



Oregon Administrative Rules Oregon Department of Fish and Wildlife

635-012-0020

Temp. Rule effective 12-25-11 thru 12-31-11

Purpose

- (1) The purpose of the regulations in this section are to implement Oregon House Bill 3013 (2009) by regulating activities in areas of Oregon's territorial sea designated as marine reserves or marine protected areas.
- (2) These rules are effective **January 1, 2012**~~[June 30, 2014]~~.

Stat. Auth.: ORS 506.119 and 506.129

Stats. Implemented: HB 3013 (2009)

Hist.: **Adopted 12-6-11, f. 12-7-11, ef. 12-25-11**

635-012-0030

This rule is temporarily suspended thru 12-31-11

Definitions

For the purposes of OAR 635, Division 012 the following definitions apply:

- (1) "Commission" means the Oregon Fish and Wildlife Commission.
- (2) "Department" means the Oregon Department of Fish and Wildlife.
- (3) "Fish" means all game fish as defined by ORS 496.009 and food fish as defined by ORS 506.036.
- (4) "Fishing gear" has the meaning given in OAR 635-004-0020.
- (5) "Take" means to kill or obtain possession or control.
- (6) "Wildlife" means all wild birds, amphibians, reptiles, and wild mammals.

Stat. Auth.: ORS 506.119 and 506.129

Stats. Implemented: HB 3013 (2009)

Hist.: Adopted 12-11-09, f. 1-22-10, ef. 6-30-11

635-012-0040

This rule is temporarily suspended thru 12-31-11

Marine Reserve and Marine Protected Area Boundaries

- (1) The Otter Rock Marine Reserve encompasses the area bounded by the points described in OAR 141-142-0030.
- (2) The Redfish Rocks Marine Reserve encompasses the area bounded by the points described in OAR 141-142-0035.
- (3) The Redfish Rocks Marine Protected Area encompasses the area bounded by the points described in OAR 141-142-0040.

Stat. Auth.: ORS 506.119 and 506.129

Stats. Implemented: HB 3013 (2009)

Hist.: Adopted 12-11-09, f. 1-22-10, ef. 6-30-11

635-012-0050

This rule is temporarily suspended thru 12-31-11

Marine Reserve Prohibitions and Allowances

- (1) Except as specified in section (2) below, the following activities are prohibited within the Otter Rock and Redfish Rocks marine reserve areas:
 - (a) Take or attempt to take, including fishing or hunting, of any fish or wildlife species.
- (2) Notwithstanding the prohibitions in section (1) above, person(s) may:
 - (a) Remove fishing gear from within the marine reserve boundary, provided that the retrieving vessel operator must notify the Oregon State Police at 1-800-452-7888 and receive permission before retrieving the gear and no fish or wildlife species from the retrieved gear shall be retained. Specific to commercial crab pots:
 - (A) If the pot(s) do not belong to the retrieving vessel, the vessel operator must follow the retrieval requirements set forth in OAR 635-005-0055(9)(b).
 - (B) If the pot(s) do belong to the retrieving vessel, the vessel operator may re-set the pot(s) outside of the reserve area.



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(b) Take fish and wildlife species if authorized by a valid scientific taking permit as required by OAR divisions 635-007 and 635-043.

(c) Have catch onboard while transiting or anchoring in the marine reserve area. Except as allowed by subsection (2)(b) above, fishing gear shall not be deployed in the water at any time within the marine reserve.

(3) Nothing in this rule supersedes the Agreement between the Siletz Tribe, the United States and the State of Oregon, recorded at OAR 635-041-0500, defining specified tribal hunting, fishing, trapping and gathering rights by the Siletz Tribe and its members.

Stat. Auth.: ORS 506.119 and 506.129

Stats. Implemented: HB 3013 (2009)

Hist.: Adopted 12-11-09, f. 1-22-10, ef. 6-30-11

635-012-0060

This rule is temporarily suspended thru 12-31-11

Marine Protected Area Prohibitions and Allowances

(1) Except as specified in section (2) below, the following activities are prohibited within the Redfish Rocks marine protected areas:

(a) Take or attempt to take any fish species.

(2) Notwithstanding the prohibitions in section (1) above, person(s) may:

(a) Commercially or recreationally troll for and take salmon in fisheries otherwise authorized by Commission rule.

(b) Commercially or recreationally fish for and take crab in fisheries otherwise authorized by Commission rule.

(c) Take fish and wildlife species if authorized by a valid scientific taking permit as required by OAR divisions 635-007 and 635-043.

(d) Have catch onboard while transiting or anchoring in the marine protected area. Except as allowed by subsections (2)(a), (2)(b), and (2)(c) above, fishing gear shall not be deployed in the water at any time within the marine protected area.

(3) It is unlawful to fish for or take any legal species in the marine protected area while possessing onboard any species not allowed to be taken in the marine protected area.

Stat. Auth.: ORS 506.119 and 506.129

Stats. Implemented: HB 3013 (2009)

Hist.: Adopted 12-11-09, f. 1-22-10, ef. 6-30-11