



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

When adding text **Bold and Underline**

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

Division 4

COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

635-004-0305 (Repeal)

Permit Fee

~~[(1) The annual fee for a Resident Black Rockfish/Blue Rockfish/Nearshore Fishery Permit is \$125.00 (plus a \$2.00 license agent fee). See ORS 508.949.~~

~~(2) The annual fee for a Non-resident Black Rockfish/Blue Rockfish/Nearshore Fishery Permit is \$175.00 (plus a \$2.00 license agent fee). See ORS 508.949.~~

~~(3) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-004-0330. See OAR 508.957.~~

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

~~**Statutory/Other Implemented:** ORS 506.109, 506.119, 508.949]~~

635-004-0320

Renewal of Permit

(1) ~~[Resident]~~ Black Rockfish/Blue Rockfish/Nearshore Fishery Permits may be renewed the following year[:

~~(a) By submitting a \$125.00 (plus \$2.00 license agent fee) and a complete application to the Department date stamped or postmarked by January 1 of the year the permit is sought for renewal; and~~

~~(b) If the provisions specified in ORS 508.947 have been met.~~

~~(2) Non-resident Black Rockfish/Blue Rockfish/Nearshore Fishery Permits may be renewed the following year:~~

~~(a) By submitting a \$175.00 (plus \$2.00 license agent fee) and a complete application to the Department date stamped or postmarked by January 1 of the year the permit is sought for renewal; and~~

~~(b) If the provisions specified in ORS 508.947 have been met.]~~ **pursuant to ORS 508.947 and ORS 508.949.**

~~[(3)]~~ **(2)** An application for renewal of a Black Rockfish/Blue Rockfish/Nearshore Fishery Permit shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full, **and is date-stamped or postmarked by January 1 of the year the permit is sought for renewal.**

~~[(4)]~~ **(3)** Permits issued under this rule expire on December 31 of each year. If an owner of a vessel with a permit does not submit a complete renewal application by January 1 of the permit year sought, the owner may renew the permit by submitting a complete renewal application after January 1 but before April 1 of the permit year sought if the owner pays a \$150.00 late fee in addition to the fee required under section (1)[~~(a)~~ or ~~(2)(a)~~] of this rule.

~~[(5)]~~ **(4)** It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

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

~~**Statutory/Other Implemented:** ORS [506.109, 506.129, 506.306,]~~ **508.945, ORS 508.947, ORS 508.949**

635-004-0465

Yaquina Bay Roe-Herring Permit Fee (Repeal)

~~[(1) The annual fee for a Yaquina Bay Roe-Herring Permit is \$125.00 (plus a \$2.00 license agent fee) for resident applicants and \$175.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS~~



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508.765.

(2) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-004-0495.
See ORS 508.765.

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

Statutory/Other Implemented: ORS 506.109, 506.129, 508.765]

635-004-0485

Renewal of Yaquina Bay Roe-Herring Permit

(1) Yaquina Bay Roe-Herring Permits may be renewed [by submission to the Department of a \$125.00 fee (plus a \$2.00 license agent fee) for resident applicants and \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date stamped or postmarked by December 31 of the year the permit is sought for renewal.] pursuant to ORS 508.765.

(2) An application for renewal of a Yaquina Bay Roe-Herring Permit shall be considered complete if it is legible, has all information requested in the form, [and] is accompanied by the required fee in full, and is date-stamped or postmarked by December 31 of the year the permit is sought for renewal. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

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

Statutory/Other Implemented: ORS [506.109, 506.129,]508.765

635-004-0565

Albacore Tuna License Required (Repeal)

(1) Vessels electing to take, land or possess only albacore tuna for commercial purposes in a calendar year in Oregon may purchase an Albacore Tuna Landing License in lieu of commercial fishing, crewmember, and boat licenses.

(a) Vessels which hold an Albacore Tuna Landing License are considered commercial fishing vessels for the purposes of U.S. Coast Guard Commercial Fishing Vessel Safety Requirements, law enforcement and fishery management.

(b) An Albacore Tuna Landing License is not required to take, land or possess albacore tuna for vessels licensed pursuant to ORS 508.260 and individuals licensed pursuant to ORS 508.235.

(2) Application for this license may be made and fee paid at time of first calendar year albacore tuna landing into Oregon or at any Department marine field office or Salem Headquarters office, on a Department license application form.

(3) Fees for an Albacore Tuna Landing License are as follows:

(a) Vessels that hold a valid commercial fishing license from another state and do not hold a valid commercial fishing license from Oregon: \$25.00 (plus a \$2.00 license agent fee).

(b) Resident vessels that do not hold a valid commercial fishing license from Oregon or another state: \$250.00 (plus a \$2.00 license agent fee).

(c) Non-resident vessels that do not hold a valid commercial fishing license from Oregon or another state and all foreign vessels: \$300.00 (plus a \$2.00 license agent fee).

(4) An Albacore Tuna Landing License allows unlimited landings of albacore tuna by the vessel during the calendar year of issuance.

(5) Albacore Tuna Landing Licensees are not transferable.

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

Statutory/Other Implemented: ORS 506.109, 506.129]

635-004-0685



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Commercial Shellfish and Intertidal Animal Permit Fee

~~(1) The annual fee for the Commercial Shellfish And Intertidal Animal Harvest Permit is set pursuant to ORS 508.116. [\$125.00 (plus a \$2.00 license agent fee) for Resident applicants. The annual fee for Nonresident applicants is \$175.00 (plus a \$2.00 license agent fee).~~

~~(2) Commercial Shellfish And Intertidal Animal Permits are only available at the Astoria, Newport and Charleston Department field offices.]~~

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

Statutory/Other Implemented: ORS [506.109, 506.129] **508.116**

Division 5

COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES

635-005-0250

Commercial Shellfish and Intertidal Animal Harvest Permit Fee

~~[(1) The annual fee for the Commercial Shellfish And Intertidal Animal Harvest Permit is set pursuant to ORS 508.116. [\$125.00 (plus a \$2.00 license agent fee) for Resident applicants. The annual fee for Nonresident applicants is \$175.00 (plus a \$2.00 license agent fee).~~

~~(2) Commercial Shellfish And Intertidal Animal Permits are only available at the Astoria, Newport and Charleston Department field offices.]~~

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

Statutory/Other Implemented: ORS [506.109, 506.129] **508.116**

635-005-0410

Ocean Dungeness Crab Permit Fee (Repeal)

~~[(1) The annual fee for a Resident Ocean Dungeness Crab Permit is \$200.00 (plus a \$2.00 license agent fee) for resident applicants and \$250.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.941.~~

~~(2) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-005-0440. See ORS 508.936.~~

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

Statutory/Other Implemented: ORS 506.109, 506.129]

635-005-0430

Renewal of Limited Entry Ocean Dungeness Crab Permit

~~(1) An [individual who obtained a limited entry] Ocean Dungeness Crab Permit may [renew the permit] **be renewed** pursuant to ORS 508.941 [by submitting to the Department a \$200.00 (plus a \$2.00 license agent fee) for resident applicants and \$250.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date stamped or postmarked by December 31 of the year for which renewal is sought].~~

~~(2) An application for renewal of an Ocean Dungeness Crab Permit shall be considered complete if it is legible, has all information requested in the form, [and] is accompanied by the required fee in full, **and is date-stamped or postmarked by December 31 of the year the permit is sought for renewal.** Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.~~

~~(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.~~

~~(4) A permit which is not renewed by December 31 lapses and shall not be renewed for subsequent years.~~

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

Statutory/Other Implemented: ORS [506.109, 506.129] **508.921, ORS 508.926, ORS 508.941**



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635-005-0585

Pink Shrimp Permit Fee (Repeal)

~~[(1) The annual fee for a Pink Shrimp Permit is \$200.00 (plus a \$2.00 license agent fee) for resident applicants and \$250.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.901. (2) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-005-0615. See ORS 508.907.~~

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

Statutory/Other Implemented: ORS 506.109, 506.129]

635-005-0605

Renewal of Pink Shrimp Permit

(1) Pink Shrimp Permits may be renewed the following year ~~[by submitting to the Department a \$200.00 fee (plus a \$2.00 license agent fee) for resident applicants and \$250.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date stamped or postmarked by December 31 of the year the permit is sought for renewal.]~~ **pursuant to ORS 508.892 and ORS 508.901.**

(2) An application for renewal of a Pink Shrimp Permit shall be considered complete if it is legible, has all information requested in the form, ~~[and]~~ is accompanied by the required fee in full, **and is date-stamped or postmarked by December 31 of the year the permit is sought for renewal.** Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

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

Statutory/Other Implemented: ORS ~~[506.109, 506.129]~~ **508.880, ORS 508.892, ORS 508.901**

635-005-0740

Weathervane Scallop Permit Fee (Repeal)

~~[(1) The annual fee for a Weathervane Scallop Permit is \$125.00 (plus a \$2.00 license agent fee) for resident applicants and \$175.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.858.~~

~~(2) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-005-0770. See ORS 508.864.~~

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

Statutory/Other Implemented: ORS 506.109, 506.129, 508.858]

635-005-0760

Renewal of Permit – [Weathervane] Ocean Scallop

(1) [Weathervane] Ocean Scallop Permits may be renewed the following year ~~[by submitting to the Department a \$125.00 fee (plus a \$2.00 license agent fee) for resident applicants and \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date stamped or postmarked by December 31 of the year the permit is sought for renewal.]~~ **pursuant to ORS 508.849 and ORS 508.858.**

(2) An application for renewal of a [Weathervane] Ocean Scallop Permit shall be considered complete if it is legible, has all information requested in the form, ~~[and]~~ is accompanied by the required fee in full, **and is date-stamped or postmarked by December 31 of the year the permit is sought for renewal.** Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.



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(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

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

Statutory/Other Implemented: ORS [506.109, 506.129,]508.840, ORS 508.849, ORS 508.858

635-005-0800

Sea Urchin and Sea Cucumber Permit Fee (Repeal)

~~[(1) The annual fee for a Sea Urchin and Sea Cucumber Permit is \$125.00 (plus a \$2.00 license agent fee) for resident applicants and \$175.00 (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.760.~~

~~(1) A fee of \$100.00 shall be charged for each transfer of participation rights under OAR 635-005-0830. See ORS 508.760.~~

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

Statutory/Other Implemented: ORS 506.109, 506.129, 508.760]

635-005-0820

Renewal of Sea Urchin and Sea Cucumber Permit

(1) Sea Urchin and Sea Cucumber Permits may be renewed the following year:

(a) ~~[By submitting to the Department a \$125.00 fee (plus \$2.00 license agent fee) for resident applicants and a \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants and a complete application date stamped or postmarked by January 31 of the year for which renewal is sought; and]~~ pursuant to ORS 508.760; and

(b) ~~[If]~~ If the permittee ~~[shall have]~~ annually lawfully landed 5,000 pounds of sea urchins or 500 pounds of California sea cucumbers in Oregon. If a permittee obtained a permit later than January of the prior year (because the permit was obtained through the lottery, or as a result of the Commercial Fishery Permit Board actions or surrender of a permit by a permit holder), the permittee shall not be required to make the landing requirement by the following January. Instead, at the next renewal thereafter, the permittee shall be required to demonstrate that the landing requirement was fulfilled during the first full year (twelve-month period) in which the permit was held.

(2) An application for renewal of a Sea Urchin and Sea Cucumber Permit shall be considered complete if it is legible, has all information requested in the form, ~~[and]~~ is accompanied by the required fee in full, and is date stamped or postmarked by January 31 of the year for which renewal is sought. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by January 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application may not be grounds for treating the application as having been filed in a timely and complete manner.

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

Statutory/Other Implemented: ORS [506.109, 506.129, 508.762]508.760

Division 6

COMMERCIAL FISHERIES: GEAR, LICENSES, POUNDAGE FEES, RECORDS AND REPORTS

635-006-1005

Introduction to Restricted Participation Systems Organization

(1) In 2012, many commercial fishing regulations were reorganized, with significant parts of the Restricted Participation Systems regulations moved to their related fishery sections in division 4 and division 5 of the Fish & Wildlife Oregon Administrative Rules. As a result of the reorganization, only



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regulations regarding commercial gillnet and troll salmon fisheries remain in the Restricted Participation Systems section. These two fisheries are organized by topic. For each topic, the applicable law for each fishery is either set forth or, where the statute provides detail, the statute is cited.

(2) The topics covered by these rules are:

(a) Requirement for permit — 635-006-1015 (Requirement for Permit);

~~[(b) Permit Fee — 635-006-1025 (Permit Fee);]~~

~~(c)~~ **(b)** Eligibility Requirements for a Permit — 635-006-1035 (Eligibility Requirements for a Permit);

~~(d)~~ **(c)** Evidence of Eligibility — 635-006-1050 (Evidence of Limited Entry Permit Eligibility);

~~(e)~~ **(d)** Revocation and Refusal to Issue Permits — 635-006-1060 (Revocation and Refusal to Issue Permits);

~~(f)~~ **(e)** Review of Denials — 635-006-1065 (Review of Denials (Restricted Participation Systems));

~~(g)~~ **(f)** Renewal of Permit — 635-006-1075 (Renewal of Limited Entry Permit);

~~(h)~~ **(g)** Lottery for Certain Limited Entry Fisheries — 635-006-1085 (Lottery for Certain Limited Entry Fisheries);

~~(i)~~ **(h)** Transferability of Permits — 635-006-1095 (Transferability of Permits);

~~(j)~~ **(i)** Commercial Fishery Permit Boards — 635-006-1200 (Commercial Fishery Permit Boards);

~~(k)~~ **(j)** Agency Representation by Employee — 635-006-1210 (Agency Representation by Employee).

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

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

635-006-1025

Permit Fee (Repeal)

~~[The annual fee to participate in limited entry fisheries is as follows:~~

~~(1) Gillnet salmon:~~

~~(a) The annual fee is \$125.00 (plus a \$2.00 license agent fee) for resident applicants and \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.790, ORS 508.775 and Section 6, Chapter 512, Oregon Laws 1989.~~

~~(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.~~

~~(2) Troll salmon:~~

~~(a) The annual fee is \$125.00 (plus a \$2.00 license agent fee) for resident applicants and \$175.00 fee (plus a \$2.00 license agent fee) for non-resident applicants. See ORS 508.816, ORS 508.822 and Section 6, Chapter 512, Oregon Laws 1989.~~

~~(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.~~

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

Statutory/Other Implemented: ORS 506.109, 506.129]

635-006-1075

Renewal of Limited Entry Permit

(1) ~~[An individual who obtained a limited entry permit may renew the permit as follows]~~ **The relevant limited entry permit may be renewed as follows:**

(a) Gillnet salmon – ~~[Permits may be renewed by submission to the Department of a \$125.00 (plus a \$2.00 license agent fee) for resident applicants and a \$175.00 (plus a \$2.00 license agent fee) for non-resident applicants and a complete application; see]~~ **pursuant to** ORS 508.781 and **ORS 508.790;**

(b) ~~[T]~~ **Ocean troll salmon** – ~~[Permits may be renewed by submission to the Department of a \$125.00 (plus a \$2.00 license agent fee) for resident applicants and a \$175.00 (plus a \$2.00 license agent fee) for non-resident applicants and a complete application; see]~~ **pursuant to** ORS 508.807, **ORS 508.808,** and **ORS 508.816.**

(2) An application for renewal in any limited entry fishery shall be considered complete if it is legible, has all information requested in the form, ~~[and]~~ is accompanied by the required fee in full, **and is date stamped or postmarked by December 31 of the year for which renewal is sought.** Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by



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313 December 31 of the permit year sought, the individual shall not be considered to have applied for
314 renewal in a timely manner.
315 (3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely
316 manner. Failure of the Department to return an application for incompleteness or of an individual to
317 receive a returned application may not be grounds for treating the application as having been filed in a
318 timely and complete manner.
319 **Statutory/Other Authority:** ~~[SB 247 (2015),]ORS [506.036, 506.109,]506.119[, 506.129]~~
320 **Statutory/Other Implemented:** ORS ~~[506.109, 506.129]~~**508.775, ORS 508.781, ORS 508.790, ORS**
321 **508.801, ORS 508.807, ORS 508.816**