

# Chapter 508

2007 EDITION

## Licenses and Permits

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**508.005** [Repealed by 1965 c.570 §152]

## GENERAL PROVISIONS

**508.006 Definitions.** The definitions prescribed by ORS 506.001 to 506.025 apply to this chapter. [1965 c.570 §58]

**508.010** [Repealed by 1965 c.570 §152]

**508.011 Activities relating to oysters exempted.** This chapter does not apply to oysters or to any activity of any person relating to oysters. [1965 c.570 §59b]

**508.015** [Amended by 1963 c.246 §3; repealed by 1965 c.570 §152]

**508.020** [Amended by 1953 c.656 §6; 1961 c.374 §1; repealed by 1963 c.246 §4 (508.021 enacted in lieu of 508.020)]

**508.021** [1963 c.246 §5 (enacted in lieu of 508.020); repealed by 1965 c.570 §152]

## WHEN LICENSE REQUIRED

**508.025 License required to take, process or deal in fish.** (1) It is unlawful for any person, without first procuring a license from the State Fish and Wildlife Commission, to:

(a) Take food fish in any of the waters of this state for commercial purposes or land food fish in this state for commercial purposes.

(b) Buy, sell or otherwise deal in food fish for commercial purposes.

(c) Process or can food fish for commercial purposes.

(2) In a prosecution under this section, it is no defense that a person did take the person's own food fish for commercial purposes. [1965 c.570 §60]

**508.030 License required for fishing gear.** It is unlawful for any individual to operate, or leave in a condition to take food fish in any of the waters of this state, any fishing gear used in taking food fish, without first obtaining from the State Fish and Wildlife Director or the authorized agent of the director such license as may be prescribed by this chapter. The license must be in the possession of such individual at the time the fishing gear is being used. [1965 c.570 §61]

**508.035 Separate licenses required for certain fishing gear and activities.** (1) Separate licenses are required for each:

(a) Person other than an employee operating as a canner of food fish.

(b) Person other than an employee operating as a wholesale fish dealer, for each separate place of business.

(c) Individual acting or engaged as a fish buyer by a person licensed under paragraph (a) or (b) of this subsection.

(d) Person licensed under paragraph (a) or (b) of this subsection, for each permanent site or location operated by such person as a fish-buying station.

(e) Individual taking or assisting in the taking of food fish for commercial purposes as described in ORS 508.235.

(f) Boat, used in taking food fish for commercial purposes, as described in ORS 508.260.

(g) Single delivery of food fish from the Pacific Ocean for commercial purposes in the absence of licenses under paragraphs (e) and (f) of this subsection.

(h) Person other than an employee operating as a fish bait dealer, for each separate place of business.

(i) Individual taking or assisting in the taking of food fish for sale to a fish bait dealer.

(2) The State Fish and Wildlife Commission shall classify and define the various licenses provided for in this section and shall direct the State Fish and Wildlife Director to issue licenses accordingly and the classification shall be final. [1965 c.570 §62; 1969 c.172 §1; 1971 c.540 §4; 1973 c.768 §19]

**508.040 Unlawful to knowingly buy or receive fish from unlicensed person.** It is unlawful for a wholesaler, canner or buyer to buy or receive food fish from a person who the wholesaler, canner or buyer does not have reasonable cause to believe is licensed as required under ORS 508.035, unless such person is exempt from the requirements of ORS 508.035. [1965 c.570 §62a]

**508.045 Exemption of retail fish dealers.** Notwithstanding ORS 508.025 and 508.035, no license is required to handle or deal in food fish and shellfish for human consumption as a retail fish dealer. [1965 c.570 §63; 1969 c.172 §2; 1971 c.540 §5]

**508.105** [Amended by 1955 c.176 §1; 1963 c.246 §6; repealed by 1965 c.570 §152]

## PERMITS AND SPECIAL LICENSES

**508.106 Permit to take carp or other nongame fish; fee.** (1) Upon receiving a written application therefor, accompanied by a fee of \$3, the State Fish and Wildlife Commission may issue to any person a permit to take carp or other nongame fish.

(2) The kind or kinds of fish, the method to be used and the name and location of the body of water from which the fish are to be taken, shall be specified in the permit.

(3) After having obtained a permit as provided for in subsection (1) of this section, and subject to any rules of the commission, any person may take carp or nongame fish

from any of the waters of this state described in the permit.

(4) It is unlawful to:

(a) Retain any fish other than described in the permit in connection with the use of any permit issued under subsection (1) of this section, and any other fish taken shall at once be set free; or

(b) Take any fish for commercial purposes by a permit issued under subsection (1) of this section without first having obtained a license under ORS 508.035. [1965 c.570 §64; 1973 c.768 §12; 1975 c.253 §30]

**508.110** [Amended by 1963 c.246 §7; repealed by 1965 c.570 §152]

**508.111 Permit to take food fish for educational and scientific purposes.** The State Fish and Wildlife Director may issue to any person a permit to take food fish solely for educational and scientific purposes. [1965 c.570 §64a]

**508.115** [Repealed by 1961 c.156 §1]

**508.116 Permit to take animals living intertidally on bottom.** (1) The State Fish and Wildlife Director may issue to any person a permit to take animals living intertidally on the bottom.

(2) It is unlawful to take animals living intertidally on the bottom for commercial purposes by a permit issued under subsection (1) of this section without first having obtained a license under ORS 508.035. [1965 c.570 §64b]

**508.120** [Amended by 1963 c.246 §8; repealed by 1965 c.570 §152]

**508.121 Juvenile jig line license.** (1) Any juvenile may secure from the State Fish and Wildlife Commission free of charge a juvenile jig line license to take herring, pilchard, perch, anchovies and candlefish by a hand or jig line and to sell such fish so taken by the juvenile to a wholesale fish dealer or a fish bait dealer.

(2) As used in this section, "juvenile" means any individual 17 years of age or younger as of January 1 of the year for which the license is issued.

(3) The license, for the purposes authorized in this section, is in lieu of the commercial fisherman and boat licenses required under ORS 508.235 and 508.260. [1965 c.103 §2; 1971 c.540 §8]

**508.125** [Amended by 1963 c.246 §9; repealed by 1965 c.570 §152]

**508.130** [Amended by 1959 c.128 §1; repealed by 1963 c.246 §12]

**508.135** [Amended by 1963 c.246 §10; repealed by 1965 c.570 §152]

**508.140** [Repealed by 1963 c.246 §12]

**508.145** [Repealed by 1963 c.246 §12]

**508.147** [1955 c.238 §2; repealed by 1963 c.246 §12]

**508.150** [Repealed by 1963 c.246 §12]

**508.152** [1955 c.238 §3; repealed by 1963 c.246 §12]

**508.155** [Amended by 1953 c.656 §6; repealed by 1963 c.246 §12]

**508.160** [Amended by 1955 c.167 §1; repealed by 1963 c.246 §12]

**508.165** [Repealed by 1963 c.246 §12]

**508.170** [Repealed by 1963 c.246 §12]

**508.175** [Repealed by 1963 c.224 §7]

**508.180** [Amended by 1953 c.656 §6; 1959 c.401 §1; 1961 c.374 §2; 1963 c.224 §1; repealed by 1965 c.570 §152]

**508.185** [Repealed by 1963 c.224 §7]

**508.190** [Amended by 1963 c.224 §2; repealed by 1965 c.570 §152]

**508.195** [Amended by 1953 c.656 §6; repealed by 1961 c.374 §4]

**508.200** [Amended by 1963 c.224 §3; repealed by 1965 c.570 §152]

**508.205** [Repealed by 1963 c.224 §7]

**508.210** [Repealed by 1963 c.224 §7]

**508.215** [Amended by 1963 c.224 §4; repealed by 1965 c.570 §152]

**508.220** [Amended by 1955 c.177 §1; repealed by 1963 c.224 §7]

**508.223** [1963 c.246 §2; repealed by 1965 c.570 §152]

**508.225** [Amended by 1955 c.279 §1; 1957 c.134 §1; repealed by 1965 c.570 §152]

**508.230** [Amended by 1963 c.224 §5; 1965 c.570 §83; renumbered 508.290]

## LICENSES AND REGULATION OF LICENSEES

**508.235 Commercial fishing license.** (1) A commercial fishing license must be obtained by each individual who, for commercial purposes:

(a) Takes or assists in the taking of any food fish from the waters or land of this state;

(b) Operates or assists in the operation of any boat or fishing gear for the taking of food fish in the waters of this state; or

(c) Lands food fish from the waters of the Pacific Ocean at any point in this state.

(2) A commercial fishing license must be in the possession of the licensee, when engaged in the taking or landing of commercial fish, and is required in addition to any other license under this chapter.

(3) Notwithstanding any other provision of this section or ORS 508.035, upon application of the holder of a boat license, the State Fish and Wildlife Commission shall issue to the applicant in the name of the boat, one commercial fishing license for each individual who assists the holder of the boat license in the taking of fish for commercial purposes. Notwithstanding ORS 508.465, licenses issued pursuant to this subsection are transferable to all individuals who assist in the taking of fish for commercial purposes on the boat for which the licenses are issued. Notwithstanding ORS 508.285, the fee for the license is-

sued pursuant to this subsection is \$85 for each individual. [1965 c.570 §77; 1993 c.501 §1]

**508.240 Acts by commercial fishing licensee prohibited.** It is unlawful for any person licensed to take food fish for commercial purposes, as required under ORS 508.035, to:

(1) Keep any food fish the person takes under such license for personal use; or

(2) Sell any food fish the person takes under such license to other than a wholesaler, canner, fish bait dealer or buyer licensed as required under ORS 508.035. [1965 c.570 §77a; 1971 c.540 §6]

**508.245** [1965 c.570 §78; repealed by 1973 c.768 §20]

**508.246** [1977 c.245 §2; repealed by 1979 c.679 §13]

**508.250** [1965 c.570 §79; repealed by 1973 c.768 §20]

**508.255** [1965 c.570 §80; repealed by 1973 c.768 §20]

**508.257** [1969 c.172 §7; repealed by 1973 c.768 §20]

**508.260 Boat license; plates; decals; rules.** (1) A boat license must be obtained by the owner or operator of any boat used in taking food fish or shellfish for commercial purposes except for the taking of clams or crayfish.

(2) A pair of decals bearing the last two numbers of the year for which the license is issued shall be included with the license for placement on the licensed boat.

(3) In accordance with rules promulgated by it, the State Fish and Wildlife Commission shall assign a number to each licensed boat and shall designate the size, location and manner of placement of the number and license year decal on the boat. [1965 c.570 §81; 1973 c.768 §13; 1975 c.756 §1]

**508.265 Boat licensing constitutes registration for purposes of federal laws.** The licensing of any boat pursuant to this chapter to take food fish for commercial purposes from the waters of this state or land food fish from the waters of the Pacific Ocean at any point in this state shall constitute registration of such vessel under the laws of this state for the purposes of section 306(a) of the Fishery Conservation and Management Act of 1976 (Act of April 13, 1976, 90 Stat. 331). [1977 c.202 §2]

**508.270 Fishing, boat license fees in lieu of other taxes and licenses on crab pots; reports to county assessor.** (1) Either the commercial fishing license required by ORS 508.235 or the boat license required by ORS 508.260 is in lieu of all taxes and licenses on crab pots used by a person so licensed or used in connection with a boat so licensed.

(2) Crab pots shall be reported to the county assessor by each owner and listed for ad valorem taxation, but if the owner of such

crab pots furnishes documentary proof to the assessor, not later than August 1 of each year, that the owner possesses a current commercial fishing license under ORS 508.235 or that the boat of the owner is currently licensed under ORS 508.260, the assessor shall cancel any assessment made by the assessor of crab pots used by such person or used in connection with such person's licensed boat. [1969 c.649 §2; 1993 c.270 §69]

**508.285 License fees.** (1) The fee for each license required by this chapter is as follows:

(a) Albacore tuna landing license, \$20.

(b) Resident boat license, \$200.

(c) Nonresident boat license, \$760.

(d) Resident commercial fishing license, \$50.

(e) Nonresident commercial fishing license, \$290.

(f) Commercial fishing license for resident persons 18 years of age or younger, \$25.

(g) Commercial bait fishing license, \$60.

(h) Fish buyer license, \$150.

(i) Fish bait dealer license, \$60.

(j) Food fish canner license, \$350.

(k) Shellfish canner license, \$350.

(L) Single delivery license, \$100.

(m) Wholesale fish dealer license, \$350.

(2) As used in this section, "resident" means an actual bona fide resident of this state for at least one year prior to application for a license. [1965 c.570 §82; 1969 c.172 §3; 1971 c.540 §7; 1973 c.768 §14; 1975 c.756 §2; 1977 c.245 §3; 1979 c.679 §11; 1991 c.701 §1; 1999 c.59 §163; 2005 c.629 §1]

**Note:** Section 6, chapter 512, Oregon Laws 1989, provides:

**Sec. 6. Surcharge through 2009.** In addition to the fees otherwise prescribed by law, the issuer of each of the following permits shall charge and collect each time the permit is issued, during the period beginning January 1, 1998, and ending December 31, 2009, the following surcharges:

(1) Ocean Troll Salmon Fishery permit issued under ORS 508.816, \$65.

(2) Columbia River Gillnet Fishery permit issued under ORS 508.790, \$74. [1989 c.512 §6; 1991 c.184 §2; 1997 c.8 §10; 2003 c.643 §2]

**508.290** [Formerly 508.230; 1967 c.322 §2; repealed by 1975 c.130 §2 and 1975 c.253 §40]

**508.300 Albacore tuna landing license in lieu of other licenses.** Notwithstanding any other provision of this chapter, the only license required for landing albacore tuna from the waters of the Pacific Ocean at any point in this state is an albacore tuna landing license. [1973 c.768 §17]

**508.305** [Amended by 1957 s.s. c.9 §1; 1963 c.197 §1; 1965 c.310 §1; renumbered 508.505]

**508.306 Fish bait dealer license; authority of commission to designate fish or shellfish bait.** (1) Any person may obtain a fish bait dealer license to purchase food fish directly from a commercial fisherman licensed under ORS 508.235 or commercial bait fisherman licensed under ORS 508.312, for retail sale as fish or shellfish bait.

(2) The State Fish and Wildlife Commission by regulation may designate those species of food fish or parts thereof which may not be used for fish or shellfish bait. [1971 c.540 §2]

**508.310** [Amended by 1965 c.570 §86; renumbered 508.515]

**508.312 Commercial bait fishing license; license in lieu of commercial fishing and boat licenses.** (1) Any individual may obtain a commercial bait fishing license to take food fish for sale to a fish bait dealer licensed under ORS 508.306.

(2) The license for the purpose authorized in this section is in lieu of the commercial fishing and boat licenses required under ORS 508.235 and 508.260. [1971 c.540 §3]

**508.315** [Repealed by 1965 c.570 §152]

**508.316 Disqualification from receiving more than one single delivery license.** Except as provided in ORS 508.843 and 508.883, the State Fish and Wildlife Director shall not issue a boat more than one single delivery license under ORS 508.285 during a 12-month period as established by rule of the director. For purposes of this section, the disqualification from receiving additional single delivery licenses shall apply to a boat without regard to ownership or changes in ownership. [1999 c.164 §2]

**508.320** [Amended by 1963 c.197 §2; 1965 c.310 §2; renumbered 508.510]

**508.325** [Renumbered 508.520]

**508.326 Commercial Fisheries Fund; uses.** (1) The Commercial Fisheries Fund is created in the State Treasury, separate and distinct from the General Fund. Except as provided in ORS 506.690, all moneys in the Commercial Fisheries Fund are appropriated continuously to the State Fish and Wildlife Commission for the administration and enforcement of the commercial fishing laws and for the management, propagation, research, habitat improvement and other activities that protect, maintain or enhance the food fish resource of this state. Interest earned on moneys in the fund shall be credited to the fund.

(2) Except as provided in ORS 508.949, all moneys collected pursuant to ORS 508.505 to 508.550 for fish species taken pursuant to developmental fishery activities referred to in ORS 506.460 shall be credited to a separate account in the Commercial Fisheries

Fund. Notwithstanding subsection (1) of this section or ORS 506.306, 25 percent of such moneys shall be expended for general fish management purposes and 75 percent of such moneys shall be expended to pay the expenses of developmental fishery activities pursuant to ORS 506.460. [1991 c.701 §21; 1993 c.765 §119; 1999 c.1013 §2; 2003 c.809 §14]

**508.330** [Renumbered 508.525]

**508.335** [Amended by 1965 c.570 §87; renumbered 508.530]

**508.340** [Amended by 1961 c.373 §1; 1963 c.197 §3; 1965 c.570 §88; renumbered 508.535]

**508.345** [Amended by 1961 c.373 §2; 1965 c.570 §89; renumbered 508.540]

**508.350** [Renumbered 508.545]

**508.355** [Repealed by 1963 c.197 §4]

**508.360** [Repealed by 1963 c.197 §4]

## ISSUANCE, APPLICATION, CONTENTS, WHERE VALID, TRANSFERRING, TERM, LOCATION ABANDONMENT

**508.405** [Amended by 1963 c.196 §1; repealed by 1965 c.570 §65 (508.406 enacted in lieu of 508.405)]

**508.406 Director or agent to issue and renew licenses.** The State Fish and Wildlife Director or the authorized agent of the director shall issue or renew any license required by the commercial fishing laws to a qualified person upon proper application and payment of the license fee required by ORS 508.285. [1965 c.570 §66 (enacted in lieu of 508.405)]

**508.407** [Repealed by 1965 c.570 §152]

**508.410 Contents of license applications.** All applications for licenses under ORS 508.406 shall be made on blanks furnished by the State Fish and Wildlife Director and shall contain such information as the State Fish and Wildlife Commission determines to be necessary for proper administration and enforcement of the commercial fishing laws. [Amended by 1957 c.208 §1; 1963 c.196 §2; 1965 c.570 §67]

**508.413** [1963 c.246 §1; repealed by 1965 c.67 §4]

**508.415 Security for fees.** (1) In case of license applications by canners or wholesalers, the State Fish and Wildlife Director, in addition to license fees provided by law, may exact from the applicant a bond from a corporate surety, authorized to do business in this state, guaranteeing the payment of fees, if the director considers such action is necessary to insure compliance with ORS 508.505 to 508.540.

(2) In lieu of any bond that may be required under subsection (1) of this section, any applicant may deposit with the State Fish and Wildlife Commission, under such terms and conditions as the director may prescribe, a like amount of lawful money of the United States or an irrevocable letter of credit issued by an insured institution, as defined in ORS 706.008. The commission shall

turn over to the State Treasurer for safekeeping all such deposits so received. [Amended by 1963 c.196 §3; 1965 c.570 §68; 1969 c.52 §1; 1991 c.331 §73; 1991 c.701 §17; 1997 c.631 §484]

**508.420** [Amended by 1955 c.168 §1; 1963 c.196 §4; repealed by 1965 c.570 §152]

**508.425** [Amended by 1961 c.168 §1; repealed by 1965 c.570 §152]

**508.430** [Amended by 1963 c.196 §5; repealed by 1965 c.570 §152]

**508.435** [Amended by 1961 c.181 §1; repealed by 1965 c.570 §152]

**508.440** [Repealed by 1961 c.233 §1]

**508.445 Certificate evidence as to license issuance.** In all prosecutions requiring proof as to the issuance or nonissuance of a license by the State Fish and Wildlife Director under any of the laws of this state, the certificate of the director as to the issuance or nonissuance of the license by the director shall be sufficient proof on that question to establish the fact. This certificate shall be admitted in evidence as to the issuance or nonissuance of the license in any such prosecution.

**508.450 Contents of license.** Each license issued under ORS 508.406 shall be numbered and dated by the State Fish and Wildlife Director or an authorized agent and contain the site or address where the appliance or business is located and the name of the person to whom the license is granted. [Amended by 1957 c.132 §1; 1963 c.196 §6]

**508.455** [Amended by 1955 c.122 §1; repealed by 1965 c.570 §152]

**508.460 Oregon-Washington reciprocity on gillnet licenses.** All gillnet licenses issued by the States of Oregon and Washington are valid as to the waters of the Columbia River in Oregon and Washington, as though issued by the department of fisheries of either state. The department of fisheries of each state or the officials who have charge of issuing licenses shall furnish to each other the names of licensees and the number of the licenses, without cost or expense to either state.

**508.465 Licenses nontransferable.** Licenses may not be transferred from one licensee to another.

**508.470 When licenses expire; renewal.** All licenses for which fees are provided for under ORS 508.285 unless otherwise specified in law expire as of midnight, December 31, following the dates of their issuance or on such date as may be specified by rule of the State Department of Fish and Wildlife. The licenses may be renewed annually thereafter upon application and payment of fees required therefor. [Amended by 1959 c.123 §1; 1961 c.374 §3; 1963 c.196 §7; 1965 c.570 §71; 1977 c.245 §4; 1979 c.679 §12; 2007 c.768 §6]

**508.475 Failure to renew license for fixed fishing gear constitutes abandonment; exception for Armed Forces.** The failure to renew the license, or make application therefor, for any location for a fixed fishing gear in any of the waters of this state, on January 1 of any year, constitutes abandonment of the location. However, any licensee entering the Armed Forces of the United States during any period which would qualify the licensee under the laws of this state as a war veteran is not deemed to have abandoned such location or gear so licensed, either by reason of absence from the location during such service or by failure to renew the license as required. Such licensee may file application for renewal of the license at any time following the date of release from the Armed Forces of the United States, until January 1 of the following year, and shall have preference over other persons therefor. [Amended by 1965 c.570 §72]

**508.480 Failure to construct or install fishing gear held to be abandonment.** Should the holder of any license neglect to construct or install at the site the fishing gear called for by the license during two consecutive years covered by the license, the location shall be deemed abandoned. [Amended by 1965 c.570 §73]

**508.485 Revocation and refusal to renew license for violation of commercial fishing laws or rules or theft of crab fishing gear.** Except for vessel licenses prescribed in ORS 508.285, 508.470, 508.755, 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission may, in its discretion, revoke for the remainder of the license year any license issued to such person under the authority of the commission or the State Fish and Wildlife Director, and in its discretion may refuse the issuance of any license issued under the authority of the commission or director during any period not to exceed one year from the date of the license revocation order:

(1) Upon conviction within this state of any person of violation of any of the commercial fishing laws or rules;

(2) Upon receiving notice from the agency that regulates commercial fishing in the State of Washington of the conviction of any person in that state of an offense which was a violation of Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and which if committed in this state would be grounds for license revocation pursuant to subsection (1) of this section;

(3) Upon conviction within this state of any person for violation of ORS 498.022, or any rule promulgated pursuant thereto, in-

volving game fish, through the use of a license issued pursuant to the commercial fishing laws; or

(4) Upon conviction within this state of a person for violation of ORS 164.043 to 164.065 when the subject of the theft is commercial fishing crab rings or crab pots, or the crabs taken therefrom. [Amended by 1965 c.570 §74; 1971 c.569 §1; 1977 c.350 §6; 1987 c.213 §4; 1997 c.252 §1; 1999 c.1051 §276]

**508.490 Refusal to issue license within two years after license revocation.** Except for vessel licenses prescribed in ORS 508.260 and vessel permits prescribed in ORS 508.285, 508.470, 508.755, 508.775 to 508.796, 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, the State Fish and Wildlife Commission may, in its discretion, refuse the issuance of any license issued under the authority of the commission or the State Fish and Wildlife Director during any period not to exceed two years from the date of the license revocation order:

(1) Upon conviction within this state of any person of violation of any of the commercial fishing laws or rules after such person has once been convicted and penalized under ORS 508.485; or

(2) Upon receiving notice from the agency that regulates commercial fishing in the State of Washington of the conviction of any person in that state of an offense which was a violation of Columbia River commercial fishing rules adopted pursuant to the Columbia River Compact and which if committed in this state would be grounds for refusal to issue a license pursuant to subsection (1) of this section. [Amended by 1965 c.570 §75; 1977 c.350 §7; 1987 c.213 §5]

**508.495 Certificate in lieu of lost or destroyed license; fee.** Upon the receipt of a fee of \$2 and the filing of an affidavit that a license issued under authority of ORS 508.406 has been lost or destroyed, the State Fish and Wildlife Director or the authorized agent of the director shall issue a certificate that such license has been issued and has been lost or destroyed. Except as provided in ORS 508.260, the certificate may be used in lieu of the lost or destroyed license. [1957 c.140 §1; 1965 c.570 §76; 1973 c.768 §18]

**508.500 Alteration, false application and multiple possession of licenses prohibited.** No person shall:

(1) Alter, borrow or loan to any other person any license or permit issued by the department.

(2) In applying for a license or permit issued by the State Department of Fish and Wildlife knowingly make any false statement of any information required by the applica-

tion regarding the person in whose name the license or permit is to be issued.

(3) Possess any license or permit that has been altered, borrowed or loaned or for which any false statements were knowingly made in applying therefor. [1981 c.365 §20]

## CATCH FEES

**508.505 Additional fees based on value of fish at time of landing; exceptions.** (1) Additional fees shall be collected by the State Fish and Wildlife Director in the amount prescribed by this section, except as provided in ORS 508.510. Every person operating within the state as a canner, buyer, bait dealer or wholesaler of any food fish or shellfish shall pay, in addition to all other licenses or fees provided by law, a fee equal to 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) All black rockfish, blue rockfish and nearshore fish, five percent.

(c) All other food fish and shellfish, 1.09 percent for the period beginning January 1, 1992, and ending December 31, 1992. Thereafter the State Fish and Wildlife Commission may increase the rate to not more than 1.25 percent to the extent that the commission determines upon review that revenues received are inadequate to maintain the legislatively adopted program level. The commission shall report its revenue review and any proposed rate increase to the Emergency Board prior to the time the rate increase is implemented.

(2) Only live, fresh or frozen in the round or dressed food fish or shellfish are subject to the fees provided in this section. "Dressed" includes but is not limited to beheaded, gutted, filleted, loined or shucked. However, frozen food fish or frozen shellfish received in a wrapped package to which a legible label is stamped or printed showing the name, address, brand or trade name of the original processor or wholesale distributor under which the package is marketed and the kind of frozen food fish or frozen shellfish contained therein, for distribution and ultimate sale in the original package are not subject to the fees provided in this section. [Formerly 508.305; 1969 c.172 §4; 1971 c.243 §1; 1973 c.768 §15; 1979 c.378 §1; 1989 c.166 §1; 1991 c.701 §2; 2003 c.809 §12]

**Note:** Section 8, chapter 512, Oregon Laws 1989, provides:

**Sec. 8. Additional fee through 2009.** In addition to the ad valorem fee prescribed by law, during the period beginning January 1, 1998, and ending December 31, 2009, there shall be paid for each fish species referred to in ORS 508.505 (1)(a), an additional fee of five cents per pound. The ad valorem fee referred to in this



section is subject to ORS 508.505 to 508.540. [1989 c.512 §8; 1991 c.184 §3; 1997 c.8 §11; 2003 c.643 §3]

**508.507** [1971 c.540 §10; repealed by 1991 c.701 §3]

**508.510 Place where fish caught is immaterial; exceptions; special fee.** (1) The fee provided for in ORS 508.505 shall be paid irrespective of where the fish were caught. However, the fees shall not be paid on any food fish or shellfish brought into this state after having been landed:

(a) In another state, territory or possession of the United States, and upon or in regard to which a tax or fee has been levied and collected in the other state, territory or possession; or

(b) In another country.

(2) Notwithstanding ORS 508.505, there shall be paid a fee of one percent of the value of all food fish or shellfish brought into this state after having been landed in another state, territory or possession of the United States, and upon or in regard to which a tax or fee has not been levied and collected in the other state, territory or possession. [Formerly 508.320; 1991 c.701 §4]

**508.515 Time of paying fees; report; interest on overdue fees; waiver or extension of payment.** (1) The fee required by ORS 508.505 shall be paid to the State Fish and Wildlife Director on or before the 20th day of each calendar month for the preceding calendar month.

(2) The fee shall be accompanied by a report showing the total number of pounds of all varieties of food fish, stated separately upon blanks furnished by the director, and the value at the point of landing.

(3) In the event that such fee is not paid within the time for payment provided in subsection (1) of this section, there shall be added as a late payment charge a sum equal to five percent of the unpaid fees or \$5, whichever is greater, and there shall be charged an interest rate of one percent per month until the principal and interest is paid.

(4) Notwithstanding subsection (1), (2) or (3) of this section, the State Fish and Wildlife Commission may waive or extend payment of any fees required by ORS 508.505 amounting to less than \$10 during any calendar year. [Formerly 508.310; 1971 c.243 §2; 1981 c.646 §5; 1991 c.701 §5]

**508.520 Determination of disputes.** It is the intention that only one fee based on the value of the fish at the point of landing shall be collected for each fish purchased or received, and in order that this end may be accomplished the State Fish and Wildlife Commission and the State Fish and Wildlife Director may determine finally any dispute

arising out of the operation and enforcement of ORS 508.505. [Formerly 508.325; 1991 c.701 §6]

**508.525 Lien for unpaid fee; foreclosure; jurisdiction of courts.** The fee required by ORS 508.505 constitutes a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the fish. This lien may be foreclosed by the State Fish and Wildlife Commission in the name of the state by a suit in equity in the circuit court of the county in which the property upon which a lien is given by this section is situated. If situated in two or more counties the court first acquiring jurisdiction of a part of the property shall have jurisdiction of all the property described in such foreclosure suit. [Formerly 508.330; 1991 c.701 §7]

**508.530 Rules; reports; violation or falsification.** (1) The State Fish and Wildlife Commission may make such rules and require such reports to be made as, in its judgment, are necessary to insure the collection and payment of the fee required by ORS 508.505.

(2) It is unlawful for any person to falsify any of the reports or to violate any of the rules made or required by the commission. [Formerly 508.335; 1991 c.701 §8]

**508.535 Keeping record of food fish received and bought; inspection.** (1) Every fish canner, fish buyer, retail fish dealer, fish bait dealer or wholesale fish dealer shall keep a record, of all food fish received and bought, in accordance with rules promulgated by the State Fish and Wildlife Commission. Such information may be required as is necessary to enable the commission to carry out its duties of conservation, protection, administration or enforcement under the commercial fishing laws without imposing undue hardship on the licensees.

(2) At least one copy of this record shall be kept:

(a) On each boat, vessel, scow, pickup boat or other craft, truck, automobile, motor vehicle or other vehicle of any kind whatsoever used in buying, receiving or transporting the fish.

(b) By the canner, buyer, retailer, fish bait dealer or wholesaler.

(3) This record is subject to inspection by the commissioners, the State Fish and Wildlife Director, the authorized agent of the director, or any duly authorized police officer. This record shall be transmitted to the office of the director at such times and in such manner as the commission directs.

(4) Every person shall always keep open to inspection by the commission or its agent any books, records, papers or memoranda which are pertinent to the administration of

ORS 508.505 to 508.540. For the purpose of ascertaining the correctness of any fee record or report or the number of pounds or value of fish upon which the additional fee is based or such other information as may be necessary to the administration of ORS 508.505 to 508.540, the commission or its agent may inspect such books, records, papers or memoranda.

(5) Restaurants licensed under ORS 624.020 shall keep a record of all fresh or frozen fish received or bought while such fish are in the restaurant's possession. This record shall be subject to inspection by the commissioners, the director, the authorized agent of the director, or any duly authorized police officer. An invoice or receipt shall be adequate for the purposes of this subsection. [Formerly 508.340; 1969 c.172 §5; 1971 c.540 §11; 1973 c.437 §1; 1977 c.242 §5; 1991 c.701 §9]

**508.540 Failure to keep or submit records or to pay fee.** (1) In addition to the penalty prescribed by ORS 506.991, the State Fish and Wildlife Director, under the authority of the State Fish and Wildlife Commission, may suspend or revoke any license for which a fee is required under ORS 508.285 if the person holding the license fails to keep the record required by ORS 508.535 or fails to submit the books, records, papers or memoranda of the person for inspection, pursuant to ORS 508.535 (4), to any member of the commission or any of its representatives presenting written authority from the commission.

(2) The State Fish and Wildlife Director may suspend, deny the renewal of or refuse to issue any license for which a fee is required under ORS 508.285 if the person holding or applying for the license is more than 60 days past due in an amount of more than \$400 owed:

(a) From fees pursuant to ORS 508.505;

(b) From overage, incidental catch or bycatch charges; or

(c) To any food fish commodity commission established under ORS chapter 576.

(3) The State Fish and Wildlife Commission may contact any food fish commodity commission at any time to obtain lists of persons who owe past due fees to the commodity commission.

(4) For purposes of this section:

(a) "Bycatch" means the unintended taking of a species of food fish that:

(A) Occurs while targeting another species of food fish; and

(B) Is prohibited due to time, place, manner, regulations or quota restrictions.

(b) "Incidental catch" means the unintended legal taking of a species of food fish that occurs while targeting another species of food fish.

(c) "Overage" means the amount of food fish taken for commercial purposes that exceeds the amount allowed by federal and state law. [Formerly 508.345; 1991 c.701 §10; 2003 c.39 §1]

**508.545** [Formerly 508.350; repealed by 1973 c.794 §34]

**508.550 Sale of fish from license holder's boat; permit; fee; reports; payment of fees.** Notwithstanding any other provision of this chapter, a person who holds a valid Oregon commercial fishing license may sell any species of food fish taken in lawful commercial fishing activity directly from the license holder's boat, subject to the following conditions:

(1) The person must first obtain from the State Fish and Wildlife Commission an annual limited fish seller permit for such sales, the fee for which is \$20. The commission by rule may limit the number of permits available for any species of food fish.

(2) Prior to making any sale pursuant to this section, the person must notify the commission, in such manner as the commission prescribes, of the estimated number of food fish on board the boat and of the location where the sale is to take place.

(3) Within seven days of making any sale pursuant to this section, the person shall submit to the commission a report thereof, in such form as the commission may prescribe. The person must pay the fees required as prescribed in ORS 508.505 to 508.540, or in such other manner as the commission by rule may prescribe.

(4) The person may sell food fish from any port and dock location in this state.

(5) If a person fails to comply with subsection (3) of this section, the commission may revoke and thereafter refuse to issue another limited fish seller permit. [1985 c.533 §2; 1987 c.802 §1; 1991 c.701 §11; 1999 c.585 §1]

**508.605** [Repealed by 1961 c.232 §1]

**508.610** [Repealed by 1961 c.232 §1]

**508.615** [Repealed by 1961 c.232 §1]

**508.620** [Repealed by 1961 c.232 §1]

**508.625** [Repealed by 1961 c.232 §1]

**508.630** [Repealed by 1961 c.232 §1]

**508.635** [Amended by 1957 c.462 §1; repealed by 1961 c.232 §1]

**508.640** [Repealed by 1961 c.232 §1]

**508.645** [Amended by 1957 c.462 §2; repealed by 1961 c.232 §1]

**508.650** [Repealed by 1961 c.232 §1]

**508.655** [Repealed by 1961 c.232 §1]

# **SALMON HATCHERY PERMITS**

**508.700 Permits for salmon hatcheries; fees.** (1) The State Fish and Wildlife Commission may issue a permit, subject to such restrictions and regulations as the commission deems desirable, to any person to construct and operate a hatchery for:

- (a) Chinook salmon, also known as *Oncorhynchus tshawytscha*; or
- (b) Chum salmon, also known as *Oncorhynchus keta* or dog salmon; or
- (c) Silver salmon, also known as *Oncorhynchus kisutch* or coho salmon; or
- (d) Pink salmon, also known as *Oncorhynchus gorbuscha* or humpback salmon.

(2) The application for a permit to construct and operate a chum salmon, chinook salmon, silver salmon, or pink salmon hatchery shall include an application fee of \$100. [1971 c.203 §1; 1973 c.356 §1; 1979 c.556 §1]

**508.705 Hearing for permits.** (1) Prior to issuance of any permit by the State Fish and Wildlife Commission, a public hearing shall be held. Notice of the hearing shall be published at least once and at least 10 days prior to the hearing in a newspaper of general circulation in each of the counties in which the hearing is to be held, or if no such newspaper is published in that county or counties, then such a newspaper in an adjoining county.

(2) The hearing shall be conducted by either the commission or a representative designated by the commission. [1971 c.203 §2; 1975 c.253 §31]

**508.710 Grounds for denial of permit.** No permit shall be issued:

- (1) Which may tend to deplete any natural run of anadromous fish or any population of resident game fish.
- (2) Which may result in waste or deterioration of fish.
- (3) If the proposed operation is to be located on the same stream or river or tributary thereof on which a state or federal fish culture facility is established or is planned to be established.
- (4) If the proposed operation is not consistent with sound resource management and is not in close proximity to the ocean.
- (5) If the State Fish and Wildlife Commission determines the applicant does not have the financial capability to successfully construct and operate the hatchery or may not properly conduct the operation authorized under the permit. [1971 c.203 §3]

**508.715 Conditions of permits.** Any permit granted by the State Fish and Wildlife Commission pursuant to ORS 508.700 to 508.745 shall contain at least the following conditions:

(1) All propagated fish released into state waters shall be marked annually at no less than the level of marking of the same species of fish by hatcheries operated by the commission for the purpose of determining contributions to ocean fisheries.

(2) All propagated coho and chinook salmon released into state waters shall be marked annually, consistent with subsection (8) of this section, at a minimum level necessary to determine the proportion of straying of hatchery coho and chinook salmon into the spawning beds of natural and hatchery produced native stocks of salmon. However, the commission shall not require private hatcheries to meet marking standards that the commission would not apply to its own operations in similar circumstances.

(3) Prior to release into state waters, the fish must be subject to examination by a qualified fish pathologist approved by the commission to determine that they are not diseased or infected with any disease which in the opinion of the commission may be detrimental to the state fishery resources. Cost of such examination shall be paid by the permittee. No fish shall be released without written approval from the commission. The commission may require diseased fish to be destroyed. The commission shall not suffer civil or criminal liability for any fish destroyed under this section.

(4) The permittee may be authorized by the commission to divert all fish returning to the stream to an inspection area, the location of such area to be approved by the commission, to examine all fish for the purpose of identifying propagated fish.

(5) Notwithstanding the provisions of ORS chapters 509 and 511, the permittee shall have the right to take for commercial purposes, only those fish the commission determines were propagated by the permittee, and the commission's decision is final.

(6) It shall be unlawful for the permittee to select stocks of fish or to genetically alter the life history or habits of propagated fish in a way the State Department of Fish and Wildlife determines is inconsistent with the provisions of ORS 496.012 or 506.109.

(7) It shall be unlawful for the permittee to conduct any activity not authorized by the permit or fail to conduct activities required by the permit without approval of the commission after public hearings.

(8) The permittee shall pay all reasonable costs incurred by the commission as a result

of the operation of the private hatchery. [1971 c.203 §5; 1979 c.556 §5; 1985 c.529 §1; 1989 c.817 §1]

**508.718 Program for protecting natural runs and genetic diversity of anadromous fish stocks; rules; findings.**

(1) The Legislative Assembly finds that protecting the natural runs and genetic diversity of anadromous fish is essential to the long-term health of Oregon's natural resources and sport and commercial fisheries.

(2) Not later than January 1, 1990, the State Department of Fish and Wildlife shall:

(a) Develop and implement monitoring programs, consistent with ORS 508.715 (8) at a minimum level necessary to determine the proportion of straying of hatchery fish into the spawning beds of natural and hatchery produced native stocks of salmon.

(b) Utilizing the best available scientific evidence, adopt rules, after public hearing, that determine the proportion of straying that by indicator stock is likely to cause deterioration of the genetic diversity and habitat necessary to maintain long-term species viability or that causes a deterioration of natural or native stocks of salmon.

(3) The Legislative Assembly further finds that private hatcheries are a significant part of Oregon's salmon resource and that the Legislative Assembly relies on the State Fish and Wildlife Commission to monitor and regulate private hatcheries in a way that will optimize their long-term contribution to Oregon's salmon resource in conformity with the findings under subsection (1) of this section. [1989 c.817 §5; 1995 c.79 §295]

**508.720 Altering terms of permits; findings; hearing; restoration of fish population.** (1) If the State Fish and Wildlife Commission finds that the operation described in the permit is not in the best public interest, it shall alter the conditions of the permit to mitigate such adverse effects or may cause an orderly termination of the operation under the permit. Proceedings to cause such alteration or termination shall be conducted in accordance with ORS chapter 183. An orderly termination shall not exceed a four-year period and shall culminate in the revocation of the permit in its entirety. During this period the permittee may continue to examine and take specified propagated chum salmon, chinook salmon, silver salmon or pink salmon according to the provisions of the permit but may not release additional fish.

(2) If the commission finds the operation has caused deterioration of the natural run of anadromous fish or any population of resident game fish in the waters covered by the permit, it may require the permittee to return the fish populations to the same condi-

tion that existed prior to issuance of the permit. If the permittee fails to take appropriate action, the commission shall take such action and the permittee shall bear any cost incurred by the commission. [1971 c.203 §6; 1973 c.356 §2; 1975 c.253 §32; 1979 c.556 §2; 1989 c.817 §2]

**508.725 Released fish as state property; consideration by commission of adverse economic impact on hatcheries.** (1) All fish released under ORS 508.700 to 508.745 during the time they are in the wild will be the property of the state and may be taken under angling or commercial fishing laws of this state until they return to the private hatchery.

(2) In carrying out the provisions of ORS 496.162 or 506.129, the State Fish and Wildlife Commission shall not consider evidence of or argument regarding the prospect of adverse economic impact on the activities of hatcheries for which permits have been issued unless the commission determines that it is necessary in order to comply with the policies set forth in ORS 496.012 or 506.109. [1971 c.203 §4; 1979 c.335 §1]

**508.730 Disposal of salmon products.** After first ensuring that all natural and artificial fish production needs of the State Department of Fish and Wildlife have been met, the State Fish and Wildlife Commission may provide at a reasonable fee chum salmon, chinook salmon, silver salmon or pink salmon, or the sexual products therefrom, for the needs of any person granted a permit by the commission pursuant to ORS 508.700 to 508.745 in the following order of priority:

(1) The needs of the salmon and trout enhancement program.

(2) The needs of fish propagation facilities operated under contract or agreement with other state or federal agencies, local governments, special districts and nonprofit organizations.

(3) The needs of all federal and other fish propagation facilities located on the Columbia River and its tributaries. [1971 c.203 §7; 1973 c.356 §3; 1979 c.556 §3; 1981 c.317 §9; 1995 c.469 §5]

**508.735 Application of chapter to taking and sale of salmon.** The provisions of this chapter shall apply to the taking and sale of chum salmon, chinook salmon, silver salmon or pink salmon artificially reared under any permit granted by the State Fish and Wildlife Commission pursuant to ORS 508.700 to 508.745. [1971 c.203 §8; 1973 c.356 §4; 1979 c.556 §4]

**508.737 Policy for marketing of salmon products.** It is the policy of the State of Oregon that all holders of permits issued pursuant to ORS 508.700 to 508.745 are encouraged to market salmon products

obtained pursuant to permit activities in such manner as to promote the development and growth of locally based industries and to provide the maximum benefit to the economy of this state. [1979 c.556 §7]

**508.740 Authority under ORS 508.700 to 508.745.** (1) Nothing in ORS 508.700 to 508.745 is intended to give the permittee any equity in any of the waters or fish of the state.

(2) Nothing in ORS 508.700 to 508.745 shall imply an intent to permit commercial fishing in any rivers south of the mouth of the Columbia River except as provided in ORS 508.715 (5). [1971 c.203 §§9,10; 1989 c.817 §3]

**508.745 Disposition of moneys received under ORS 508.700 to 508.745.** All moneys received by the State Fish and Wildlife Commission under ORS 508.700 to 508.745 except those under ORS 508.735 shall be paid over to the State Treasurer to be held in a suspense account established under ORS 293.445. After the payment of costs of administration incurred by the commission in carrying out the provisions of ORS 508.700 to 508.745, that portion of the balance of the moneys in this suspense account as of the end of each fiscal year shall be deposited to the General Fund for general governmental purposes. [1971 c.203 §11]

# **COMMERCIAL FISHERY PERMIT BOARD**

**508.755 Membership; duties; meetings; expenses.** (1) There is established within the State Department of Fish and Wildlife the Commercial Fishery Permit Board. The board shall consist of members appointed by the State Fish and Wildlife Commission as follows:

(a) Three members shall be chosen to represent the Columbia River gillnet salmon fishing industry.

(b) Three members shall be chosen to represent the ocean troll salmon fishing industry.

(c) Three members shall be chosen to represent the ocean pink shrimp fishing industry.

(d) Three members shall be chosen to represent the Yaquina Bay roe-herring fishing industry.

(e) Three members shall be chosen to represent the sea urchin commercial fishery.

(f) Three members shall be chosen to represent the ocean Dungeness crab fishing industry.

(g) Three members shall be chosen to represent the black rockfish and blue rockfish fishing industry and the nearshore fish fishing industry.

(h) Three members shall be chosen to represent developmental fisheries as described in ORS 506.450 to 506.465.

(i) Three members shall be chosen to represent each restricted participation system or restricted vessel permit system established by rule of the commission under ORS 506.462.

(j) Two members shall be chosen to represent the public.

(2) A member of the board shall receive no compensation for services as a member. However, subject to any applicable law regulating travel and other expenses of state officers and employees, a member shall be reimbursed for travel and other expenses incurred in the performance of official duties.

(3) The board shall select such officers, for such terms and with such duties and powers, as the board considers necessary for the performance of those offices.

(4) A majority of the members of the board constitutes a quorum for the transaction of business.

(5) The board shall meet at such times and places as may be determined by the chairperson or by a majority of the members of the board.

(6) Notwithstanding any other provision of law:

(a) Members of the board representing the Columbia River gillnet salmon fishing industry shall participate in actions of the board only on matters arising under ORS 508.285, 508.470 and 508.775 to 508.796.

(b) Members of the board representing the ocean troll salmon fishing industry shall participate in actions of the board only on matters arising under ORS 508.801 to 508.825.

(c) Members of the board representing the ocean pink shrimp fishing industry shall participate in actions of the board only on matters arising under ORS 508.880, 508.883 and 508.889 to 508.910.

(d) Members of the board representing the Yaquina Bay roe-herring fishing industry shall participate in actions of the board only on matters arising under ORS 508.765.

(e) Members of the board representing the sea urchin commercial fishery shall participate in actions of the board only on matters arising under ORS 508.760.

(f) Members of the board representing the ocean Dungeness crab fishing industry shall participate in actions of the board only on matters arising under ORS 508.921.

(g) Members of the board representing the black rockfish and blue rockfish fishing industry and the nearshore fish fishing industry shall participate in actions of the board only on matters arising under ORS 508.921.

dustry shall participate in actions of the board only on matters arising under ORS 508.947, 508.957 or 508.960.

(h) Members of the board representing developmental fisheries shall participate in actions of the board only on matters arising under ORS 506.450 to 506.465.

(i) Members of the board representing a restricted participation system or a restricted vessel permit system established by rule of the commission under ORS 506.462 shall participate in actions of the board only on matters related to that system. [Formerly 508.920; 2003 c.809 §13; 2007 c.95 §3]

### RESTRICTED PARTICIPATION SYSTEMS

**508.760 Sea urchin limited participation; terms; conditions; fees; rules.** (1) Notwithstanding any other provision of the commercial fishing laws, in order to provide a sea urchin (*Strongylocentrotus franciscanus*, *S. purpuratus* and *S. droebachiensis*) commercial fishery with optimum profits to those engaged in the fishery and to prevent a concentration of fishing effort that would deplete the resource, the State Fish and Wildlife Commission, by rule, shall establish a system for limiting participation in the sea urchin commercial fishery. Any such system may include, but is not limited to, provisions on the following matters:

(a) Establishment of criteria for initial entry into fishery participation and for annual qualification for participation thereafter.

(b) Establishment of terms and conditions for transferring participation rights.

(2) The annual fee to participate in the sea urchin fishery is \$75. [1987 c.374 §2; 1991 c.701 §12; 1995 c.602 §2]

**508.762 Review of denial of sea urchin permit renewal or transfer; fee; rules.** (1) A person whose application for renewal or transfer of a permit established pursuant to ORS 508.760 is denied may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the State Department of Fish and Wildlife or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of \$75. Such fee shall apply toward the permit fee of an applicant seeking review who is successful in obtaining a permit.

(2) The board shall review a denial of an application for renewal or request to transfer a permit according to the applicable pro-

visions of ORS chapter 183. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.500.

(3) According to the applicable provisions of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

(4) The board may delegate to the department its authority to waive requirements for renewal of permits. [1995 c.602 §3]

**Note:** 508.762 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 508 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**508.765 Roe-herring limited participation; terms; conditions; fees; rules.** (1) Notwithstanding any other provision of the commercial fishing laws, in order to provide a roe-herring commercial fishery with optimum profits to those engaged in the fishery and to prevent a concentration of fishing effort that would deplete the resource, the State Fish and Wildlife Commission, by rule, shall establish a system for limiting participation in the roe-herring commercial fishing. Any such system may include, but is not limited to, provisions on the following matters:

(a) Establishment of criteria for initial entry into fishery participation and for annual qualification for participation thereafter.

(b) Establishment of terms and conditions for transferring participation rights.

(2) The annual fee to participate in the roe-herring fishery is \$75.

(3)(a) A denial by the commission of an application for renewal of any permit or transfer of any permit established under this section shall be subject to review by the Commercial Fishery Permit Board upon written request of the applicant. The review provided under this subsection shall be in lieu of any such review by the commission or the State Department of Fish and Wildlife.

(b) Request for review under this subsection shall be on such forms and contain such information as the board shall determine. Requests for review shall be accompanied by a \$75 fee, which fee shall apply toward any applicable permit fees resulting from an order of the board in favor of the requesting applicant.

(4) Orders issued by the board are not subject to review by the commission but may be appealed as provided in ORS chapter 183.

(5) According to the provisions of ORS chapter 183, the board shall adopt such rules as it determines necessary to carry out its

duties, functions and powers. [Formerly 508.800; 1991 c.701 §13; 1995 c.602 §4]

## RESTRICTED VESSEL PERMIT SYSTEMS

### (Columbia River Gillnet Fishery)

**508.775 Vessel permit required to engage in fishery; purchase of fish by dealer from individual without permit prohibited.** (1) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for an individual to operate a vessel in the Columbia River gillnet salmon fishery without first obtaining a vessel permit issued pursuant to ORS 508.775 to 508.796. However, an individual who holds valid commercial fishing licenses and vessel permits required by and issued pursuant to the laws of the State of Washington for commercial salmon fishing in the Columbia River may land salmon in this state that were taken in the Columbia River gillnet salmon fishery without the permit otherwise required by this subsection.

(2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a wholesaler, canner or buyer to buy or receive salmon taken in the Columbia River gillnet fishery from an individual who does not have the permit required by subsection (1) of this section.

(3) The permit required by subsection (1) of this section is in addition to and not in lieu of the boat license required by ORS 508.260. [1979 c.679 §2; 1981 c.365 §1]

**508.778 Limitation on issuance of permits.** Except as provided in ORS 508.792, no new vessel permits shall be issued. [1979 c.679 §3; 1981 c.365 §40; 1989 c.940 §3; 1995 c.602 §5]

**508.781 Renewal of permit; rules.** An individual who obtained the permit required by ORS 508.775 for a particular calendar year is eligible to obtain renewal of the permit in a subsequent calendar year, upon application and payment of the fees therefor by December 31 of the permit year or by such date as may be specified by rule of the State Department of Fish and Wildlife. [1979 c.679 §4; 1981 c.365 §12; 1995 c.602 §6; 2007 c.768 §7]

**508.784 Considerations in determining eligibility for permit.** In making determinations regarding renewal of the permits required by ORS 508.775, the State Department of Fish and Wildlife and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements department records and such receipts, accounts, contracts and other business records of private parties as the department or the board consider reliable evidence of the qualifications or requirements in question. [1979 c.679 §5; 1989 c.940 §4]

**508.787 Permit revocation procedure.** The board may revoke and refuse subsequent issuance of a permit required by ORS 508.775 in the manner provided in ORS 508.485 and 508.490. [1979 c.679 §6]

**508.790 Fee; application form.** (1) The annual fee for the vessel permit required by ORS 508.775 is \$1.

(2) Applications shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe. [1979 c.679 §7; 1981 c.43 §3]

**Note:** See note under 508.285.

**508.792 Lottery system for permit issuance.** (1) Except as provided in subsection (2) of this section, if the number of permits renewed under ORS 508.781 falls below 200, the State Department of Fish and Wildlife shall issue permits by a lottery system for vessels that do not meet the requirements of ORS 508.781. However, the number of permits issued pursuant to any such lottery system shall not increase the number of permits issued to a total number greater than 200.

(2) The State Fish and Wildlife Commission may, in its discretion, suspend the lottery for up to two years. Suspension shall be based on the commission's assessment of the condition of the resource and shall account for the recommendations of the Gillnet Salmon Review Board. [1989 c.940 §5b; 1995 c.602 §7]

**508.793 Permit transfer restrictions.** (1) The vessel permit required by ORS 508.775 is transferable:

(a) To a replacement vessel of the permit holder.

(b) To the purchaser of the vessel when the vessel is sold.

(2) Notwithstanding subsection (1) of this section, upon request of a permit holder, the State Department of Fish and Wildlife may authorize transfer of a permit to a replacement vessel owned by an individual other than the permit holder. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void. [1979 c.679 §9; 1981 c.365 §14]

**508.796 Review of permit denial; fee; rules; limitation on transfer of certain permits.** (1) An individual whose application for renewal of the permit required by ORS 508.775 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in

such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of \$75. Such fees shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.500. The board may waive requirements for renewal of permits if the board finds:

(a) That the individual for personal or economic reasons chose to actively commercially fish in some other fishery during the Columbia River gillnet salmon seasons; or

(b) That the individual failed to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

(4) The board may delegate to the department its authority to waive requirements for renewal of permits.

(5) Notwithstanding any other provision of law, without the prior approval of the Commercial Fishery Permit Board, a Columbia River gillnet salmon vessel permit acquired as a result of a waiver pursuant to subsection (2) of this section may not be transferred to another vessel until the vessel for which the permit was issued has been used in the Columbia River gillnet salmon fishery for two or more calendar years. [1979 c.679 §10; 1981 c.365 §15; 1989 c.940 §5; 1995 c.602 §8]

**508.800** [1983 c.419 §2; renumbered 508.765 in 1987]

### **(Ocean Troll Salmon Fishery)**

**508.801 Vessel permit required to engage in fishery; purchase of fish by dealer from individual without permit prohibited.** (1) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for an individual to operate a vessel in the ocean troll salmon fishery without first obtaining a vessel permit issued pursuant to ORS 508.755 and 508.801 to 508.825.

(2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a wholesaler, canner or buyer to buy or receive salmon taken in the ocean troll fishery from a vessel for which the permit required by subsection (1) of this section has not been issued.

(3) The permit required by subsection (1) of this section is in addition to and not in lieu of the boat license required by ORS 508.260. [1979 c.613 §2; 1981 c.365 §1]

**508.804 Restriction on issuance and renewal of permits.** Except as provided in ORS 508.819, no new vessel permits shall be issued. [1979 c.613 §3; 1989 c.940 §6; 1995 c.602 §9]

**508.807 Renewal of permit; replacement vessel; rules.** (1) An individual who obtained the permit required by ORS 508.801 for a particular calendar year is eligible to obtain renewal of the permit in a subsequent calendar year upon obtaining the annual boat license referred to in ORS 508.285. The permit must be renewed, and the boat license obtained, not later than December 31 of each year or such date as may be established by rule of the State Department of Fish and Wildlife.

(2) Notwithstanding any other provision of law, an individual who permanently loses the services of a vessel through capsizing, sinking, fire, collision or other catastrophic accident has a period of two years from the date of loss to replace the vessel without losing eligibility to renew the vessel permit. [1979 c.613 §4; 1981 c.43 §5; 1987 c.912 §1; 1995 c.602 §10; 2007 c.768 §8]

**508.808 Special renewal and fee provisions.** (1) In order to be able to renew the vessel permit in any subsequent year, an individual is not required to renew the boat license as provided in ORS 508.807 if:

(a) In the year prior to renewal there was not an ocean troll salmon season of more than 20 consecutive days between May 1 and July 31 in the Pacific Fisheries Management Council management area adjacent to the port where the vessel lands fish; and

(b) The vessel landed salmon in only one single Oregon port and no other during the preceding three years in which there was a salmon season of more than 20 consecutive days between May 1 and July 31 in the Pacific Fisheries Management Council management area adjacent to the port.

(2) The State Department of Fish and Wildlife may, upon written request by the purchaser, refund any amount paid for a boat license for a boat that qualifies under the provisions of subsection (1) of this section. [1993 c.227 §§2,3; 1995 c.540 §1]

**508.810 Considerations in determining eligibility for permit.** In making determinations regarding renewal of the permits required by ORS 508.801, the State Department of Fish and Wildlife and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements department records and such receipts, accounts, contracts and other business re-



cords of private parties as the department or the board considers reliable evidence of the qualifications or requirements in question. [1979 c.613 §5; 1989 c.940 §7]

**508.813 Permit revocation procedure.**

The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of a permit required by ORS 508.801 in the manner provided in ORS 508.485 and 508.490. [1979 c.613 §6]

**508.816 Fee; application form; rules.**

(1) The annual fee for the vessel permit required by ORS 508.801 is \$10.

(2) Applications shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe. [1979 c.613 §7; 1981 c.43 §1; 1987 c.912 §2]

**Note:** See note under 508.285.

**508.819 Lottery system for permit issuance.**

(1)(a) Except as provided in subsections (2) and (3) of this section, if the number of permits renewed under ORS 508.807 falls below 1,000, the State Department of Fish and Wildlife shall issue permits by a lottery system for vessels that do not meet the requirements of ORS 508.807. However, the number of permits issued pursuant to any such lottery system may not increase the number of permits issued to a total number greater than 1,000.

(b) In issuing permits under the lottery system, the department shall issue permits for vessels based on the following categories:

(A) Vessels less than or equal to 30 feet;

(B) Vessels greater than 30 feet and less than or equal to 42 feet; or

(C) Vessels greater than 42 feet.

(c) When a vessel in one category does not renew its permit, only another vessel in the same category, or a vessel in a category for vessels of a smaller size, may qualify for the permit.

(d) When the department holds a lottery under this section, the following fees shall be charged for each vessel permit that the department issues as a result of the lottery:

(A) For vessels less than or equal to 30 feet, \$250.

(B) For vessels greater than 30 feet and less than or equal to 42 feet, \$500.

(C) For vessels greater than 42 feet, \$750.

(2) The State Fish and Wildlife Commission may, in its discretion, suspend the lottery for up to two years. Suspension shall be based on the commission's assessment of the condition of the resource and shall account for the recommendations of the Troll Salmon Permit Review Board.

(3) The department shall consider a permit transferred to, purchased by or otherwise

held by the federal government as a permit renewed under ORS 508.807. A permit transferred to, purchased by or otherwise held by the federal government is a permit under the limit of 1,000 permits established by this section. [1979 c.613 §8; 1981 c.365 §2; 1987 c.912 §3; subsection (2) of 1987 Replacement Part enacted as 1983 c.797 §4; 1993 c.555 §1; 1995 c.602 §13; 2001 c.235 §1; 2007 c.461 §1]

**508.822 Permit transfer restrictions; rules.**

(1) The vessel permit required by ORS 508.801 is transferable:

(a) To a replacement vessel of the permit holder.

(b) To the purchaser of the vessel when the vessel is sold.

(c) Upon request of a permit holder, transfer of a permit to a replacement vessel owned by an individual other than the permit holder if authorized by the State Department of Fish and Wildlife. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) Permits may be transferred between vessels where both vessels fall within any one of the following categories:

(a) Vessels less than or equal to 30 feet;

(b) Vessels greater than 30 feet and less than or equal to 42 feet; or

(c) Vessels greater than 42 feet.

(3) A permit may be transferred from a vessel that is in one of the categories defined in subsection (2) of this section to a vessel that is in a different category provided that no vessel permit may be transferred to a vessel more than five feet longer than the vessel from which the permit is being transferred.

(4)(a) Notwithstanding subsection (3) of this section and except for transfer to another vessel owned by the current permit holder, a vessel permit may be transferred to a vessel over 30 feet in length only if, in the calendar year prior to transfer, the vessel from which the permit is being transferred was used in the ocean troll salmon fishery in Oregon, Alaska, Washington or California to take 100 pounds of salmon. The department, by rule, may require proof of vessel ownership prior to the transfer of a permit away from any vessel. This section shall not be effective in the calendar year following a year in which the number of permits issued pursuant to ORS 508.801 is less than 1,000.

(b) A vessel permit may not be transferred more than once in any 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period for additional transfer if the board finds that strict adherence to the waiting period would

create undue hardship for the individual seeking transfer of the permit.

(5) Persons requesting the transfer of a permit pursuant to subsection (1)(c) of this section shall provide to the department copies of documents or state registration for each vessel as proof of the length and ownership. [1979 c.613 §9; 1981 c.365 §3; 1983 c.797 §5; 1985 c.159 §1; 1987 c.912 §4; 1989 c.441 §1; 1995 c.602 §14; 2007 c.461 §2]

**508.825 Review of permit denial; rules; fee.** (1) An individual whose application for renewal or transfer of the permit required by ORS 508.801 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of \$75. Such fee shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal or transfer of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal or transfer of permits if the board finds that the individual fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

(4) The board may delegate to the department its authority to waive requirements for renewal or transfer of permits. [1979 c.613 §11; 1981 c.365 §4; 1983 c.797 §6; 1987 c.912 §5; 1989 c.940 §8; 1995 c.602 §15]

**508.828 Single delivery license in lieu of vessel permit.** Notwithstanding ORS 508.755, 508.801 to 508.825, 508.880, 508.883 and 508.889 to 508.910, subject to ORS 508.316, a vessel not having a permit may in an emergency and with the approval of the State Department of Fish and Wildlife land salmon by purchase of a single delivery license. [1981 c.365 §21; 1999 c.164 §3]

#### (Ocean Scallop Fishery)

**508.840 Vessel permit required to engage in fishery; purchase of scallops by dealer from individual without permit prohibited.** (1) Notwithstanding any other

provision of the commercial fishing laws, it is unlawful for an individual to operate a vessel in the ocean scallop fishery without first obtaining a vessel permit issued pursuant to ORS 508.840 to 508.867.

(2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a wholesaler, canner or buyer to buy or receive scallops taken in the ocean fishery from a vessel for which the permit required by subsection (1) of this section has not been issued.

(3) The permit required by subsection (1) of this section is in addition to and not in lieu of the boat license required by ORS 508.260. [1981 c.365 §25]

**508.843 Use of single delivery license in lieu of permit; reciprocity of law.** (1) Notwithstanding ORS 508.840, an individual who holds a valid scallop fishing permit required by or issued pursuant to the laws of the states of Washington or California may land scallops in this state that were taken in the ocean fishery without the permit required by ORS 508.840 if the vessel possesses a single delivery license referred to in ORS 508.285.

(2) This section remains operative only while laws or administrative rules in California and Washington are operative that contain, in substance or effect, provisions similar to the provisions of ORS 508.840 (1). [1981 c.365 §26; 1995 c.602 §16; 1999 c.164 §4]

**508.846 Issuance of permits restricted.** Except as provided in ORS 508.861, no new vessel permits shall be issued. [1981 c.365 §27; 1989 c.940 §9; 1995 c.602 §17]

**508.849 Renewal of permit.** An individual who obtained the permit required by ORS 508.840 for calendar year 1981 is eligible to obtain renewal of the permit in a subsequent calendar year, upon application by December 31 of the permit year and payment of the fees therefor, if during the preceding calendar year the vessel for which permit renewal application is made was used in the ocean fishery to take at least 5,000 pounds of food fish which were lawfully landed in this state. [1981 c.365 §28; 1995 c.602 §18]

**508.852 Considerations in determining eligibility for permit.** In making determinations regarding renewal of the permits required by ORS 508.840, the State Department of Fish and Wildlife and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements department records and such receipts, accounts, contracts and other business records of private parties as the department or the board considers reliable evidence of the qualifications or requirements in question. [1981 c.365 §29; 1989 c.940 §10]

**508.855 Permit revocation procedure.**

The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of a permit required by ORS 508.840 in the manner provided in ORS 508.485 and 508.490. [1981 c.365 §30]

**508.858 Fee.** The annual fee for the vessel permit required by ORS 508.840 is \$75. [1981 c.365 §31; 1991 c.701 §14]

**508.861 Lottery system for permit issuance; rules.** The State Department of Fish and Wildlife may establish by rule a lottery system for issuing permits to vessels that do not meet the requirements of ORS 508.849. The department, by rule, shall determine the number of permits and the criteria for issuance. [1981 c.365 §32; 1989 c.940 §11a; 1995 c.602 §19]

**508.864 Permit transfer restrictions.** Notwithstanding any other provision of law, an ocean scallop vessel permit issued pursuant to ORS 508.840 to 508.867 may not be transferred to another vessel:

(1) Until the vessel for which the permit was issued has been used in the ocean scallop fishery for three or more calendar years to land at least 5,000 pounds of food fish annually.

(2) More than once in any 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period if the board finds that strict adherence to the waiting period would create undue hardship for the individual seeking transfer of the permit.

(3) That is more than five feet longer than the vessel from which the permit is transferred. [1981 c.365 §33; 1995 c.602 §20]

**508.867 Review of permit denial; fee; rules.** (1) Notwithstanding ORS 508.755 (6)(b) and (c), an individual whose application for renewal of the permit required by ORS 508.840 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of \$75. Such fee shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal of permits if the board finds that the individual for personal or economic reasons chooses to actively fish the permit vessel in some other ocean fishery or if the board finds that the individual fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

(4) The board may delegate to the department the authority to waive eligibility requirements for renewal of permits. [1981 c.365 §34; 1989 c.940 §11; 1995 c.602 §21]

**(Ocean Pink Shrimp Fishery)**

**508.880 Vessel permit required to engage in fishery; purchase of shrimp by dealers from individual without permit prohibited.** (1) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for an individual to operate a vessel in the ocean pink shrimp fishery without first obtaining a vessel permit issued pursuant to ORS 508.880, 508.883 and 508.889 to 508.910.

(2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a wholesaler, canner or buyer to buy or receive pink shrimp (*Pandalus jordani*) taken in the ocean pink shrimp fishery from a vessel for which the permit required by subsection (1) of this section or the license required by ORS 508.883 has not been issued.

(3) The permit required by subsection (1) of this section is in addition to and not in lieu of the boat license required by ORS 508.260. [1979 c.613 §13; 1981 c.365 §5]

**508.883 Use of single delivery license in lieu of vessel permit; reciprocity of law.** (1) Notwithstanding ORS 508.880, an individual who holds valid commercial fishing permits required by or issued pursuant to the laws of the states of Washington or California to take pink shrimp may land pink shrimp in this state that were taken in the ocean pink shrimp fishery without the permit required by ORS 508.880 if the vessel possesses a single delivery license referred to in ORS 508.285. However, a single delivery license may be used to land pink shrimp only once in a 12-month period as established by rule of the State Fish and Wildlife Director.

(2) Subsection (1) of this section shall apply to a vessel registered under the laws of another state only while laws or administrative rules are operative in that state that contain, in substance or effect, provisions similar to the provisions of subsection (1) of this section. [1979 c.613 §14; 1987 c.912 §9; 1995 c.602 §22; 1999 c.164 §5]

**508.886 Limitation on number of permits; eligibility.** Notwithstanding any other provision of law, until the number of vessel permits required by ORS 508.880 reaches 235:

(1) For calendar year 1987, those persons who delivered pink shrimp by use of a single delivery license referred to in ORS 508.285 during calendar year 1986 are eligible to obtain a permit.

(2) For calendar year 1988, those persons who deliver pink shrimp from their own boats by use of a single delivery license referred to in ORS 508.285 during calendar year 1987 are eligible to obtain a permit, giving priority in the order of the date of delivery. [1987 c.912 §11]

**508.889 Issuance of permits limited.** Except as provided in ORS 508.904, no new vessel permits shall be issued. [1979 c.613 §15; 1989 c.940 §12; 1995 c.602 §23]

**508.892 Renewal of permit; rules.** (1) An individual who obtained the permit required by ORS 508.880 for a particular calendar year is eligible to obtain renewal of the permit in a subsequent calendar year upon application and payment of the fees therefor and upon obtaining the annual boat license referred to in ORS 508.285. The permit must be applied for, and the boat license obtained, not later than December 31 of each year or such date as may be established by rule of the State Department of Fish and Wildlife.

(2) An individual who permanently loses the services of a vessel through capsizing, sinking, fire, collision or other catastrophic accident shall remain eligible to obtain a vessel permit for a replacement vessel for two years from the date of loss. [1979 c.613 §16; 1981 c.365 §6; 1985 c.453 §1; 1987 c.912 §8; 1995 c.602 §24; 1999 c.165 §1; 2007 c.768 §9]

**508.895 Considerations in determining eligibility for permit.** In making determinations regarding renewal of the permits required by ORS 508.880, the State Department of Fish and Wildlife and the Commercial Fishery Permit Board may consider as evidence of permit qualifications or requirements department records and such receipts, accounts, contracts and other business records of private parties as the department or the board considers reliable evidence of the qualifications or requirements in question. [1979 c.613 §17; 1989 c.940 §13]

**508.898 Permit revocation procedure.** The Commercial Fishery Permit Board may revoke and refuse subsequent issuance of a permit required by ORS 508.880 in the manner provided in ORS 508.485 and 508.490. [1979 c.613 §18]

**508.901 Fee; application form; rules.** (1) The annual fee for the vessel permit required by ORS 508.880 is \$75.

(2) Applications shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe. [1979 c.613 §19; 1981 c.43 §2; 1987 c.912 §7; 1991 c.701 §15]

**508.904 Lottery system for permit issuance.** (1) Except as provided in subsection (2) of this section, if the number of permits renewed under ORS 508.892 falls below 150, the State Department of Fish and Wildlife shall issue permits by lottery systems for vessels that do not meet such requirements, first among those individuals who landed pink shrimp pursuant to a single delivery license referred to in ORS 508.285, and then among all other individuals making application therefor. However, the number of permits issued pursuant to any such lottery system may not increase the total number of permits issued beyond 150.

(2) The department shall consider a permit transferred to, purchased by or otherwise held by the federal government as a permit renewed under ORS 508.892. A permit transferred to, purchased by or otherwise held by the federal government is a permit under the limit of 150 permits established by this section. [1979 c.613 §20; 1981 c.365 §7; 1987 c.912 §6; 1989 c.940 §15; 1995 c.602 §25; 2001 c.235 §2]

**508.907 Permit transfer restrictions.** (1) The vessel permit required by ORS 508.880 is transferable:

(a) To a replacement vessel of the permit holder. A replacement is any vessel that is purchased for any reason to replace a vessel previously owned by and licensed to the permit holder;

(b) To the purchaser of the vessel when the vessel is sold; or

(c) To a replacement vessel owned by an individual other than the permit holder. However, any transfer of a permit away from a vessel without the written consent of each person holding a security interest in such vessel is void.

(2) A permit may be transferred to a vessel of greater length only if that vessel is within 5 feet in overall length of the vessel from which the permit is being transferred. This provision does not apply if the permit is being transferred from one vessel owned by an individual to another vessel not exceeding 80 feet in length that is owned by the same individual.

(3) A permit may not be transferred to another vessel more than once in a 12-month period. However, the Commercial Fishery Permit Board may waive the waiting period if the board finds that strict adherence to the

waiting period would create undue hardship for the individual seeking transfer of the permit. [1979 c.613 §21; 1981 c.365 §8; 1995 c.602 §26; 1999 c.165 §2]

**508.908 Limits on authority of Commercial Fishery Permit Board to prohibit transfer of valid pink shrimp vessel permits.** The Commercial Fishery Permit Board may not prohibit the transfer under ORS 508.907 of a valid ocean pink shrimp vessel permit on the basis that:

(1) The vessel for which the permit was issued did not participate in the ocean pink shrimp fishery for three or more preceding consecutive years to annually land at least 5,000 pounds of shrimp in Oregon, California or Washington; or

(2) The holder of the permit did not obtain an exemption from the catch requirement. [1999 c.165 §4]

**Note:** 508.908 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 508 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**508.910 Review of permit denial; fee; rules; limitation on transfer of certain permits.** (1) An individual whose application for renewal of the permit required by ORS 508.880 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropriate. The request shall be accompanied by a nonrefundable fee of \$75. Such fee shall apply toward the permit fee of successful applicants.

(2) In accordance with any applicable provision of ORS chapter 183, the board shall review denials of applications for renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal of permits if the board finds that the individual fails to meet the requirements as the result of illness, accident or other circumstances beyond the individual's control.

(3) In accordance with any applicable provision of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers.

(4) The board may delegate to the department its authority to waive requirements for renewal of permits. [1979 c.613 §22; 1981 c.365 §9; 1989 c.940 §14; 1995 c.602 §27; 1999 c.165 §3]

**508.913 Issuance of permits for vessels engaged in groundfish fishery; permit transfer restriction.** (1) The Commercial Fishery Permit Board is authorized to receive applications and issue ocean pink shrimp vessel permits for 1982 to trawl vessel owners for those vessels that did not qualify for or receive an ocean pink shrimp permit in 1980, if the board finds that the vessel has been actively engaged in Oregon's groundfish fishing since January 1, 1974, or entered that fishery subsequent to January 1, 1974, but prior to July 1, 1979, and has continued to be actively engaged in that Oregon fishery.

(2) Notwithstanding any other provision of law, without the prior approval of the Commercial Fishery Permit Board, an ocean pink shrimp vessel permit acquired pursuant to subsection (1) of this section may not be transferred to another vessel until the vessel for which the permit was issued has been used in the ocean pink shrimp fishery for two or more calendar years. [1981 c.365 §22]

**508.915 Negotiations to establish reciprocal agreements pertaining to pink shrimp.** The State Fish and Wildlife Director shall work with the appropriate authorities in the states of California and Washington to negotiate reciprocal agreements that would allow vessels registered under the laws of those states to land pink shrimp in Oregon to the same extent that vessels registered in Oregon may land pink shrimp in California or Washington. [1999 c.164 §6]

**Note:** 508.915 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 508 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**508.920** [1979 c.613 §10; 1983 c.419 §3; 1987 c.374 §3; 1995 c.484 §8; renumbered 508.755 in 1995]

## **(Ocean Dungeness Crab Fishery)**

**508.921 Findings; rules.** The Legislative Assembly finds that the Oregon ocean Dungeness crab fishery is overcapitalized. This overcapitalization has led to economic destabilization of the ocean Dungeness crab industry and the coastal communities relying on the crab harvest and can cause excessive harvesting pressure on Oregon's ocean Dungeness crab resources. Since the state legislatures of Washington and California have enacted programs restricting participation in the ocean Dungeness crab fishery, the possibility of increased effort in Oregon coastal waters by displaced vessels is increased. Notwithstanding any other provision of the commercial fishing laws, in order to promote the economic well-being of the Oregon ocean Dungeness crab industry and the coastal communities relying on the harvest, to protect the livelihood of participants in

the Oregon ocean Dungeness crab fishery who have historically and continuously participated in the ocean Dungeness crab fishery and to prevent a concentration of fishing effort, the State Fish and Wildlife Commission by rule shall establish a system for restricting participation in the Oregon ocean Dungeness crab fishery. [1995 c.484 §2]

**508.926 Vessel permit required to engage in fishery; purchase of crab by dealer from individual without permit prohibited.** (1) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for an individual to operate a vessel in the ocean Dungeness crab fishery without first obtaining a vessel permit issued pursuant to ORS 508.931 or 508.941.

(2) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for a wholesaler, canner or buyer to buy or receive ocean Dungeness crab taken in the ocean fishery from a vessel for which the permit required by subsection (1) of this section has not been issued.

(3) The permit required by subsection (1) of this section is in addition to and not in lieu of the boat license required by ORS 508.260. [1995 c.484 §3]

**508.931 Eligibility for permit.** (1) The system established under ORS 508.921 shall provide initial eligibility for vessels to participate in the ocean Dungeness crab fishery seasons established by the State Fish and Wildlife Commission, beginning on December 1, 1995, with a transferable ocean Dungeness crab permit only if:

(a) The vessel for which application is made was continuously licensed pursuant to ORS 508.260 for the calendar years 1991 through 1994, and was used in the ocean Dungeness crab fishery to lawfully land into Oregon ports at least 500 pounds of ocean Dungeness crab in each of two crab fishing seasons between December 1, 1988, and December 31, 1994;

(b) The vessel for which application is made was under construction between December 1, 1988, and August 14, 1991, for the purpose of ocean Dungeness crab fishing in waters of this state, and the vessel lawfully landed into Oregon ports at least 500 pounds of ocean Dungeness crab in each of two crab fishing seasons between December 1, 1988, and December 31, 1994, and was licensed as an Oregon vessel from the date of completion;

(c) The vessel for which application is made was used in the ocean Dungeness crab fishery to lawfully land into Oregon ports at least 500 pounds of ocean Dungeness crab in each of two crab fishing seasons between

December 1, 1991, and December 31, 1994, and is owned by a person who, prior to December 31, 1994, sold a vessel that was used prior to sale in the ocean Dungeness crab fishery to lawfully land into Oregon ports at least 500 pounds of ocean Dungeness crab in each of two crab fishing seasons between December 1, 1988, and December 31, 1994, and who, as a condition of the sale, retained the sold vessel's commercial fishing rights to fish for ocean Dungeness crab in the ocean waters of Oregon;

(d) The vessel for which application is made was continuously licensed pursuant to ORS 508.260 for the calendar years 1991 through 1994, was used in the ocean Dungeness crab fishery to lawfully land into Oregon ports at least 10,000 pounds of ocean Dungeness crab in one crab fishing season between December 1, 1988, and December 31, 1994, and the owner of the vessel on December 31, 1994, demonstrates possession of one or more vessel licenses described in ORS 508.260 in each of 10 separate years during the period December 1, 1980, to December 31, 1994; or

(e) The vessel for which application is made was licensed pursuant to ORS 508.260 during 1994, is 26 feet or less in length and was used in the ocean Dungeness crab fishery to lawfully land into Oregon ports at least 100 pounds of ocean Dungeness crab in at least one crab fishing season between December 1, 1988, and December 31, 1994.

(2) As used in this section:

(a) "Crab fishing season" is the time period from December 1 of one year through August 14 of the next year.

(b) "Owner" includes any ownership interest in a vessel, including interests arising from partnership or corporation. [1995 c.484 §4]

**508.936 Permit transfer restrictions; rules.** (1) The system established under ORS 508.921 shall include provisions to make the vessel ocean Dungeness crab permit required by ORS 508.926 transferable:

(a) To another vessel; or

(b) To the purchaser of the vessel when the vessel is sold.

(2) The vessel to which a permit is transferred may not be:

(a) More than 10 feet longer than the vessel from which the permit is transferred; or

(b) More than 99 feet in length.

(3) Notwithstanding subsection (2) of this section, a permit issued to a vessel:

(a) Under ORS 508.931 (1)(e) shall be transferred only to a vessel that is 26 feet or less in length.

(b) May not be transferred to a vessel that is more than 10 feet longer than the vessel for which the permit was held on January 1, 2006. However, the Commercial Fishery Permit Board may waive the length restriction in this paragraph if the board finds that strict adherence to the length restriction would create undue hardship, as that term is defined by rule by the State Fish and Wildlife Commission, for the individual seeking transfer of the permit.

(4) Transfer of a permit under this section is subject to the approval of the State Department of Fish and Wildlife according to such rules as the State Fish and Wildlife Commission may adopt. Any transfer of a permit from a vessel without the written consent of each person holding a security interest in the vessel is void.

(5) For purposes of this section, the length of a vessel shall be determined by the manufacturer's specification of overall length, United States Coast Guard documentation stating overall length or a survey of overall length by a certified marine surveyor, as the State Fish and Wildlife Commission by rule shall establish. [1995 c.484 §5; 2005 c.629 §3]

**508.941 Review of eligibility determinations; reciprocity with other states; fee.** (1) The system established under ORS 508.921 shall include any other provisions for participation that the State Fish and Wildlife Commission considers appropriate.

(2) Any determination by the commission regarding the eligibility of a vessel to participate in the ocean Dungeness crab commercial fishery or to transfer participation rights is subject to review by the Commercial Fishery Permit Board, in accordance with ORS chapter 183. The board may waive the eligibility requirements contained in ORS 508.931 if the board finds that the individual fails to meet the requirements as the result of illness, fire, sinking, accident or other circumstances beyond the individual's control. In making a determination of eligibility under this section, the board shall consider the applicant's history of participation in the Oregon ocean Dungeness crab fishery. If a vessel for which application is made is owned by a person who has served in the Armed Forces of the United States and the person establishes that a service-related disability prevented the person from lawfully landing crab in two seasons during the prescribed time period, there is a rebuttable presumption in favor of issuing an illness waiver for one of the two seasons of lawfully landing crab in Oregon required under ORS 508.931 so as to require the landing of crab in only one season during the prescribed time period. The rebuttable presumption created by this

subsection may be overcome only by clear and convincing evidence that the service-related disability of the person did not prevent the person from lawfully landing crab in two seasons during the prescribed time period. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540.

(3) A commercial fishing vessel that holds a valid Washington or California permit to fish for ocean Dungeness crab shall be eligible to participate in the Oregon ocean Dungeness crab fishery provided there is reciprocal statutory authority in Washington or California that provides for equal access for vessels holding Oregon ocean Dungeness crab permits to Washington or California coastal waters and Washington waters of the Columbia River. If such reciprocal statutory authority exists, a vessel licensed by Washington or California is eligible to participate in accordance with rules that establish reciprocal border agreements that recognize traditional fishing patterns.

(4) The annual fee to participate in the ocean Dungeness crab fishery is \$75, except that the fee for 1995 is waived. [1995 c.484 §6; 1997 c.837 §9]

### **(Black and Blue Rockfish and Nearshore Fishery)**

**508.945 Vessel permit required; rules; purchase of black or blue rockfish or nearshore fish from individual without permit prohibited; exemptions.** (1) Notwithstanding any other provision of the commercial fishing laws and except as provided in subsection (4) of this section, a person may not operate a vessel for:

(a) Landing black rockfish or blue rockfish in a fishery without a black rockfish and blue rockfish vessel permit issued under ORS 508.947; or

(b) Landing nearshore fish in a fishery without a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement issued under ORS 508.947.

(2)(a) The State Fish and Wildlife Commission may prescribe by rule the type of fishing gear that a vessel required to have a permit under this section shall use to land black rockfish, blue rockfish or nearshore fish.

(b) The commission may not prescribe a rule under this subsection that allows a vessel to use:

(A) Diving gear.

(B) Pots, unless a vessel was issued a pot endorsement in the Interim Nearshore Fisheries Plan through the Developmental

Fisheries Program enacted by the commission.

(3) Notwithstanding any other provision of the commercial fishing laws, a wholesaler, canner or buyer may not buy or receive black rockfish, blue rockfish or nearshore fish taken in a fishery from a vessel for which the permit required by this section has not been issued, unless the black rockfish, blue rockfish or nearshore fish were taken pursuant to subsection (4)(a), (b) or (c) of this section.

(4) A person may operate a vessel without a permit required by this section if the person:

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

(A) Make up 25 percent or less of the total poundage of the landing; and

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

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

(A) 30 black rockfish or 30 blue rockfish per landing or a combination of 30 black rockfish and blue rockfish per landing; or

(B) 100 pounds of black rockfish, blue rockfish or a combination of black rockfish and blue rockfish per landing;

(c) Operates a vessel in the west coast groundfish trawl fishery pursuant to federal regulations and lands no more than 1,000 pounds of black rockfish, blue rockfish or a combination of black rockfish and blue rockfish per calendar year and if the black rockfish and blue rockfish:

(A) Make up 25 percent or less of the total poundage of each landing; and

(B) Are landed dead; or

(d) Is a nonprofit aquarium or has contracted with a nonprofit aquarium to land black rockfish, blue rockfish or nearshore fish for the purpose of displaying or con-

ducting research on the black rockfish, blue rockfish or nearshore fish.

(5) Notwithstanding the amounts set forth in subsection (4)(b) of this section, the State Fish and Wildlife Commission may change the amounts of black rockfish, blue rockfish or the combination of black rockfish and blue rockfish allowed to be landed under subsection (4)(b) of this section by rule based on an assessment of the resource. [2003 c.809 §2]

**508.947 Eligibility for permit; renewal; rules.** (1) The State Department of Fish and Wildlife may issue a black rockfish and blue rockfish vessel permit to an owner of a vessel that landed a minimum of 750 pounds of nontrawl caught black rockfish, blue rockfish or nearshore fish in any one calendar year between January 1, 1995, and January 1, 2001, or in the six-month period between January 1, 2001, and July 1, 2001, for delivery to a fish processor licensed pursuant to ORS 508.025.

(2) The department may issue a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement to an owner of a vessel that was issued a permit under the Interim Nearshore Fisheries Plan through the Developmental Fisheries Program.

(3) The department may renew a black rockfish and blue rockfish vessel permit or a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement if the vessel made a minimum of five commercial fish landings during the calendar year prior to the request for renewal for delivery to a fish processor licensed pursuant to ORS 508.025.

(4) Permits issued under this section expire on December 31 of each year or on such date as may be specified by department rule. An owner of a vessel with a permit must submit a renewal application to the department by January 1 of each year or by such date as may be specified by department rule. If the owner of a vessel with a permit does not timely submit a renewal application, the department shall, not more than 30 days after the application was due, send to the owner by certified letter a notice of the failure to submit the renewal application. An owner may submit a late application to renew a permit not more than 90 days after the application was due if the owner pays a \$150 late fee in addition to the fee required in ORS 508.949.

(5) In making determinations regarding initial eligibility for and renewal of a permit issued under this section, the department may consider department records and receipts and accounts, contracts and other business records of private parties that the department considers reliable.



(6) Except as provided in ORS 508.955, new vessel permits may not be issued under this section after December 30, 2005. [2003 c.809 §3; 2005 c.629 §2; 2007 c.768 §10]

**508.949 Fees; application form; rules.**

(1) The annual fee for a black rockfish and blue rockfish vessel permit or a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement issued under ORS 508.947 is \$75.

(2) Applications for a permit shall be in such form and contain such information as the State Department of Fish and Wildlife, by rule, may prescribe.

(3) All fees collected under this section and ORS 508.505 (1)(b) and 508.947 shall be placed into the Black Rockfish, Blue Rockfish and Nearshore Species Research Account established in ORS 508.951. [2003 c.809 §4]

**508.951 Black Rockfish, Blue Rockfish and Nearshore Species Research Account; sources; uses.** (1) There is established a Black Rockfish, Blue Rockfish and Nearshore Species Research Account in the State Treasury, separate and distinct from the General Fund. Interest on moneys in the account shall be credited to the account.

(2) The account shall consist of moneys deposited into the account by the State Department of Fish and Wildlife from fees collected for the value of black rockfish, blue rockfish or nearshore fish at the point of landing pursuant to ORS 508.505 (1)(b) and black rockfish and blue rockfish vessel permit fees and late fees collected under ORS 508.947 and 508.949. The moneys in the account are continuously appropriated to the State Department of Fish and Wildlife for gathering and analyzing data and conducting research on the black rockfish and blue rockfish fishery and the nearshore species fishery. [2003 c.809 §5]

**508.953 Log book required; collection and report of data.** (1) An owner of a vessel that has a black rockfish and blue rockfish vessel permit or a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement shall keep a log book that includes:

- (a) The amount of food fish that are caught;
- (b) The date on which the food fish are caught;
- (c) The species of food fish that are caught by the vessel; and
- (d) Any other information that the State Department of Fish and Wildlife may prescribe.

(2) The State Department of Fish and Wildlife shall:

(a) Annually collect and summarize the information required by subsection (1) of this section; and

(b) Present a report on the black rockfish and blue rockfish fishery and the nearshore species fishery, including the summary prepared in paragraph (a) of this subsection, to the State Fish and Wildlife Commission during a public meeting held by July 1. [2003 c.809 §6]

**508.955 Lottery system for permit issuance; rules.** (1) The State Fish and Wildlife Commission may establish by rule a lottery for issuing permits to vessels under ORS 508.947.

(2) A vessel may qualify for the lottery if the vessel:

(a) Has a boat license issued pursuant to ORS 508.260 for the current year; and

(b) Had a boat license issued pursuant to ORS 508.260 for the previous year.

(3) Based on an assessment of the resource, the commission may:

(a) Suspend the lottery for up to two years; and

(b) Renew a suspension of the lottery every two years.

(4) The commission shall establish by rule a threshold number of permits below which the department shall issue permits through the lottery. [2003 c.809 §7]

**508.957 Permit transfer restrictions.**

(1) A black rockfish and blue rockfish vessel permit with a nearshore fish endorsement issued under ORS 508.947 may be transferred to another vessel if:

(a) The permit has been renewed a minimum of five times; and

(b) The vessel operating under the permit has made, in the previous calendar year, a minimum of five landings that contained at least 15 pounds of black rockfish, blue rockfish or nearshore fish.

(2) Notwithstanding subsection (1) of this section, a black rockfish and blue rockfish vessel permit with a nearshore fish endorsement:

(a) May be transferred one time per calendar year to a replacement vessel that is owned by the same person that owns the vessel to which the permit was originally issued.

(b) That is issued to a vessel owned by a sole proprietor may be transferred upon the death of the sole proprietor.

(3) A black rockfish and blue rockfish vessel permit with a nearshore fish endorsement may not be transferred to a vessel that

is more than five feet longer than the vessel to which the permit was originally issued.

(4) A black rockfish and blue rockfish vessel permit issued under ORS 508.947:

(a) May be transferred to another vessel except as provided in paragraph (b) of this subsection.

(b) May not be transferred to a vessel that is more than five feet longer than the vessel to which the permit was originally issued. [2003 c.809 §8]

**508.960 Review of permit denial; fee; rules.** (1) A person whose application for issuance, renewal or transfer of a permit under ORS 508.947 is denied by the State Department of Fish and Wildlife may make written request to the Commercial Fishery Permit Board for review of the denial. The review provided in this subsection is in lieu of any such review by the department or the State Fish and Wildlife Commission. The request shall be in such form and shall contain such information as the board considers appropri-

ate. The request shall be accompanied by a nonrefundable fee of \$75, which shall apply toward the permit fee if the application is approved.

(2) In accordance with the applicable provisions of ORS chapter 183, the board shall review denials of applications for issuance, transfer or renewal of permits. Orders issued by the board are not subject to review by the commission, but may be appealed as provided in ORS 183.480 to 183.540. The board may waive requirements for renewal or transfer of permits if the board finds that the person fails to meet the requirements as the result of illness, accident or other circumstances beyond the person's control.

(3) In accordance with the applicable provisions of ORS chapter 183, the board may promulgate such rules as it considers necessary to carry out its duties, functions and powers under this section. [2003 c.809 §9]

**508.990** [Amended by 1961 c.231 §1; repealed by 1965 c.570 §152]