements may apply. For current information call ODFW's Marine Program Office in Newport at (541) 867-4741.

STURGEON FISHERY

(OAR 635-004-0080 through 635-004-0090)

Season

It is unlawful to take sturgeon for commercial purposes except in the: (1) Columbia River, in the areas and during the times open to the taking of salmon or sturgeon for commercial purposes with gill nets; (2) Siuslaw, Coos, and Coquille Rivers in the areas and during the times open to the taking of shad for commercial purposes; (3) Pacific Ocean at all times.

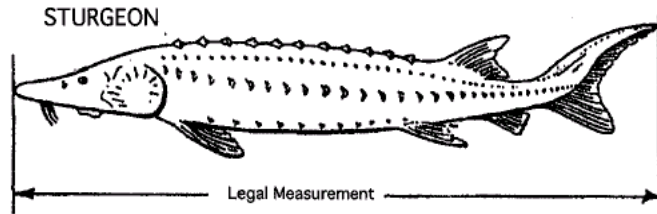
Gear

It is unlawful to take sturgeon for commercial purposes by any means other than the commercial fishing gear authorized in the fishing area in which the sturgeon are taken. Sturgeon may be taken for commercial purposes incidental to fishing for other target species and with legal gear designed for the target species.

Size Limit

It is unlawful to take white sturgeon for commercial purposes which are less than 48 inches or more than 60 inches total length, and it is unlawful to take green sturgeon which are less than 48 inches or more than 66 inches total length. It is unlawful to remove the head or tail, or dress any

sturgeon taken for commercial purposes prior to being received at the premises of a wholesale fish dealer.



Length is measured as the shortest distance between the tip of the nose and the extreme tip of the tail while the fish lies on its side on a flat surface with its tail in a normal position.

MARINE GARDEN, RESERVE, REFUGE, AND CLOSURE AREAS

The following coastal Marine Gardens, Intertidal and Subtidal Research Reserves, and Habitat Refuge are protected areas and have restrictions on the commercial take of food fish, shellfish and marine invertebrates:

Marine Gardens

The following areas are **closed** to the commercial take of shellfish and marine invertebrates:

- **Haystack Rock Marine Garden** (Cannon Beach) – All areas between extreme high tide and extreme low tide lying within a 300-yard radius of the base of Haystack Rock.
- **Cape Kiwanda Marine Garden** (Pacific City) – All areas between extreme high tide and extreme low tide lying between the sand beach on the north and the sand beach on the south of Cape Kiwanda. Includes rocky areas abutting the sand beaches on the north and south sides of the headland.
- **Otter Rock Marine Garden** (north of Newport) – All areas between extreme high tide and extreme low tide lying between Cape Foulweather (Otter Rock State Wayside) on the north and Devil's Punchbowl on the south.
- **Yaquina Head Marine Garden** (north of Newport) – All areas between extreme high tide and extreme low tide lying between the sand beach on the north and the sand beach on the south of Yaquina Head.
- **Yachats Marine Garden** (Yachats) – All areas between extreme high tide and extreme low tide lying between the north and south boundaries of Yachats State Park.
- **Cape Perpetua Marine Garden** (south of Yachats) – All areas between extreme high tide and extreme low tide lying between the north side of Devil's Churn on the north

and the northerly boundary of Neptune State Park on the south.

- **Harris Beach Marine Garden** (north of Brookings) – All areas between extreme high tide and extreme low tide lying between the Harris Beach State Park beach access parking area on the north and the road entrance to Harris Beach State Park off of Highway 101 on the south.

Research Reserves

The following areas are closed to the commercial take of shellfish and marine invertebrates:

- **Boiler Bay Intertidal Research Reserve** (Depoe Bay) – All areas between extreme high and extreme low tide lying from the mouth of Fogarty Creek on the north, to the western-most tip of Government Point at Boiler Bay State Wayside on the south.
- **Pirate Cove Research Reserve** (Depoe Bay) – All areas in Pirate Cove below extreme high tide east of a line drawn across the mouth of the cove.
- **Neptune State Park Intertidal Research Reserve** (south of Yachats) – All areas between extreme high tide and extreme low tide lying between the northerly and southerly boundaries of the northern parcel of Neptune State Park.
- **Gregory Point Subtidal Research Reserve** (west of Charleston) – All subtidal areas within reserve boundaries below extreme low tide. Refer to Oregon Sport Fishing Regulations for map and area description.
- **Cape Arago Intertidal Research Reserve** (southwest of Charleston) - All areas between extreme high tide and extreme low tide lying between a line projected due west from the Cape Arago lighthouse and a point 3/4 mile south of Cape Arago State Park.
- **Brookings Intertidal Research Reserve** (Brookings) – All areas between extreme high tide and extreme low tide lying between a point 1/2 mile north of Harris Beach State Park on the north, and the mouth of the Chetco River on the south (except that portion of the area within the Harris Beach Marine Gardens).

Habitat Refuge

The following area is closed to the commercial take of marine fish, shellfish, and marine invertebrates:

- **Whale Cove Habitat Refuge** (south of Depoe Bay) – All areas in Whale Cove below extreme high tide east of a line drawn across the mouth of the cove.

Note: Refer to the 2005 Oregon Sport Fishing regulations booklet (pages 98-100) for detailed maps of the above protected areas and for additional location information.

