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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

10/15/2025 1:07 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Mandatory Electronic Fish Ticket Reporting and Catcher-Processor Landing Rules

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/12/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Linda Spansel
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/12/2025

TIME: 8:00 AM - 5:00 PM

OFFICER: Michelle Tate

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Dr SE, Salem, OR 97302

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

These rule amendments are needed to require electronic reporting of all commercial fish landed into Oregon which will allow for more real time reporting of catch data and closer monitoring of quota fisheries. These rules are also necessary to allow catcher-processors to land processed catch into Oregon which will result in increased revenues to the local port, fishing business, and ODFW.

Ad-valorem rates in Oregon Administrative Rules are already identified in Oregon Revised Statutes so removing them from OAR's will reduce staff workload when they are changed by the legislature.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/12/2025, including the presentation and all provided materials.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from

the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Linda Spansel at 503-947-6233 or linda.d.spansel@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

The proposed rule is expected to result in fiscal and economic impacts.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The only state agency likely to be impacted by the rule is the Oregon Department of Fish and Wildlife (ODFW). The rule is expected to result in increased record-keeping efficiencies for ODFW, as all fish tickets would be submitted electronically rather than through a mix of electronic and paper fish tickets. The rule would also allow for catcher-processors to land processed fish into Oregon, resulting in increased ad-valorem revenues for ODFW. Information is not available to accurately estimate the expected increase in ODFW ad-valorem revenues.

Minimal economic impacts to local governments are expected. Oregon port districts may experience costs and derive revenues related to the provision of moorage and other support facilities for the landings of commercially harvested fish. There is potential for Oregon port districts to be impacted, as the rule would allow for catcher-processors to land processed fish into Oregon, where previously they could not. This is expected to result in increased revenues for Oregon port districts where such landings occur. We are not able to project the magnitude of the fiscal effects, because the data required to link catcher-processor landings and local government revenues and expenditures are not available.

Members of the public that are likely to be economically affected by the rule include small businesses such as Oregon licensed wholesale fish dealers, bait dealers, catcher-processors, and limited fish sellers. The rule would require these businesses to submit fish tickets to ODFW electronically rather than as paper fish tickets. The rule change may result in minor short-term costs for businesses that were not already submitting their fish tickets electronically. Employees would need training on the electronic fish ticket submission process, and would need to be equipped with a computer, tablet, or smartphone with which they could fill out the electronic fish tickets. The rule is expected to result in long-term economic benefits for these businesses, as the electronic fish ticket submission process is expected to require less employee time compared to paper fish tickets. Cumulative impacts are expected to be minimal, as through September, 95% of fish tickets received by ODFW in 2025 were already electronic. Catcher-processors operating in Oregon are also expected to see economic benefits as a result of the rule which would allow for them to land processed fish into Oregon, rather than having to travel longer distances to make landings.

(2) Effect on Small Businesses:

(a) The rule would affect the 8 Oregon licensed wholesale fish dealers, 4 bait dealers, and 8 limited fish sellers which submitted only paper fish tickets to ODFW through October 2025. Businesses that already submit fish tickets electronically would not be affected. As of October 2025, a total of 184 businesses submitted exclusively electronic fish

tickets to ODFW compared to 20 businesses submitting only paper fish tickets. An additional 5 businesses have submitted a combination of paper and electronic fish tickets in 2025. The number of businesses submitting paper fish tickets has been trending downwards in each of the last twelve years. Other small businesses that have the potential to be affected include those that provide services to Oregon's commercial fishers such as gas stations, tackle shops, restaurants/ cafes/bars, food stores, and places of lodging (hotels, campgrounds, etc.). Information is not available to accurately estimate the number of those types of small businesses affected.

(b) Oregon licensed Wholesale Fish Dealers, Bait Dealers, and Limited Fish sellers would need to switch to electronic reporting from paper fish tickets, if they have not already done so. To do this, they would need to purchase a computer, tablet, or smartphone with which they could fill out the electronic fish tickets, if they did not already possess one. In the short-term, a small amount of employee time would need to be allocated towards learning the process for submitting fish tickets electronically. Given that 88% of businesses are already exclusively submitting electronic fish tickets as of October 2025, these costs are cumulatively expected to be minimal. In the long run, the rules may result in increased recordkeeping and administrative activity efficiencies for affected businesses, as the time needed to fill out and submit electronic fish tickets is expected to be shorter compared to paper fish tickets.

(c) Businesses that do not already own a laptop, smartphone, or tablet to access the electronic fish ticket system would need to purchase one. Electronic tablets can be purchased starting from \$50-\$150. For the small number of businesses who currently use only paper fish tickets, minimal labor costs would be incurred training employees to use the electronic fish ticket system.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

ODFW's Fish Ticket staff have contacted affected small businesses which were previously submitting paper fish tickets. This outreach was done over a period from May-September 2025 to inform them of the proposed rules and gather feedback. Additional Fish Division staff have been directed to follow up with these affected businesses to ensure that they are aware of the proposed rules, understand the process of submitting an electronic fish ticket, and to assess their ability to comply with the new rules. Additional opportunities for the public to provide input and recommendations will be provided at the Commission Hearing.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No. An Administrative Rule Advisory Committee was not consulted. The rules are believed to be fully compatible with legislative direction on the goals of fishery management in Oregon. At the Commission Hearing, public correspondence and testimony will be accepted into the record as part of the rulemaking process.

RULES PROPOSED:

635-004-0215, 635-004-0280, 635-004-0290, 635-005-0240, 635-005-0830, 635-006-0001, 635-006-0132, 635-006-0150, 635-006-0165, 635-006-0205, 635-006-0207, 635-006-0210, 635-006-0211, 635-006-0212, 635-006-0213, 635-006-0215, 635-006-0225

AMEND: 635-004-0215

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed

rule amendments.

CHANGES TO RULE:

635-004-0215

Definitions

As used in Division 004 regulations:¶¶

- (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.¶¶
- (2) "Board" means the Commercial Fishery Permit Board.¶¶
- (3) "Buy" includes offer to buy, barter, exchange or trade.¶¶
- (4) "Coastal Pelagic Species" means all species of ocean food fish and shellfish defined as Coastal Pelagic Species in the Fishery Management Plan for U.S. West Coast Fisheries for Coastal Pelagic Species and in the Federal Coastal Pelagic Species Regulations, Title 50, Part 660, and include:¶¶
 - (a) Jack mackerel (*Trachurus symmetricus*);¶¶
 - (b) Jack smelt (*Atherinopsis californiensis*);¶¶
 - (c) Krill (all species in order Euphausiacea);¶¶
 - (d) Market squid (*Loligo opalescens*);¶¶
 - (e) Northern anchovy (*Engraulis mordax*);¶¶
 - (f) Pacific herring (*Clupea harengus pallasi*);¶¶
 - (g) Pacific mackerel (*Scomber japonicus*); and¶¶
 - (h) Pacific sardine (*Sardinops sagax*).¶¶
- (5) "Commercial harvest cap" means the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries.¶¶
- (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries.¶¶
- (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.¶¶
- (8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.¶¶
- (9) "Department" means the State Department of Fish and Wildlife.¶¶
- (10) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.¶¶
- (11) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish; and includes but is not limited to one or more of the following pieces of equipment: SCUBA or other surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.¶¶
- (12) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United States.¶¶
- (13) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:¶¶
 - (a) "Fixed gear" means longline, trap or pot, set net, and stationary hook-and-line (including vertical hook-and-line) gears;¶¶
 - (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;¶¶
 - (c) "Hook-and-line" means one or more hooks attached to one or more lines;¶¶
 - (d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined to create bagging, and is hauled with purse rings;¶¶
 - (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;¶¶
 - (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;¶¶
 - (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;¶¶
 - (h) "Purse seine" means a floated and weighted encircling net that is closed by means of a purse line threaded through rings attached to the bottom of the net. Purse seine gear includes, but is not limited to, ring net, drum purse seine, and lampara nets;¶¶
 - (i) "Seine" means any non-fixed net other than a trawl net or gillnet and includes all types of purse seines;¶¶
 - (j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;¶¶
 - (k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;¶¶

- (l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;¶
- (m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;¶
- (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl, pelagic trawl and Danish and Scottish seine gear;¶
- (o) "Troll" means fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation; and¶
- (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.¶
- (14) "Fishing trip" means a period of time between landings when fishing is conducted.¶
- (15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, pursuant to ORS 506.036.¶
- (16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 and includes:¶
 - (a) All species of rockfish, thornyheads, and scorpionfish that occur off Washington, Oregon, or California (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*);¶
 - (b) All species of grenadiers in the family Macrouridae that occur off Washington, Oregon, or California, including but not limited to Giant grenadier, (*Albatrossia pectoralis*) and Pacific grenadier (*Coryphaenoides acrolepis*);¶
 - (c) All species of skates in the family Arhynchobatidae that occur off Washington, Oregon, or California, including but not limited to Aleutian skate (*Bathyraja aleutica*), Bering/sandpaper skate (*B. interrupta*), big skate (*Raja binoculata*), California skate (*R. inornata*), longnose skate (*R. rhina*), and rougtail/black skate (*B. trachura*);¶
 - (d) Arrowtooth flounder (*Atheresthes stomias*);¶
 - (e) Butter sole (*Isopsetta isolepis*);¶
 - (f) Cabezon (*Scorpaenichthys marmoratus*);¶
 - (g) Curlfin sole (*Pleuronichthys decurrens*);¶
 - (h) Dover sole (*Microstomus pacificus*);¶
 - (i) English sole (*Parophrys vetulus*);¶
 - (j) Finescale codling (*Antimora microlepis*);¶
 - (k) Flathead sole (*Hippoglossoides elassodon*);¶
 - (l) Kelp greenling (*Hexagrammos decagrammus*);¶
 - (m) Leopard shark (*Triakis semifasciata*);¶
 - (n) Lingcod (*Ophiodon elongatus*);¶
 - (o) Pacific cod (*Gadus macrocephalus*);¶
 - (p) Pacific sanddab (*Citharichthys sordidus*);¶
 - (q) Pacific whiting (*Merluccius productus*);¶
 - (r) Petrale sole (*Eopsetta jordani*);¶
 - (s) Ratfish (*Hydrolagus colliei*);¶
 - (t) Rex sole (*Glyptocephalus zachirus*);¶
 - (u) Rock sole (*Lepidopsetta bilineata*);¶
 - (v) Sablefish (*Anoplopoma fimbria*);¶
 - (w) Sand sole (*Psettichthys melanostictus*);¶
 - (x) Soupfin shark (*Galeorhinus zyopterus*);¶
 - (y) Spiny dogfish (*Squalus acanthias*); and¶
 - (z) Starry flounder (*Platichthys stellatus*).¶
- (17) "Harvest guideline" means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.¶
- (18) "Highly Migratory Species" means all species of ocean food fish defined as highly migratory species in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and in the Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:¶
 - (a) Bigeye thresher shark (*Alopias superciliosus*);¶
 - (b) Bigeye tuna (*Thunnus obesus*);¶
 - (c) Blue shark (*Prionace glauca*);¶
 - (d) Common thresher shark (*Alopias vulpinus*);¶
 - (e) Common Mola (*Mola mola*);¶
 - (f) Dorado (*Coryphaena hippurus*);¶
 - (g) Escolar (*Lepidocybium flavobrunneum*);¶
 - (h) Lancetfishes (*Alepisauridae* species);¶
 - (i) Louvar (*Luvarus imperialis*);¶

- (j) North Pacific albacore tuna (*Thunnus alalunga*);¶
- (k) Northern bluefin tuna (*Thunnus thynnus*);¶
- (l) Pacific swordfish (*Xiphias gladius*);¶
- (m) Pelagic sting ray (*Dasyatis violacea*);¶
- (n) Pelagic thresher shark (*Alopias pelagicus*);¶
- (o) Shortfin mako shark (*Isurus oxyrinchus*);¶
- (p) Skipjack tuna (*Katsuwonus pelamis*);¶
- (q) Striped marlin (*Tetrapturus audax*);¶
- (r) Wahoo (*Acanthocybium solandri*); and¶
- (s) Yellowfin tuna (*Thunnus albacares*).¶
- (19) "Inland waters" means all waters of the state except the Pacific Ocean.¶
- (20) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme low water and mean extreme high water boundaries.¶
- (21) "Land, landed, or landing" means either of the following:¶
 - (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are counted as part of that landing, except:¶
 - (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and¶
 - (B) For vessels participating in the federal trawl rationalization program, the portion of catch that is intended to be delivered to Washington or California is not considered part of that landing.¶
 - (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner, under which the following provisions apply:¶
 - (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and¶
 - (B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.¶
- (22) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions such as a dive step or platform.¶
- (23) "Length, total" of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail (pinched together) without mutilation of the fish or the use of additional force to extend the length.¶
- (24) "Nearshore species" includes (See ORS 506.011):¶
 - (a) Black and yellow rockfish (*Sebastes chrysomelas*);¶
 - (b) Brown Irish lord (*Hemilepidotus spinosus*);¶
 - (c) Brown rockfish (*Sebastes auriculatus*);¶
 - (d) Buffalo sculpin (*Enophrys bison*);¶
 - (e) Cabezon (*Scorpaenichthys marmoratus*);¶
 - (f) Calico rockfish (*Sebastes dalli*);¶
 - (g) China rockfish (*S. nebulosus*);¶
 - (h) Copper rockfish (*S. caurinus*);¶
 - (i) Gopher rockfish (*S. carnatus*);¶
 - (j) Grass rockfish (*S. rastrelliger*);¶
 - (k) Kelp greenling (*Hexagrammos decagrammus*);¶
 - (l) Kelp rockfish (*Sebastes atrovirens*);¶
 - (m) Olive rockfish (*S. serranoides*);¶
 - (n) Painted greenling (*Oxylebius pictus*);¶
 - (o) Quillback rockfish (*Sebastes maliger*);¶
 - (p) Red Irish lord (*Hemilepidotus hemilepidotus*);¶
 - (q) Rock greenling (*Hexagrammos lagocephalus*);¶
 - (r) Tiger rockfish (*Sebastes nigrocinctus*);¶
 - (s) Treefish (*S. serriceps*);¶
 - (t) Vermillion rockfish (*S. miniatus*); and¶
 - (u) White spotted greenling (*Hexagrammos stelleri*).¶
- (25) "Ocean food fish" means all saltwater species of food fish except salmon, halibut, and shellfish whether found

in fresh or salt water.¶¶

(26) "Other nearshore rockfish" includes:¶¶

(a) Black and yellow rockfish (*Sebastes chrysomelas*);¶¶

(b) Brown rockfish (*S. auriculatus*);¶¶

(c) Calico rockfish (*S. dalli*);¶¶

(d) China rockfish (*S. nebulosus*);¶¶

(e) Copper rockfish (*S. caurinus*);¶¶

(f) Gopher rockfish (*S. carnatus*);¶¶

(g) Grass rockfish (*S. rastrelliger*);¶¶

(h) Kelp rockfish (*S. atrovirens*);¶¶

(i) Olive rockfish (*S. serranoides*);¶¶

(j) Quillback rockfish (*S. maliger*); and¶¶

(k) Treefish (*S. serriceps*).¶¶

(27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.¶¶

(28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which a vessel permit is attached. A lessee of a permit is not a permit holder.¶¶

(29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.¶¶

(30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaking, pickling or filleting.¶¶

(31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS 508.285.¶¶

(32) "Rockfish" includes all species in the following genera:¶¶

(a) *Sebastes*; and¶¶

(b) *Sebastolobus*.¶¶

(33) "Salmon" means all anadromous species of salmon, including but not limited to:¶¶

(a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.¶¶

(b) *Oncorhynchus keta*, commonly known as chum or dog salmon.¶¶

(c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.¶¶

(d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.¶¶

(e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.¶¶

(34) "Shared Ecosystem Component Species" means those ecosystem component species shared between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the Pacific Ocean off Oregon and include:¶¶

(a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae;¶¶

(b) Pacific sand lance (*Ammodytes personatus*, previously *Ammodytes hexapterus*);¶¶

(c) Pacific saury (*Cololabis saira*);¶¶

(d) Silversides of the family Atherinopsidae;¶¶

(e) Smelts of the family Osmeridae; and¶¶

(f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and Thysanoteuthidae.¶¶

(35) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.¶¶

(36) "Seine skiff" means an open vessel which travels with a larger fishing vessel at all times and is used solely at the direction of the operator of the larger fishing vessel to assist that larger fishing vessel in the deployment and retrieval of seine nets to take fish.¶¶

(37) "Sell" includes to offer or possess for sale, barter, exchange or trade.¶¶

(38) "Smelt" means all species in the family Osmeridae.¶¶

(39) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.¶¶

(40) "Transport" means transport by any means, and includes offer or receive for transportation.¶¶

(41) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:¶¶

(a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips

in each period, and periods apply to calendar months. The specified periods are as follows:¶¶

(A) Period 1: January through February;¶¶

(B) Period 2: March through April;¶¶

(C) Period 3: May through June;¶¶

(D) Period 4: July through August;¶¶

(E) Period 5: September through October; and¶¶

(F) Period 6: November through December.¶¶

(b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of groundfish may be made in that 24-hour period;¶¶

(c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel during the first day through the last day of any calendar month.¶¶

(d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in seven (7) consecutive days, starting at 00:01 hours local time on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.¶¶

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

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

(44) "Vessel" means any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or taking food fish for commercial purposes, and has the same meaning as boat' as specified in ORS 506.006.¶¶

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

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

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

(48) "Week" means the period beginning at 00:01 hours local time on Sunday and ending at 24:00 hours local time on the following Saturday.

Statutory/Other Authority: ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109

AMEND: 635-004-0280

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-004-0280

Maintaining Records of Cumulative Catch II

Vessels landing groundfish under a cumulative catch limit shall keep copies of fish landing receipts on board for inspection by authorized enforcement officials for a minimum of 90 days from date of delivery. Receipts shall be signed and dated by both the dealer representative and vessel operator. Fish landing receipts may be in the form of Department ~~Fish Receiving~~ Electronic fish tickets; fish dealer "dock ~~ticket~~ receipts" identified with official dealer logo's or other identifying letterhead; or official Fish Receiving Tickets from other states.

Statutory/Other Authority: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.109, 506.129

AMEND: 635-004-0290

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-004-0290

Logbook Required ¶

- (1) The Department shall make available a logbook to each licensed commercial fishing vessel from which groundfish are taken by means of trawl (including a shrimp trawl net), longline, hook-and-line, or pot gear.¶
- (2) The vessel operator of such vessel is responsible for maintaining the logbook in an accurate and truthful manner and in accordance with the instructions contained therein.¶
- (3) Upon request of an authorized representative of the Department or the Oregon State Police, the vessel operator shall permit examination and transcription of information of such logbook.¶
- (4) Upon request of an authorized representative of the Department, the vessel operator shall surrender a legible copy of such logbook.¶
- (5) Information so received by the Department shall be considered as confidential.¶
- (6) Logbooks shall be completed for a fishing trip within one week of landing.¶
- (7) This rule does not apply to vessels registered to a federal limited entry trawl permit with a Catcher/Processor endorsement, and a valid declaration for the limited entry, midwater trawl, Pacific whiting catcher/processor sector.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.129, 506.450 through 506.465

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-005-0240

Definitions ¶¶

As used in Division 005 regulations:¶¶

- (1) "Animals living intertidally on the bottom" means any benthic animal with a natural range that includes intertidal areas, regardless of where harvest occurs, and includes but is not limited to, starfish, sea urchins, sea cucumbers, snails, bivalves, worms, coelenterates, and crabs except Dungeness crab.¶¶
- (2) "Bait" means food fish not harvested for human consumption.¶¶
- (3) "Board" means the Commercial Fishery Permit Board.¶¶
- (4) "Buy" includes offer to buy, barter, exchange or trade.¶¶
- (5) "Catastrophic loss" means direct loss of non-deployed gear in the event of a vessel being destroyed due to fire, capsizing, or sinking. Documentation of a catastrophic loss may include any information the Department considers appropriate, such as fire department or US Coast Guard reports.¶¶
- (6) "Commercial landing cap" means the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries.¶¶
- (7) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.¶¶
- (8) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.¶¶
- (9) "Crab pot" means any portable, enclosed device used to take crab with one or more gates or entrances that allows crab restricted entry and exit, and has a line attached to surface floats.¶¶
- (10) "Crab ring" means any fishing device used to take crab that allows crab unrestricted entry or exit while fishing, and has a line attached to surface floats.¶¶
- (11) "Department" means the State Department of Fish and Wildlife.¶¶
- (12) "Derelict Dungeness crab gear" means Dungeness crab gear which was lost, forgotten, damaged, abandoned or otherwise deserted.¶¶
- (13) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.¶¶
- (14) "Dive gear" means gear used while a fisher is submerged underwater in order to take food fish; and includes, but is not limited to, one or more of the following equipment: SCUBA or other surface supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.¶¶
- (15) "Dungeness crab gear" means crab pots, crab rings, or a combination thereof used for taking Dungeness crab.¶¶
- (16) "Exclusive Economic Zone" means the zone between 3-200 nautical miles offshore of the United States.¶¶
- (17) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:¶¶
 - (a) "Fixed gear" means longline, trap or pot, set net, and stationary hook-and-line (including vertical hook-and-line) gears;¶¶
 - (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;¶¶
 - (c) "Hook-and-line" means one or more hooks attached to one or more lines;¶¶
 - (d) "Lampara net" means a surrounding or seine net with the sections of netting made and joined to create bagging, and is hauled with purse rings;¶¶
 - (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;¶¶
 - (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance

allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;¶

(g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;¶

(h) "Purse seine" means a floated and weighted encircling net that is closed by means of a purse line threaded through rings attached to the bottom of the net. Purse seine gear includes, but is not limited to, ring net, drum purse seine, and lampara nets;¶

(i) "Seine" means any non-fixed net other than a trawl or gillnet and includes all types of purse seines;¶

(j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;¶

(k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;¶

(l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;¶

(m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;¶

(n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl, pelagic trawl and Danish and Scottish seine gear;¶

(o) "Troll" means fishing gear that consists of one or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation; and¶

(p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.¶

(18) "Fishing trip" means a dock-to-dock transit during which fishing for commercial purposes occurs, and is followed by a landing.¶

(19) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction pursuant to ORS 506.036.¶

(20) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See OAR 635-004-0240).¶

(21) "Intertidal" means the area in Oregon coastal bays, estuaries, and beaches between mean extreme low water and mean extreme high water boundaries.¶

(22) "Land, Landed or Landing" means either of the following:¶

(a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel are counted as part of that landing, except anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and¶

(b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner, under which the following provisions apply:¶

(A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and¶

(B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.¶

(23) "Length" or "Overall Length" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform.¶

(24) "Ocean Dungeness Crab fishing season" means the period normally from December 1 of one year through August 14 of the next year and is specific to the ocean Dungeness crab fishery. In periods where a season delay occurs, "ocean Dungeness crab fishing season" means from the date the fishery opens to the following August 14.¶

(25) "Oyster" includes oysters, oyster seed, oyster cultch, and oyster shell.¶

(26) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.¶

(27) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to which a vessel permit is attached. A lessee of a permit is not a permit holder.¶

(28) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.¶

(29) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type

- of smoking, reducing, loining, steaking, pickling or filleting. Cooking crab is not considered processing.¶
- (30) "Replacement vessel" is a vessel purchased to replace a Limited Entry permitted vessel which has been lost due to fire, capsizing, sinking or other event.¶
- (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS 508.285.¶
- (32) "Salmon" means all anadromous species of salmon, including but not limited to:¶
- (a) *Oncorhynchus gorbuscha*, commonly known as humpback, humpies or pink salmon.¶
 - (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.¶
 - (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.¶
 - (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.¶
 - (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.¶
- (33) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.¶
- (34) "Seine skiff" means an open vessel which travels with a larger fishing vessel at all times and is used solely at the direction of the operator of the larger fishing vessel to assist that larger fishing vessel in the deployment and retrieval of seine nets to take fish.¶
- (35) "Sell" includes to offer or possess for sale, barter, exchange or trade.¶
- (36) "Shared Ecosystem Component Species" means those ecosystem component species shared between all of the Pacific Fishery Management Council's Fishery Management Plans which occur in the Pacific Ocean off Oregon and include:¶
- (a) Mesopelagic fishes of the families Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae;¶
 - (b) Pacific sand lance (*Ammodytes personatus*, previously *Ammodytes hexapterus*);¶
 - (c) Pacific saury (*Cololabis saira*);¶
 - (d) Silversides of the family Atherinopsidae;¶
 - (e) Smelts of the family Osmeridae; and¶
 - (f) Pelagic squids of the families Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae except Humboldt squid (*Dosidicus gigas*), Onychoteuthidae, and Thysanoteuthidae.¶
- (37) "Shellfish Sanitation Certificate" means a license required by Oregon Department of Agriculture to engage in business of harvesting, distributing or processing of oysters, clams, mussels and scallops for human consumption.¶
- (38) "Special Regulation Marine Areas" means specific areas described in OAR 635-039-0090 and the "Oregon Sport Fishing Regulations," which includes all Marine Gardens, Subtidal Research Reserves, Intertidal Research Reserves, Habitat Refuges, and other areas closed to designated activities.¶
- (39) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.¶
- (40) "Transport" means transport by any means; and includes offer or receive for transportation.¶
- (41) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:¶
- (a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips in each period, and periods apply to calendar months. The specified periods are as follows:¶
 - (A) Period 1: January through February;¶
 - (B) Period 2: March through April;¶
 - (C) Period 3: May through June;¶
 - (D) Period 4: July through August;¶
 - (E) Period 5: September through October; and¶
 - (F) Period 6: November through December.¶
 - (b) "Daily trip limit" means the maximum amount of shellfish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time;¶
 - (c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel during the first day through the last day of any calendar month.¶
 - (d) "Weekly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 7 consecutive days, starting at 00:01 hours local time on Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be accumulated during multiple week trips. If a calendar week falls within two different months or two different cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.¶
- (42) "Undue hardship" means death, serious illness requiring extended care by a physician, permanent disability,

or other circumstances beyond the individual's control.¶¶

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

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

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

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

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

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.129, ORS 506.109

AMEND: 635-005-0830

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-005-0830

Transferability of Sea Urchin and Sea Cucumber Permits ¶¶

(1) Any transfer of a Sea Urchin and Sea Cucumber Permit without the written consent of each person holding a security interest in such vessel is void. The following rules apply to transfer of Sea Urchin and Sea Cucumber Permits:¶¶

(2) The Department shall approve the transfer of any permit to any purchaser of the permit, provided that not more than one sale or transfer of the permit occurs within that calendar year;¶¶

(3) No Sea Urchin and Sea Cucumber Permit issued to an individual through the lottery after 1998 may be transferred to another individual until a cumulative total of 20,000 pounds of sea urchins, or 2,000 pounds of California sea cucumbers have been landed on commercial ~~fish receiving~~ electronic fish tickets by the individual issued the permit through the lottery.¶¶

(4) In the event a buyer fails to complete a purchase agreement for a vessel permit, the seller is eligible for a temporary transfer of the vessel permit back to the seller, if a preliminary injunction is issued by a circuit court requiring the State Department of Fish and Wildlife to allow the seller to continue to operate a vessel in the fishery during the pendency of the proceeding. An order granting a preliminary injunction under this section must include a finding that allowing the seller to continue to operate a vessel in the fishery will not cause excessive harvest pressure on the fishery resource.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.109, 506.129, 508.762

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0001

Definitions ¶¶

As used in Division 006 regulations:¶¶

- (1) "Board" means the Commercial Fishery Permit Board.¶¶
- (2) "Boat" means any vessel, any floating craft, powered, towed, rowed or otherwise propelled which is used for landing or taking food fish, as specified in ORS 506.006.¶¶
- (3) "Buy" includes offer to buy, barter, exchange or trade.¶¶
- (4) "Commercial fishing license" means the commercial fishing licenses required by ORS 508.235 and, for purposes of the Limited Fish Seller Permit, includes an Albacore Tuna Landing License.¶¶
- (5) "Commercial purposes" means taking food fish with any gear unlawful for angling, or taking or possessing food fish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish or parts thereof for profit, or by sale, barter or trade, in commercial channels, as specified in ORS 506.006.¶¶
- (6) "Commission" means the State Fish and Wildlife Commission created by ORS 496.090.¶¶
- (7) "Department" means the State Department of Fish and Wildlife, as specified in ORS 506.006.¶¶
- (8) "Director" means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to ORS 496.112.¶¶
- (9) "Dock receipt" means a document that is used to record all of the required landing information at the time of landing when an electronic fish ticket cannot be prepared and submitted until a later date.¶¶
- (10) "Electronic fish ticket" means a fish receiving ticket that is entered and submitted through the Pacific States Marine Fisheries Commission West Coast E-Ticket system, or a printed copy thereof for the purposes of keeping records required by 635-006-0200 and obtaining signatures. ¶¶
- (11) "Fair market value" shall be established as provided in OAR 635-006-0232.¶¶
- (102) "Fish buyer" means an individual employed by a wholesale fish dealer or food fish canner to purchase or receive food fish or shellfish from commercial fishers at locations other than the licensed premises of the wholesale fish dealer or food fish canner.¶¶
- (143) "Fish-buying station" means a location other than the licensed premises of a wholesale fish dealer or food fish canner at which such wholesale fish dealer or food fish canner purchases or receives food fish or shellfish from commercial fishers.¶¶
- (124) "Fishing" means catching, taking or harvesting food fish that results in or can be reasonably expected to result in the sale, barter, trade or other disposition of fish for other than personal use or consumption.¶¶
- (135) "Fishing gear" means, as specified in ORS 506.006, any appliance or device intended for or capable of being used to take food fish for commercial purposes, and includes:¶¶
 - (a) "Fixed gear" means longline, trap or pot, setnet, and stationary hook-and-line (including vertical hook-and-line) gears;¶¶
 - (b) "Gillnet" has the meaning as set forth in OAR 635-042-0010;¶¶
 - (c) "Hook-and-line" means one or more hooks attached to one or more lines;¶¶
 - (d) "Lampara net" means a surrounding net with the sections of netting made and joined to create bagging. It is hauled with purse rings and is generally much smaller in size than a purse seine net;¶¶
 - (e) "Longline" means a stationary buoyed, and anchored groundline with hooks attached;¶¶
 - (f) "Mesh size" means the opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine size;¶¶
 - (g) "Pot or trap" means a portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats;¶¶

(h) "Purse seine" means an encircling net that may be closed by a purse line threaded through the bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;¶

(i) "Seine" means any non-fixed net other than a trawl or gillnet;¶

(j) "Setline" means a bottom longline used in rivers and estuaries for targeting white sturgeon;¶

(k) "Set net" means a stationary, buoyed and anchored gillnet or trammel net which takes fish commonly by gilling and is not free to move or drift with the current or tide;¶

(l) "Spear" means a sharp, pointed, or barbed instrument on a shaft;¶

(m) "Trammel net" means a gillnet made with two or more walls joined to a common float line;¶

(n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by one or two vessels;¶

(o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the vessel at any time during the fishing operation;¶

(p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.¶

(146) "Fishing trip" means a period of time between landings when fishing is conducted.¶

(15)Z "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction, as specified in ORS 506.036.¶

(168) "Food fish canner" means a wholesale fish dealer who cans food fish including shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.¶

(179) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, Title 50, Part 660 (See OAR 635-004-0240).¶

(1820) "Harvester" means any person legally authorized to take food fish for commercial purposes.¶

(219) "Import" means to transport into Oregon from outside the State of Oregon.¶

(202) "Inland waters" means all waters of the state except the Pacific Ocean.¶

(243) "Land, Landed or Landing" means either of the following:¶

(a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to begin transfer of food fish from a vessel. Once transfer begins, all food fish on board the vessel are counted as part of that landing, except:¶

(A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation; and¶

(B) For vessels participating in the federal trawl rationalization program, the portion of catch that is intended to be delivered to Washington or California is not considered part of that landing.¶

(b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing" means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait dealer, or food fish canner, under which the following provisions apply:¶

(A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and¶

(B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.¶

(224) "Landing fees" means all fees due to the Department based on the pounds of fish or value of fish landed.¶

(235) "Length" or "Length Overall" of a vessel means the manufacturer's specification of overall length, United States Coast Guard or Marine Board registered length documentation stating overall length or overall length as surveyed by a certified marine surveyor. In determining overall length, marine surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard motor brackets, or transom extensions as in a dive step or platform.¶

(246) "Limited fish seller" means any person who holds a valid Oregon commercial fishing license and who has obtained an annual Limited Fish Seller Permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat, as specified in ORS 508.550.¶

(25) ~~"Limited fish seller – non-treaty Columbia River Gillnet Salmon Vessel Permit fishery" means a person who holds a valid Oregon commercial fishing license, a Columbia River Gillnet Salmon Vessel Permit, and who has obtained an annual limited fish seller permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat or at locations away from the boat.¶~~

(267) "Non-reporting fish dealer" means a wholesale fish dealer or fish bait dealer who buys food fish exclusively from other wholesale fish dealers or bait dealers.¶

(278) "Overage" means any landing or portion of a landing that exceeds groundfish trip limits. Groundfish trip limits are approved by Pacific Fisheries Management Council and implemented by the National Marine Fisheries

Service.¶¶

(289) "Owner" means any ownership interest in a vessel, including interests arising from partnerships, corporations, limited liability corporations, or limited liability partnerships. Owner does not include a leasehold interest.¶¶

(2930) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005, or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area where no jetties exist.¶¶

(301) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.¶¶

(312) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof, or any type of smoking, reducing, loining, steaking, pickling or filleting. Cooking crab is not considered processing.¶¶

(323) "Processor" means a person who buys fresh food fish from a licensed commercial fisher or a wholesale fish dealer and processes food fish for sale through retail outlets or for sale to the ultimate consumer.¶¶

(334) "Purchase" means to obtain by paying money or its equivalent, trade, or barter.¶¶

(345) "Receive" or "Receiving" means to take or come into possession of.¶¶

(356) "Replacement vessel" means a vessel purchased to replace a permitted vessel which had been lost due to fire, capsizing, sinking or other event.¶¶

(367) "Resident" means an actual bona fide resident of this state for at least one year immediately prior to application.¶¶

(378) "Retail fish bait dealer" means a person who buys fresh food fish or shellfish from a wholesale fish dealer or wholesale fish bait dealer; and sells to the ultimate consumer for use as bait.¶¶

(389) "Retail fish dealer" means a person who buys fresh food fish or shellfish from wholesale fish dealers, undertakes limited processing activity (limited to loining of tuna, filleting, smoking, steaking, or pickling food fish or shellfish), and sells only to the ultimate consumer.¶¶

(3940) "Retain" means to keep in possession or use.¶¶

(401) "Security interest" means an interest in a vessel or permit granted by the owner of the vessel or permit to a third party under a security agreement, pursuant to ORS Chapter 79, another state's laws enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory provisions for federally documented vessels.¶¶

(412) "Sell" includes to offer or possess for sale, barter, exchange or trade.¶¶

(423) "Shellfish canner" means a wholesale fish dealer who cans only shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.¶¶

(434) "Take" means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill.¶¶

(445) "Take home" means food fish that are sold commercially to a licensed wholesale fish dealer, reported on a fish receivingn electronic fish ticket and then purchased back for the purpose of private use by the harvester.¶¶

(456) "Transport" means, for the purposes of OAR 635-006-0165, to move the food fish after landing.¶¶

(467) "Trip limit" means the total amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are not landed until the next period. Trip limits may be:¶¶

(a) "Bi-monthly cumulative trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number of landings or trips in each period, and periods apply to calendar months. The specified periods are as follows:¶¶

(A) Period 1: January through February;¶¶

(B) Period 2: March through April;¶¶

(C) Period 3: May through June;¶¶

(D) Period 4: July through August;¶¶

(E) Period 5: September through October; and¶¶

(F) Period 6: November through December.¶¶

(b) "Daily trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of groundfish may be made in that 24-hour period;¶¶

(c) "Monthly trip limit" means the maximum amount of fish that may be taken and retained, possessed or landed per vessel during the first day through the last day of any calendar month.¶¶

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

limits during that week.¶

(478) "Ultimate consumer" means the party that utilizes the product as food, including restaurants.¶

(489) "Value" means the monetary value of the food fish, or parts thereof, including eggs and other by-products, at the point of landing as usually determined by the first exchange between the harvester and the first purchaser. In addition:¶

(a) Value is typically the amount of money which the first purchaser pays at the time and place that the fish are off-loaded from a vessel, or brought to shore if there is no vessel involved in harvesting, before any reductions or deductions in the amount of money as a result of the dealer furnishing ice, fuel, food or other commodities; and¶

(b) Value includes bonuses and other payments based directly on the quantity or quality of food fish exchanged, regardless of the time of payment of such bonuses or other payments; and¶

(c) Value includes any payments based on the proportion or percentage of processed products recovered from the food fish landed in the round or other form; and¶

(d) Value for food fish not sold by the harvester is the value received for comparable fish sold to a wholesale fish dealer at the same time and place that the fish are landed; and¶

(e) Value for food fish purchased from a harvester, by the harvester when acting as a wholesale fish dealer, is the price that is or would be paid to any other harvester for the same fish; and¶

(f) Value for food fish sold by a limited fish seller is the retail price received by the harvester from the first purchaser; and¶

(g) Value for food fish imported from out of state but not previously taxed out of state is the price paid for the fish by the first Oregon purchaser.¶

(4950) "Vessel operator" means the person onboard a fishing vessel who is responsible for leading a fishing vessel in fishing or transit operations, and who signs the corresponding electronic fish ticket or dock receipt from that fishing trip. A vessel operator may be a vessel or permit owner or both, individual hired to operate a vessel, or lessee of a vessel, permit or both. Although more than one person may physically operate a vessel during a fishing trip or transit, there may only be one person identified as a vessel operator (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or transit.¶

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

(512) "Weighbacks" means fish or shellfish with no commercial value.¶

(523) "Wholesale fish bait dealer" means a person who buys food fish or shellfish, or parts thereof, from a licensed commercial fisher, licensed commercial bait fisher, or licensed angler, and sells or uses such food fish or shellfish for bait, scientific or educational purposes, or live public display.¶

(534) "Wholesale fish dealer" means a person who:¶

(a) Buys food fish or shellfish from a commercial fisher; or¶

(b) Processes food fish or shellfish or any part thereof; or¶

(c) Sells food fish or shellfish to retail dealers or other wholesale fish dealers.¶

(545) "Working day" means Monday through Friday, excluding Oregon legal holidays.

Statutory/Other Authority: Senate Bill (SB) 887 (2023), ORS 506.119, ORS 506.129

Statutes/Other Implemented: Senate Bill (SB) 887 (2023), ORS 506.109, ORS 508.025, ORS 508.040, ORS 508.550

AMEND: 635-006-0132

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0132

Limited Fish Sellers Permit ¶

(1) The permit referred to in ORS 508.550 shall be available to commercial fishers who hold a valid commercial fishing license, ~~including Albacore Tuna Landing License~~, and who sell the catch off his or her own vessel, or a vessel operated by the fisher. ¶

(2) It is unlawful under this permit to sell any food fish or shellfish from a vessel which were not taken by that vessel. ¶

(3) Prior to selling food fish from their vessel, the holder of a Limited Fish Seller Permit must notify the Department of the following: ¶

(a) For all fish and shellfish onboard the vessel: ¶

(A) The estimated number pounds of food fish on board the vessel and the location where sales are to take place. Completion of a for each species or species group, as determined by the Department; ¶

(B) The number of Columbia River sturgeon; ¶

(C) For vessels participating in the salmon troll fishery, the number of each species of salmon and halibut; and ¶

(b) The location where sales are to take place. ¶

(c) All Limited Fish Sellers landing Dungeness crab must report the area of primary catch on the electronic fish ticket at the time of landing. ¶

(4) Submission of an initial electronic fish ticket prior to selling with the estimated number information required by section (3)(a) of fish on board this rule and completion of the Limited Fish Seller Permit application which identifies location from which the sales occur constitutes the required notice. Change in location of sales from that reported in the Limited Fish Seller Permit application must be reported to the Department. ¶

(45) Dressed fish must have an established dressed to round weight conversion factor. ¶

(56) After the sale of and reporting of whole or dressed food fish, a limited fish seller may conduct or allow limited processing on his/her boat (limited to loining or filleting) of food fish or any part thereof for the ultimate consumer.

Statutory/Other Authority: ORS 506.119, 513.020

Statutes/Other Implemented: ORS 506.129, 508.025, 508.040, 508.550

AMEND: 635-006-0150

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0150

Single Delivery License ¶¶

(1) The Single Delivery License is issued in accordance with ORS 508.035 for a one-time landing of food fish in a 12 month period; and is in lieu of the commercial fishing and boat license described in OAR 635-006-0140 and 635-006-0145. Where "commercial fishing license" is used in ORS 508.235 and "boat license" is used in 508.260, this license may be substituted.¶¶

(2) In the absence of a commercial fishing and boat license, it is unlawful to engage in the taking or landing of food fish in waters of this state without a single delivery license.¶¶

(3) No food fish shall be removed from a boat requiring a Single Delivery License until the fee for such license is received and such license has been issued by an authorized agent of the Department. The license shall be on board the boat and available for inspection by the Oregon State Police or a representative of the Department whenever food fish are being unloaded.¶¶

(4) Single delivery licenses shall be forfeited upon landing to the wholesale fish dealer, who shall attach the license document to the ~~appropriate Fish Receiving Ticket~~ copy of the electronic fish ticket. Vessels taking fish outside of state waters may substitute the license fee at the time of landing for the license document.¶¶

(5) Vessels operating under a Single Delivery License must comply with OAR 635-006-0140(7), when requested by the Department.¶¶

~~[ED. NOTE: This rule was Renumbered from 625-040-0085, Renumbered from 635-036-0550]~~

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129, 508.025, 508.035, 508.235, 508.260

Statutes/Other Implemented: ORS 506.109, 506.129, 506.306, 508.025, 508.035, 508.235, 508.260

AMEND: 635-006-0165

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0165

Commercial Fisher Transportation Report ¶

(1) It is unlawful for any commercial fisher or any other person to transport food fish or shellfish in this state without first preparing and having in possession a written transportation report, invoice, or memorandum. The transportation report, invoice, or memorandum shall include the following:¶

(a) Date;¶

(b) Name and address of person from whom food fish or shellfish were received. If being transported by a commercial fisher or received from a commercial fisher, including his or her commercial fishing license number;¶

(c) Name and address of the Oregon licensed Wholesale Fish Dealer or Oregon licensed Fish Bait Dealer where the food fish or shellfish are being delivered;¶

(d) The number of each species of food fish or shellfish, their weight or estimated weight in pounds.¶

(2) Notwithstanding OAR 635-006-0210(2), the food fish or shellfish shall be transported ~~within 48 hours~~ to an Oregon licensed Wholesale Fish Dealer or Oregon licensed Fish Bait Dealer and reported on a ~~Fish Receiving Ticket~~ electronic fish ticket within 48 hours of arriving in port.¶

(3) The transportation report, invoice, or memorandum shall be prepared prior to any food fish or shellfish being removed from the boat of original taking or prior to transporting away from the point of initial landing. For clams, the report shall be prepared prior to leaving the beach or clam digging area. For food fish or shellfish transported into Oregon from another state, the report shall be prepared prior to entering the State of Oregon. A bill of lading or freight bill required for common carriers is acceptable in lieu of a transportation report.¶

(4) The transportation report, invoice, or memorandum shall be retained by the commercial fisher or person transporting the food fish including shellfish for a period of six months and is subject to inspection by the Director, the Director's authorized agent, or by the Oregon State Police at any time during that period.¶

(5) This section does not apply to:¶

(a) Retail fish dealers, retail bait fish dealers, wholesale fish dealers, food fish canners, shellfish canners, and wholesale fish bait dealers when required to keep records in accordance with OAR 635-006-0205 and ORS 508.535; or¶

(b) Vessels participating in the federal trawl rationalization program that are delivering part of their catch to licensed dealers in Washington or California.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.109, 506.129, 506.306, 508.535

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0205

Required Reports ¶

(1) Every licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, and shellfish canner shall report all food fish or shellfish received from commercial fishers or commercial bait fishers authorized to land his or her catch in Oregon or received from a fish dealer from another state in which no tax or fee is levied and collected on the food fish or shellfish.¶

(2) As used in these regulations, any licensed wholesale fish dealer, fish buying station, fish buyer, bait dealer or canner whose licensed premises includes 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, reporting, and paying landing fees on such catch. The aforementioned premises shall only be licensed by one wholesale dealer, fish buying station, fish buyer, bait dealer or canner at one given time, except as provided in section (3) of this rule.¶

(3) Notwithstanding section (2) of this rule, upon receipt and approval by the Department of a Memorandum of Understanding in a form provided by the Department and signed by both parties, a licensed wholesale fish dealer or canner (identified as primary dealer) whose licensed premises includes a receiving or docking facility for unloading the catch from a commercial fishing vessel may act as an agent for another licensed wholesale fish dealer or canner (identified as secondary dealer).¶

(a) Through the Memorandum of Understanding the primary dealer agrees:¶

(A) To unload fish or shellfish products at their licensed receiving or buying dock from fishing vessels who are providing catch to the secondary dealer as per prior agreement and arrangement with the secondary dealer;¶

(B) To confirm that the landing is legal and the species are legal;¶

(C) To accurately report on ~~Fish Receiving Tickets~~ an electronic fish ticket or dock receipt, assigned to the secondary dealer by the Department, all landing information in accordance with OAR 635-006-0210, with the exception of price;¶

(D) To obtain fisher signature on ~~the Fish Receiving Ticket reporting such catch or if necessary, a dock ticket for Dungeness crab or net-caught groundfish~~ an electronic fish ticket or dock receipt reporting such catch in accordance with OAR 635-006-0211;¶

(E) To, upon transfer of the landed product from the primary dealer to the secondary dealer, provide the ~~Fish Receiving Ticket record~~ electronic fish ticket or dock receipt of the landing to the secondary dealer; and¶

(F) To retain a record of the required landing information of such catches.¶

(b) In addition, through the Memorandum of Understanding, the secondary dealer agrees:¶

(A) To obtain the appropriate buyer's license;¶

(B) To complete ~~the Fish Receiving Ticket~~ an electronic fish ticket that reports the transferred product landed at the receiving or buying dock of the primary dealer, by adding the species ex-vessel price;¶

(C) To submit ~~copies to the Department~~ the electronic fish ticket in accordance with OAR 635-006-0210(2); and¶

(D) To submit to the Department a monthly remittance report and accompanying landing fees in accordance with OAR 635-006-0215.¶

(c) The Department may withdraw its approval of any Memorandum of Understanding effective seven calendar days from postmark of written notice, based on the failure to abide by any of the terms of the Memorandum of Understanding or violation of any provision of this rule. If the Department withdraws its approval, then section (2) of this rule shall be applicable.¶

(4) Two basic reports required for reporting the commercial catch of food fish and shellfish and the payment of landing fees due on such catch are:¶

(a) The State of Oregon ~~Fish Receiving Ticket~~ Electronic fish ticket; and¶

(b) The Fish Dealer Monthly Remittance Report. These reports shall be submitted on forms supplied or approved by the Department and completed in accordance with OAR 635-006-0210 and 635-006-0215.¶

(5) For pink shrimp unloaded at a receiving or docking facility of a wholesale fish dealer or shellfish canner, the following shall apply:¶

(a) All pink shrimp shall be weighed and the net weight (pounds of raw shrimp landed) recorded on a ~~Fish Receiving Ticket~~ electronic fish ticket or dock receipt before being removed from the receiving facility and prior to processing;¶

(b) Notwithstanding subsection (5)(a) of this rule, a minimum sampling method or equivalent method may be used to estimate the net weight provided such method is approved and authorized in writing by the Department;¶

(c) Those wholesale fish dealers or cannerys authorized to use the sampling procedure in subsection (5)(b) of this rule are subject to inspection for accuracy by the Department or by the Oregon State Police, at any time.

Authorization for use of a sampling procedure may be withdrawn if, in the judgment of the Department, the procedure employed is likely to be inaccurate.¶

(6) All commercial fishers landing Dungeness crab must report the area of primary catch to the dealer at the time of landing. The dealer is responsible for recording this information on the ~~Fish Receiving Ticket~~ electronic fish ticket.¶

(7) For wholesale fish bait dealers landing less than 5,000 pounds daily of species defined in OAR 635-004-0220(3)(b)(C) and 635-004-0220(3)(b)(D), the following shall apply:¶

(a) Wholesale fish bait dealers may request the Department allow an estimate of the net weight of fish caught on a ~~Fish Receiving Ticket~~ electronic fish ticket.¶

(b) The Department may issue a written approval of requests made under subsection (6)(a) of this rule if the permittee uses a minimum sampling method or equivalent method to estimate the net weight, provided such method is acceptable to the Department.¶

(c) Those wholesale fish bait dealers authorized to use a sampling procedure approved under subsection (6)(b) of this rule are subject to inspection for accuracy by the Department or by the Oregon State Police, at any time.

Authorization for use of a sampling procedure may be withdrawn if, in the judgment of the Department, the procedure employed is likely to be inaccurate.¶

(8) Notwithstanding section (2) of this rule, for vessels registered to a federal limited entry trawl permit with a Catcher/Processor endorsement, and a valid declaration for the limited entry, midwater trawl, Pacific whiting catcher/processor sector, and landing processed fish, the owner of such vessel shall have the responsibility for weighing the catch, reporting, and paying landing fees on such catch.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129, 508.530

Statutes/Other Implemented: ORS 506.109, 506.129, 508.535

AMEND: 635-006-0207

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0207

Limited Fish Seller Required Reports ¶

(1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0205.¶

(2) Every licensed Limited Fish Seller shall report all food fish or shellfish sold directly to consumers. ~~Prior to making any sales of food fish or shellfish, Limited Fish Sellers shall notify the Department, by such means as the Department prescribes, the estimated number of food fish on board the boat and the location where the sale is to take place.~~¶

(3) Two reports required for reporting the commercial sale and the payment of landing fees due on such catch are:¶

(a) The State of Oregon Fish Receiving ~~Electronic fish ticket~~; and¶

(b) The Fish Dealer Monthly Remittance Report. These reports shall be submitted on forms supplied or approved by the Department and completed in accordance with OAR 635-006-0210 and 635-006-0215. In addition, a sequentially numbered receipt for each individual sale shall be issued to the purchaser at time of purchase, and to the fisher if fish are to be kept for take home use. This receipt shall include the date, species, weight in pounds, price, number of fish or shellfish, and vessel name. A copy shall be retained on the vessel for a period of six months and available for three years and is subject to inspection by the Oregon State Police or authorized Department employee.

Statutory/Other Authority: ORS 506.109, 506.119, 506.129, ORS 802

Statutes/Other Implemented: ORS 506.109, 506.119, 506.129, ORS 802

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0210

~~Fish Receiving~~Electronic Fish Ticket - All Fish

(1) Except as provided in OAR 635-006-0211, for each purchase of food fish or shellfish by a licensed wholesale fish dealer, wholesale fish bait dealer, food fish canner, or shellfish canner from a commercial fisher or commercial bait fisher, the dealer or canner shall prepare at the time of landing a ~~Fish Receiving Ticket~~ an electronic fish ticket; or a ~~separate document in lieu of a Fish Receiving Ticket~~ dock receipt, provided the original dock ticket ~~receipt~~ is attached to the ~~completed dealer copy of the Fish Receiving Ticket~~ a printed copy of the electronic fish ticket and kept on file for inspection by the Director, the Director's authorized agent, or by the Oregon State Police. ~~Fish dealers shall be required to account for all Fish Receiving Tickets received from the Department. Fish Receiving Tickets shall be issued in numerical sequence.~~

~~(2) Fish Receiving Ticket~~

~~(2) Fish Receiving Ticket~~ (2) Electronic fish tickets shall include the following:

- (a) Fish dealer's name and license number, including the buying station and location if the food fish or shellfish were received at any location other than the licensed premises of the fish dealer;
- (b) Date of landing;
- (c) His or her name from whom purchase is made. If not landed from a vessel, then his or her commercial license number shall be added. If received from a Columbia River treaty Indian, his or her tribal affiliation and enrollment number as shown on the official identification card issued by the U.S. Department of Interior, Bureau of Indian Affairs, or tribal government, shall be used in lieu of an address or commercial fishing license;
- (d) Boat name, boat license number, and federal document or State Marine Board number from which catch made;
- (e) For groundfish harvested in the limited entry fixed gear fishery, the federal limited entry fixed gear permit number associated with the landing or portion of landing, which shall be provided by the vessel operator to the preparer of the electronic fish ticket;
- (f) Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a fishing trip;
- (g) Fishing gear used by the fisher;
- (h) For salmon, zone or area of primary catch and for Dungeness crab, all harvest areas as defined by OAR 635-006-0201 from which Dungeness crab were taken;
- (i) Species or species group, as determined by the Department, of food fish or shellfish received;
- (j) Pounds of each species or species group, as determined by the Department, received;
- (A) Pounds must be determined and reported based on condition of the fish when landed, either dressed or round. Dressed pounds may only be used for species with a conversion factor listed at OAR 635-006-0215(3)(gf). Measures must be taken using a certified scale.
- (B) Pounds shall include those fish or shellfish with no commercial value.
- (k) For Columbia River sturgeon the exact number of fish received and the actual round weight of that number of fish;
- (l) Price paid per pound for each species received;
- (m) Signature of the individual preparing the ~~Fish Receiving Ticket~~ Electronic fish ticket;
- (n) Signature of the vessel operator making the landing;
- (o) Species name, pounds and value of fish retained by fisher for take home use.

(3) Except as otherwise provided in ~~OAR 635-006-0212 and OAR 635-006-0213~~, the original of each ~~Fish Receiving Ticket covering food fish and shellfish received shall be forwarded within five working days of the date of landing~~ this rule, the electronic fish ticket shall be submitted to the Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302 or through the Pacific States Marine Fisheries Commission

~~West Coast E-Ticket system or as required by Title 50 within one working day of the date of Federal Regulations, part 660 Subpart C. All fish dealer amendments must be conducted in the same system in which the ticket was initially submitted landing.~~¶¶

(4) For Columbia River non-treaty mainstem and Select Area commercial fisheries downstream of Bonneville Dam, each licensed wholesale fish dealer, wholesale fish bait dealer, limited fish seller, and food fish canner must submit fish receiving tickets electronically through the Pacific States Marine Fisheries Commission (PSMFC) West Coast E-Ticket System for all salmon, sturgeon, smelt and shad landed. Electronic fish tickets (e-tickets) must be submitted within 24 hours of closure of the fishing period, or within 24 hours of landing for fishing periods lasting longer than 24 hours. All fish dealer amendments to electronic fish tickets must be conducted in the same system in which the tickets were initially submitted.¶¶

(5) For the Ocean and Bay Dungeness Crab Fisheries, as defined in OAR 635-005-0400 and OAR 635-005-0500, each licensed wholesale fish dealer, wholesale fish bait dealer, limited fish seller, and food fish canner must submit fish receiving tickets electronically through the Pacific States Marine Fisheries Commission (PSMFC) West Coast E-Ticket System for all Dungeness crab landed. Electronic fish tickets (e-tickets) must be submitted within one working day of the date of landing. All fish dealer amendments to an electronic fish ticket within 24 hours of closure of the fishing period, or within 24 hours of landing for fishing periods lasting longer than 24 hours.¶¶

~~(5) Wholesale fish bait dealers landing small quantities of food fish or shellfish may request authorization to combine multiple landings on one electronic fish ticket and to deviate from the time in which electronic fish tickets must be conducted in the same system in which the tickets were initially submitted.~~¶¶

(6) For the Intertidal and Dive Bay Clam Fisheries, as defined in OAR 635-005-0305 and OAR 635-005-0365, each licensed wholesale fish dealer, wholesale fish bait dealer, limited fish seller, and food fish canner must submit fish receiving tickets electronically through the PSMFC West Coast E-Ticket System for all clams landed, with the exception of razor clams. E-tickets must be submitted within one working day of the date of landing. All fish are due to the Department. Such request shall be in writing, and written authorization from the Department shall be received by the wholesale fish bait dealer before any such deviations may occur.¶¶

~~(6) Notwithstanding section (2)(j)(A) of this rule, for vessels registered to a federaler amendments to electronic fish tickets must be conducted in the same system in which the tickets were initially submitted.~~¶¶

~~(7) Wholesale fish bait dealers landing small quantities of food fish or shellfish may request authorization to combine multiple landings on one Fish Receiving Ticket and to deviate from the time in which Fish Receiving Tickets are due to the Department. Such request shall be in writing, and written authorization from the Department shall be received by the wholesale fish bait limited entry trawl permit with a Catcher/Processor endorsement, and a valid declaration for the limited entry, midwater trawl, Pacific whiting catcher/processor sector, and landing processed fish, round pounds may be determined at sea prior to landing using scales that meet the requirements of the Code of Federaler before any such deviations may occur Regulations, Part 660, Subpart C, Section 660.15(b).~~

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 496.162, ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS 508.535

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 508.040, ORS 508.530, ORS 508.535, ORS 508.550, ORS 508.025

AMEND: 635-006-0211

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0211

~~Fish Receiving~~Electronic Fish Ticket - Dungeness crab and Net Caught Groundfish ¶¶

(1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0210.¶¶

(2) For net-caught groundfish, at time of landing the following information may be recorded on a ~~separate document in lieu of a Fish Receiving Ticket~~ dock receipt in lieu of an electronic fish ticket provided this original document (~~dock ticket~~) k receipt is attached to the completed dealer copy of the ~~Fish Receiving Ticket~~ electronic fish ticket that is kept on file at the dealer's location for review upon request by the Director, Director's authorized agent, or by the Oregon State Police:¶¶

(a) Date of landing.¶¶

(b) Boat name and federal document or State Marine Board number from which catch was made.¶¶

(c) Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a fishing trip.¶¶

(d) Pounds of fish by species or species group, as determined by the Department:¶¶

(A) Pounds must be determined based on condition of the fish when landed, either dressed or round. Dressed pounds may only be used for species with a conversion factor listed at OAR 635-006-0215(3)(gf). Measures must be taken using a certified scale.¶¶

(B) Pounds shall include "weighbacks" by species. "Weighbacks" are those fish or shellfish with no commercial value. ~~Species or species groups defined in 635-006-0210(2)(i)(B) are exempt from fish ticket requirements when considered "weighbacks."~~¶¶

(e) Signature of the vessel operator delivering the catch.¶¶

(3) For Dungeness crab, at time of landing the following may be recorded on a ~~separate document in lieu of a Fish Receiving Ticket~~ dock receipt in lieu of an electronic fish ticket, provided this original document (~~landing~~) k receipt is attached to the completed dealer copy of the ~~Fish Receiving Ticket~~ subsequently submitted to ODFW a printed copy of the electronic fish ticket that is kept on file at the dealer's location for review upon request by the Director, Director's authorized agent, or by the Oregon State Police:¶¶

(a) Fish dealer's name and dealer license number;¶¶

(b) Date of landing;¶¶

(c) Name of vessel operator from whom the food fish were purchased;¶¶

(d) Vessel name, vessel license number, and the federal document or State Marine Board number of the vessel from which catch was made;¶¶

(e) Port name of first landing. The port of first landing will be recorded as where a vessel initially crosses from the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a fishing trip;¶¶

(f) Fishing gear used by the fisher;¶¶

(g) Gross pounds of food fish received and price paid per pound; and¶¶

(h) Signature of both the vessel operator making the landing and the individual preparing the ~~landing receipt~~ dock receipt or electronic fish ticket.¶¶

(4) Notwithstanding section (2)(d)(A) of this rule, for vessels registered to a federal limited entry trawl permit with a Catcher/Processor endorsement, and a valid declaration for the limited entry, midwater trawl, Pacific whiting catcher/processor sector, and landing processed fish, round pounds may be determined at sea prior to landing using scales that meet the requirements of the Code of Federal Regulations, Part 660, Subpart C, Section 660.15(b).

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129, 508.530, 508.535

Statutes/Other Implemented: ORS 506.109, 506.129, 508.025, 508.040, 508.550

AMEND: 635-006-0212

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0212

~~Fish Receiving~~ Electronic Fish Ticket - Salmon ¶

(1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0210.¶

(2) ~~Fish receiving tickets shall be completed at time of landing and the original copy forwarded within four consecutive days following the landing to the Oregon Department of Fish and Wildlife.¶~~

(3) ~~For troll-caught salmon, fish receiving~~ or troll-caught salmon, electronic fish tickets shall show the number of each species of salmon landed, the number of halibut landed, if any, and the number of days fished during the trip in which the salmon were caught.¶

(4) ~~It is lawful for licensed wholesale fish dealers, canners, or buyers to purchase gilled and gutted Columbia River salmon from individuals possessing Indian treaty rights, as defined in OAR 635-041-0005, if lawfully taken during open commercial Treaty Indian fisheries. The licensed wholesale dealer must submit landed weights on the Fish Receiving Ticket.~~ Any gilled and gutted salmon must be reported using the appropriate condition code (60) which uses the conversion factor of 1.17 listed in OAR 635-006-0215 for Treaty Indian Fishery Columbia River salmon and steelhead trout.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS 508.530, ORS 508.535

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 508.025, ORS 508.040, ORS 508.550

AMEND: 635-006-0213

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0213

~~Fish Receiving Ticket~~ Electronic Fish Ticket - Limited Fish Seller Permit ¶¶

(1) This regulation is in addition to, and not in lieu of the provisions contained in OAR 635-006-0210.¶

(2) For food fish or shellfish sold under a Limited Fish Seller Permit, the Limited Fish Seller shall complete daily entries of fish sold on a ~~Fish Receiving Ticket~~. ~~Fish Receiving Tickets are prenumbered in books of 50~~ on electronic fish tickets. ~~Limited Fish Sellers shall account for all Fish Receiving Tickets received from the Department. Fish Receiving Tickets shall be issued in numerical sequence. The Fish Receiving Ticket~~ Electronic fish tickets shall include, for each day's sales:¶

(a) Limited Fish Seller's name and license number;¶

(b) Date of sales;¶

(c) Boat name and federal document or State Marine Board number from which catch made;¶

(d) For groundfish harvested in the limited entry fixed gear fishery, the federal limited entry fixed gear permit number associated with the landing or portion of landing;¶

(e) Port of first landing. The port of first landing will be recorded as where a vessel initially crosses from the Pacific Ocean to inland waters, or is physically removed from the Pacific Ocean, for the purposes of ending a fishing trip;¶

(f) Fishing gear used;¶

(g) Species or species group of fish or shellfish sold;¶

(h) Quantity in pounds;¶

(i) Price received per pound;¶

(j) Signature of the individual preparing the electronic fish ticket;¶

(k) Name of wholesale fish dealer to whom other food fish or shellfish were sold from the same fishing trip.¶

(l) For troll-caught salmon, ~~fish receiving~~ electronic fish tickets shall show the number of each species of salmon landed, the number of halibut landed, if any, and the number of days fished during the trip in which the salmon were caught.¶

(3) ~~The original of each Fish Receiving Ticket~~ Electronic fish ticket covering fish and shellfish sold per trip shall be ~~forwarded within ten working days following the landing to the Department.~~¶

(4) ~~For the Ocean and Bay Dungeness Crab Fisheries, as defined in OAR 635-005-0400 and OAR 635-005-0400, an initial electronic fish ticket must be submitted within one working day of the date of landing. The initial fish ticket shall include an estimate of the total pounds for the landing~~ completing sales.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS 508.530, ORS 508.535, ORS 508.550

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 508.025, ORS 508.040, ORS 508.550

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0215

Monthly Remittance Report ¶¶

(1) A monthly report is required of all licensed:¶¶

(a) Wholesale fish dealers, wholesale fish bait dealers, food fish canners, or shellfish canners receiving food fish or shellfish from licensed commercial fishers or bait fishers;¶¶

(b) Limited Fish Sellers selling food fish or shellfish.¶¶

(2) Except as provided in OAR 635-006-0220, the report is required even though no food fish or shellfish are received or sold during the calendar month covered by the report.¶¶

(3) The following information shall be included on the report:¶¶

(a) Fish dealer's name, license number, and address;¶¶

(b) Calendar month of the report;¶¶

~~(c) Serial numbers of all Fish Receiving Tickets issued during the month;¶¶~~

~~(d)~~ Total pounds of all salmon and steelhead received or sold during the calendar month on which poundage fees are due. Salmon and steelhead may be reported as round weight, dressed head on or dressed head off;¶¶

~~(e)~~ Total value of salmon and steelhead received or sold during the calendar month including fish eggs and parts;¶¶

~~(f)~~ Total value of all other food fish and shellfish including eggs and parts;¶¶

~~(g)~~ Total pounds in the round of all other species of food fish or shellfish received or sold during the calendar month on which taxes are due. When landed in a dressed condition, the following listed species may be converted to round weight for the purposes of completing monthly reports, by multiplying each applicable below-listed factor by the dressed weight of that species:¶¶

(A) Troll salmon:¶¶

(i) Gilled and gutted 1.15¶¶

(ii) Gilled, gutted, and headed 1.30¶¶

(B) Treaty Indian Fishery Columbia River salmon and steelhead trout: Gilled and gutted 1.17¶¶

(C) Halibut:¶¶

(i) Gilled and gutted 1.15¶¶

(ii) Gilled, gutted, and headed 1.35¶¶

(D) Sablefish, gutted and headed 1.60¶¶

(E) Pacific whiting:¶¶

(i) Fillet 2.86¶¶

(ii) Headed and gutted 1.56¶¶

(iii) Headed and gutted with tail removed 2.0¶¶

(F) Thresher shark, gutted and headed 1.41¶¶

(G) Blue shark, gutted and headed 1.49¶¶

(H) Pacific spiny dogfish, gutted and headed 1.81¶¶

(I) Shortfin mako shark, gutted and headed 1.45¶¶

(J) Soupfin shark, gutted and headed 1.96¶¶

(K) Other sharks, gutted and headed 1.72¶¶

(L) Swordfish gutted and headed, with fins and bloodline removed 1.45¶¶

(M) Lingcod:¶¶

(i) Gilled and gutted 1.1¶¶

(ii) Gilled, gutted and headed 1.5¶¶

(N) Spot prawn, tails 2.24¶¶

(O) Rockfish (including thornyheads), except Pacific Ocean Perch:¶

(i) Gilled and gutted 1.14¶

(ii) Gutted and headed 1.75¶

(iii) Gutted and headed, with collarbone still attached to body (western cut) 1.66¶

(iv) Gutted and headed, with collarbone removed from body (eastern cut) 2.0¶

(P) Pacific Ocean Perch:¶

(i) Gilled and gutted 1.14¶

(ii) Gutted and headed 1.6¶

(Q) Pacific Cod:¶

(i) Gilled and gutted 1.23¶

(ii) Gutted and headed 1.58¶

(R) Dover sole, English sole, and "other flatfish" as defined in Title 50 of the Code of Federal Regulations, part 660 Subpart C, gutted and headed 1.53¶

(S) Petrale sole:¶

(i) Gilled and gutted 1.16¶

(ii) Gutted and headed 1.51¶

(T) Arrowtooth flounder, gutted and headed 1.35¶

(U) Starry flounder, gutted and headed 1.49¶

(V) Groundfish, glazed:¶

(i) Conversion factors must be calculated for each landing for each species or species group categorized in OAR 635-006-0209 when there are 60 or greater individuals of a category in a single landing as follows:¶

(I) Weigh a sample of at least 20 glazed fish to obtain the glazed weight;¶

(II) Completely remove glaze from individual fish making up the sample;¶

(III) Re-weigh the sample to obtain the non-glazed weight;¶

(IV) Divide the non-glazed weight by the glazed weight to obtain the conversion factor;¶

(V) A separate conversion factor may be calculated for each size grade of a species, but may only be applied to landings of that size grade;¶

(VI) Documentation of this calculation must be retained with the dock receiving ticket.¶

(ii) A conversion factor of 0.95 must be applied when there are fewer than 60 individuals of any species or species group categorized in OAR 635-006-0209 in a single landing.¶

(h) Total value of food fish landed in another state but not taxed by that state;¶

(h) Total pounds in the round of all food fish landed in another state but not taxed by that state;¶

(j) Total fees due— in accordance with ORS 508.505 the fees are the value of the food fish at the point of landing multiplied by the following rates:¶

(A) All salmon and steelhead, 3.15 percent.¶

(B) Effective January 1, 2005, all black rockfish, blue rockfish and nearshore fish (as defined by ORS 506.011), 5.00 percent.¶

(C) Effective January 1, 2010, all other food fish (except tuna, shellfish, crab, shrimp, sablefish, and whiting, as defined by ORS 508.505) and all other groundfish, 2.25 percent.¶

(D) All tuna (as defined by ORS 508.505), 1.09 percent.¶

(E) All crab, 2.35 percent.¶

(F) All sablefish, 2.40 percent.¶

(G) All sardines, 2.25 percent.¶

(H) All shellfish, 2.30 percent.¶

(I) All shrimp, 2.40 percent.¶

(J) All whiting, 2.30 percent.¶

(k)¶

(j) Signature of the individual completing the report.¶

(4) The monthly report and all landing fees due shall be sent to the Department on or before the 20th of each month for the preceding calendar month. Landing fees are delinquent if not received or postmarked within 20 days after the end of the calendar month. A penalty charge of \$5 or five percent of the landing fees due, whichever is larger, shall be assessed along with a one percent per month interest charge on any delinquent landing fee payments.¶

(5) Notwithstanding section (3)(g) of this rule, for vessels registered to a federal limited entry trawl permit with a Catcher/Processor endorsement, and a valid declaration for the limited entry, midwater trawl, Pacific whiting catcher/processor sector, and landing processed fish, round pounds may be determined at sea prior to landing using scales that meet the requirements of the Code of Federal Regulations, Part 660, Subpart C, Section 660.15(b).

Statutory/Other Authority: SB 247 (2015), ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129, ORS

508.530

Statutes/Other Implemented: ORS 506.109, ORS 506.129, ORS 508.535, ORS 508.505, ORS 508.550

RULE SUMMARY: These amended rules will require all commercial catch landed into Oregon to be reported using the Pacific States Marine Fisheries Commission electronic fish ticket system. These amended rules will also allow catcher-processors to land processed fish into Oregon and removes ad-valorem rates from Oregon Administrative Rules which are already identified in Oregon Revised Statutes.

The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in Attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-006-0225

Purchase, Record, Report, and Sale of Steelhead Trout and Walleye from Treaty Indian Fisheries

(1) Steelhead trout and walleye lawfully taken by treaty Indians during commercial fishing seasons may be purchased by licensed wholesale fish dealers, canners, or buyers pursuant to restrictions set forth in sections (2) through (4) of this rule. In addition, steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased and/or possessed by any individual pursuant to restrictions set forth in section (5) of this rule.¶

(2) The wholesale fish dealer, canner, or buyer, shall at the time of purchase, enter the purchase of steelhead trout and walleye on a ~~Department Columbia River Fish Receiving Ticket~~ Tribal electronic fish ticket or dock receipt provided the original dock receipt is attached to the completed dealer copy of the Electronic Fish Ticket and kept on file for inspection by the Director, the Director's authorized agent, or by the Oregon State Police. Information required to be entered on the ~~Fish Receiving Ticket~~ Electronic fish ticket shall be the same as required by OAR 635-006-0210 and 635-006-0212 for each purchase of food fish.¶

(3) The record keeping and reporting requirements for food fish as set forth in OAR 635-006-0200 through 635-006-0215 shall apply to all steelhead trout and walleye purchases. The landed weights of all gilled and gutted steelhead trout must be submitted by the licensed wholesale fish dealer, canner, or buyer by using the appropriate condition code (60) that applies a conversion factor of 1.17 listed in OAR 635-006-0215 for Treaty Indian Fishery Columbia River salmon and steelhead trout.¶

(4) In addition to the records required in connection with the purchase of steelhead trout, and walleye, a record of all sales of steelhead trout and walleye shall be maintained by licensed wholesale fish dealers, canners, or buyers for a period of three years and shall be subject to inspection by the Department, the Director's authorized agent or the Oregon State Police. Such record of sales shall include as a minimum:¶

(a) Name and address of each person to whom either steelhead or walleye are sold;¶

(b) Quantity in pounds of each sale identified as whole or round weight or dressed weight; and¶

(c) Date of each delivery.¶

(5) Steelhead trout and walleye taken lawfully by treaty Indians during commercial fishing seasons may be purchased from a treaty Indian and/or possessed by any individual so long as said fish are accompanied by a written document listing treaty Indian taker's name, tribal enrollment number, number of fish, approximate weight of each fish, date and location where taken, date of sale, and purchaser's name. It is unlawful for any individual other than a treaty Indian to sell steelhead trout or walleye. The provisions in this section (5) apply to individuals other than licensed wholesale fish dealers, canners and buyers.

Statutory/Other Authority: ORS 506.119, ORS 508.530, ORS 509.031

Statutes/Other Implemented: ORS 498.022, ORS 506.129, ORS 508.535, ORS 508.550