Chapter 511

1961 REPLACEMENT PART
(1963 reprint)

Local and Special Regulations

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511.995
Penalties applicable to violations of commercial fishing laws, 506.990(5), 506.990(6)

GENERAL PROVISIONS

511.005 Where angling permitted means natural person holding game commission license. Wherever in ORS 511.125, 511.145, 511.305 to 511.320, 511.410, 511.415, 511.505, 511.515, 511.605, 511.630 and 511.705 it is provided that salmon, shad, striped bass, sturgeon or other anadromous or food fish may be taken, caught or fished with hook and line, commonly called angling, such provision means a natural person holding an angler's license issued by the State Game Commission; and the term angling as applied to striped bass includes the taking, catching or fishing of such bass with bass plugs.

511.010 Determining size of mesh of nets. In determining the size of the mesh of nets specified in ORS 511.505, 511.515, 511.605, 511.705 and 511.825, the size of the mesh shall be determined by measuring the mesh diagonally from opposite corner to opposite corner between the center of the knots, the mesh to be stretched taut so as to bring together the other two corners.

511.015 to 511.050 [Reserved for expansion]

COASTAL STREAMS AREAS

511.055 Fishing for salmon or steelhead, except by angling, unlawful in coastal streams and tributaries; commercial harvesting of chum salmon in Tillamook Bay area permitted at certain times; use of certain equipment permitted. (1) Except as provided in this section, it shall be unlawful to take, catch or fish for salmon or steelhead at any time except by hook and line, commonly known as angling, in the waters of any stream which empties into the Pacific Ocean south of the mouth of the Columbia River in Oregon, or from the tributaries of such streams not heretofore closed to commercial salmon and steelhead netting. Affected waters of Tillamook Bay and rivers emptying into Tillamook Bay, Nehalem River and Bay, Siletz River and Bay, Yaquina River and Bay, Alsea River and Bay, Siuslaw River and Bay and Coquille River and Bay, shall include all waters of the bay or tidal area formed by each such river, inland from the extension of the Pacific Ocean high water mark shore line across the mouth of such river or bay. Angling is subject to the rules and regulations of the Oregon State Game Commission.

(2) Commercial harvesting of chum salmon, and the incidental take of the above species, in the waters of Tillamook Bay and the rivers emptying into Tillamook Bay, is permitted during a period not to exceed 30 days each year. Exact dates and times of harvesting shall be selected by the Oregon Fish Commission, but shall be between October 25 and December 5 of each year. Fishing areas shall be limited to areas in which such fishing was permitted during the 1954 season.

(3) Use of any equipment necessary for propagation and authorized scientific study by authorized state and federal agencies is permitted.

[1957 c.1 §§1, 2, 3 (an Act proposed by an initiative petition approved at the general election on November 6, 1956); 1959 c.125 §1]

511.060 to 511.100 [Reserved for expansion]

COLUMBIA RIVER AREA

511.105 Use of drag and whip seines prohibited. (1) It is unlawful to construct, install, use, operate or maintain any drag seine or whip seine in the waters of the Columbia River or its tributaries in this state.

(2) A seine is defined to be a mesh net, one edge provided with sinkers and the other with floats. It hangs in the water, and when its ends are brought together or drawn ashore, or whipped on to a sandbar, or into shoal water, encloses the fish.

511.110 Use of certain fishing appliances to take certain fish prohibited. (1) It is unlawful to construct, install, use, operate or maintain, within any of the waters of the Columbia River or its tributaries in this state, any poundnet, fish trap, fish wheel, scow fish wheel, setnet or weir, or any fixed appliances for the purpose of catching salmon, salmon trout or steelhead, or to take salmon, salmon trout or steelhead by any such means.

(2) A setnet is defined as a gill mesh net which catches fish by gilling and is not free to move with the current or tide.

511.115 Seizure and sale of fishing appliances unlawful under ORS 511.105 and 511.110. All gear and appliances used in violation of ORS 511.105 or 511.110, including boats, traps, nets, weirs, fish wheels, trucks, automobiles, motor vehicles or other vehicles of any kind whatsoever, or other appliances used or employed in connection with the violation of ORS 511.105 or 511.110,

shall be condemned and sold. The proceeds of such sale shall be paid to the State Treasurer for the benefit of the Fish Commission of the State of Oregon.

511.120 Indian fishing rights and state or federal propagation or scientific projects unaffected. ORS 511.105 to 511.115 do not apply to fishing by Indians under federal regulations, or the use of any device or means by the state or national government in catching fish for propagation or scientific purposes.

511.125 Angling and use of fishing appliances west of Deschutes River, west of Cascade Locks and within three miles from mouth of Columbia River. (1) It is lawful at any time to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the Columbia River, or in any of the waters or sloughs thereof west of its confluence with the Deschutes River, or within three miles outside of the mouth of the Columbia River, with hook and line, commonly called angling.

(2) Except as otherwise provided by ORS 511.110, it is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in any of the waters mentioned in subsection (1) of this section with set lines, setnets, gillnets, bag or dipnet or troll.

(3) It is lawful to take, catch or fish for shad, striped bass, sturgeon or other anadromous or food fish, other than salmon, salmon trout or steelhead, in the waters of the Columbia River west of Cascade Locks between 12 noon, September 10 of any year, and 12 noon, March 1 the following year, and between 12 noon, May 1, and 12 noon, August 25, of any year, with traps.

(4) It is unlawful to use any of such fishing appliances between 6 p.m. on Saturday of each week and 6 p.m. on Sunday following, from May 1 to August 25 of any year.

511.130 Mouth of Columbia River defined. The mouth of the Columbia River is located and defined as a line drawn from the present inshore end of the north jetty on the Columbia River to the knuckle of the south jetty on the Columbia River, which knuckle is approximately four miles westerly from the government dock at Fort Stevens. This line will pass approximately three-eighths of a mile westerly from buoy No. 10, and as shown on the coast and geodetic survey chart No. 6151, dated January 5, 1917.

511.135 Use of fishing appliances east of Deschutes River. It is unlawful at any time to install, use, operate or maintain, or to take, catch or fish for salmon or other anadromous or food fish in the waters of the Columbia River or any of its tributaries east of its confluence with the Deschutes River with any set line, setnet, seine, gillnet, bag, dipnet, troll, trap, drag seine or other commercial fishing gear or appliance.

511.140 Seizure and sale of fish and fishing appliances unlawful under ORS 511.135. All fishing gear and appliances used in violation of ORS 511.135, and all fish caught therewith shall be seized, confiscated and sold by the fisheries director in the manner provided by law for the seizure, confiscation and sale of illegal fishing gear and appliances and illegally caught fish. The proceeds of any such sale shall be disposed of as by law in such cases provided.

511.145 Areas at mouths of hatchery tributaries closed to commercial fishing; angling permitted. A closed area to commercial fishing is declared in all those portions of the Columbia River at and adjacent to the mouths of all rivers, streams, creeks and tributaries of the Columbia River within the state, except the Willamette River, and which flow into the Columbia River, in which rivers, streams, creeks or tributaries the state or the fish commission establishes and operates any hatchery, feeding pond or fish cultural station, as follows: An area one-quarter of a mile in width extending out into the Columbia River at right angles to the thread of the stream and one mile in length below the upper or right-hand bank or shore line of such stream, river, creek or tributary where the same intersects the left bank or shore of the Columbia River. In such areas one-quarter of a mile in width and one mile in length, it is unlawful at any time to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish, except with hook and line, commonly called angling.

511.150 Use of fish wheels prohibited. It is unlawful to catch or take from the waters of the Columbia River in this state any fish of any kind by means of any fish wheel, or to operate, maintain or place, or suffer or permit to be operated, maintained

or placed, any fish wheel in the waters of the Columbia River in this state.

511.155 Use of traps or seines east of Cascade Locks prohibited. It is unlawful to catch or take from the waters of the Columbia River in this state east of Cascade Locks any fish of any kind by means of any fish trap or fish seine, or to operate, maintain or place, or suffer or permit to be operated, maintained or placed in the waters of the Columbia River in this state east of Cascade Locks any fish trap or seine.

511.160 Seizure and sale of fishing appliances unlawful under ORS 511.150 and 511.155. In addition to the penalty prescribed by subsection (4) of ORS 511.990 for violators of ORS 511.150 or 511.155, the fisheries director may seize all fishing gear, apparatus and devices used or employed in connection with the violation of ORS 511.150 or 511.155, and same shall be condemned and sold in the manner provided by law for the condemnation and sale of fishing gear, apparatus and appliances used in violation of law. The proceeds of such sale shall be paid to the fisheries director, who shall deposit the same with the State Treasurer to the credit of the General Fund in the State Treasury.

511.165 Use of traps or poundnets west of range lights at Fort Stevens and Cape Disappointment prohibited. It is unlawful to construct, maintain or operate any fish trap or poundnet in the waters of the Columbia River in this state west of a line drawn between the range light at Fort Stevens, Oregon, and the range light on Cape Disappointment, Washington.

511.170 Seizure and sale of fish and traps unlawful under ORS 511.165. In addition to the penalty prescribed by subsection (5) of ORS 511.990 for violation of ORS 511.165, any fish trap, including the web and piling thereof, used in violation of ORS 511.165, and all fish caught in such trap in violation of ORS 511.165, shall be seized, confiscated and sold by the fisheries director in the manner provided by statute for the seizure and sale of illegal fishing gear. The proceeds of any such sale shall be disposed of as by statute in such cases provided.

511.175 to 511.200 [Reserved for expansion]

ROGUE RIVER AREA

511.205 Fishing other than as provided by ORS 511.210 to 511.225 prohibited. It is unlawful to fish or take, or attempt to take, any salmon or other fish from the waters of the Rogue River or its tributaries, except as provided in ORS 511.210 to 511.225.

511.210 Fishing with other than rod or line prohibited; taking fish for propagation excepted. It is unlawful for any person to take or attempt to take fish of any kind from, or to fish in the waters of the Rogue River or any of its tributaries, or within a radius of three miles from the center of the mouth of Rogue River, in any manner except with a rod or a line held in the hand, and by hook or hooks baited with natural or artificial bait or lure. However, the state or the United States may otherwise remove fish from the Rogue River and its tributaries for purposes of propagation.

511.215 Selling, possessing or transporting fish taken from Rogue River prohibited outside the boundaries of certain counties. It is unlawful anywhere in the state to sell or offer for sale, barter or exchange, or to have in possession for the purpose of sale, barter or exchange, or to ship or cause to be carried or transported beyond the boundaries of Josephine, Jackson and Curry Counties for sale, barter or exchange, any fish of any kind or character whatsoever, caught or taken from the waters of the Rogue River, or its tributaries, in any manner or by any device at any time.

511.220 Seizure, forfeiture and disposal of boats and devices unlawfully used. (1) The State Game Commission, the game wardens, every duly authorized representative of the State Game Commission and every sheriff or other peace officer shall seize upon, take and confiscate all boats, nets, traps, fishing devices, fishing apparatus or instruments of any and every kind, nature, character and description found in or on the waters of Rogue River, or any of its tributaries, or within a radius of three miles from the mouth of the Rogue River, being used, or which have been or may be used to take or attempt to take any fish from, or for fishing in, any such waters, the use of which is declared unlawful by ORS 511.210.

(2) All boats, traps, nets, seines or other fishing devices, fishing apparatus, or instru-

ments used, or which may be used in violation of ORS 511.210, operated, maintained, used or found in any of the waters of Rogue River or any tributary thereof, or in any water adjacent to the mouth of the Rogue River within a radius of three miles from the center of such mouth, are declared a public nuisance and shall be forfeited, disposed of or destroyed under the direction of the State Game Commission.

511.225 Revocation of license as additional penalty. Upon conviction of violation of any provision of ORS 511.205 to 511.220, in addition to the penalty prescribed by subsection (1) of ORS 511.995, any court having jurisdiction may revoke and cancel any fishing license held by the violator, and prohibit the issuance of another such license for not more than one year.

511.230 to 511.300 [Reserved for expansion]

EUCHRE, HUNTERS AND FLORAS CREEKS AND CHETCO, ELK, PISTOL, SIXES AND WINCHUCK RIVER AREAS

511.305 Chetco River; angling only permitted. It is unlawful at any time to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Chetco River, in Curry County, except with hook and line, commonly called angling.

511.310 Elk River; angling only permitted. It is unlawful at any time to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Elk River, in Curry County, except with hook and line, commonly called angling.

511.315 Sixes River; angling only permitted. It is unlawful at any time to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Sixes River, in Curry County, except with hook and line, commonly called angling.

511.320 Winchuck River; angling only permitted. It is unlawful at any time to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Winchuck River, in Curry County, except with hook and line, commonly called angling.

511.325 Euchre, Hunters and Floras Creeks, Pistol River; angling only permitted. It is unlawful to take or attempt to take fish of any kind from, or to fish in, the waters of Euchre Creek, Hunters Creek, Floras Creek or Pistol River, in any manner except with hook and line, commonly called angling.

511.330 [Repealed by 1953 c.29 §2]

511.335 to 511.400 [Reserved for expansion]

ALSEA BAY, YAQUINA BAY, SILETZ RIVER AREAS

511.405 Use of drift nets in Alsea Bay and River. It is lawful to use drift nets for taking or catching salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Alsea Bay and River between what is known as Gravel Bar, one-half mile below Tidewater postoffice, and the railroad bridge at Waldport, on Alsea Bay, from July 15 to November 20, inclusive, of any year. However, it is unlawful to use any of such fishing appliances between 12 noon on Saturday of each week and 12 noon on Sunday following.

511.410 Angling and use of fishing appliances in Yaquina Bay. (1) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Yaquina Bay and its tributaries at any time, subject to regulations of the State Game Commission, with hook and line, commonly called angling.

(2) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Yaquina Bay and its tributaries below what is known as the county road bridge which crosses the Yaquina River at Toledo, with drift nets from 6 p.m. on August 1 to 6 p.m. on November 20 of any year. It is lawful at all times to operate drift nets in such waters for the purpose of catching perch, herring, sardine or pilchard, smelt or candle fish for bait or for sale.

(3) It is lawful at all times in such waters to fish for, take or catch flounders, perch, soles, cod or other food fish, excluding salmon, steelhead, trout, shad, striped bass and sturgeon, by means of setline and hook and line, and for any person holding a setline license as provided for by ORS 508.125, to sell such fish.

(4) It is unlawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with set nets or gillnets in the waters of Yaquina Bay and

its tributary streams, from 6 a.m. on Saturday until 6 p.m. on the Sunday following, during any open season.

511.415 Angling and use of drift nets in Siletz River, Drift and Schooner Creeks. (1) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in any of the waters of Siletz River and Drift Creek and Schooner Creek, tributaries thereof, at any time, subject to regulations of the State Game Commission, with hook and line, commonly called angling.

(2) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with drift nets in any of the waters between a line drawn across the Siletz River at right angles to the thread of the stream at the lower end of the cooperative cheese factory at Dr. Robinson's place on the Siletz River within Lincoln County, and a point where the Oregon Coast Highway bridge crosses such river, from 6 p.m. to 6 a.m. of the following day between August 1 and October 31 of any year.

511.420 to 511.500 [Reserved for expansion]

COOS BAY, COQUILLE RIVER AREAS

511.505 Use of fishing appliances in Coos Bay and tributaries. (1) It is lawful to fish for, take or catch shad with drift nets and setnets having a mesh not to exceed six and one-half inches nor less than four and one-half inches, taut measure, in the waters of Coos Bay and its tributaries, and in the north fork of Coos River below a line drawn across such north fork at right angles to the thread of the stream at the lower end of the ranch owned by John Hendrickson, and in the south fork of Coos River below a line across such south fork drawn at right angles to the thread of the stream at the lower end of the H. H. Roger's ranch, from 6 a.m. on April 1 to 6 p.m. on June 30 of any year, except in that portion of Coos Bay and all of Isthmus Inlet south of the ferry slips connecting the cities of Coos Bay and Eastside, and except in Catching Inlet, a tributary of Coos Bay, south of the county bridge on the Coos River Market Road crossing Catching Inlet.

(2) It is lawful at all times to operate drift nets for the purpose of catching perch, herring, sardine or pilchard, smelt or candle fish for bait or for sale.

(3) It is lawful at all times to fish for, take or catch flounders, perch, sole, cod, shad, sturgeon or other food fish, excluding salmon, steelhead and trout by means of setline and hook and line, and for any person holding a setline license as provided for by ORS 508.125, to sell such fish.

511.510 Taking striped bass with drift and set nets in Coos Bay and tributaries; sale; forfeiture of illegal gear and license. (1) From 6 a.m. on April 1 to 6 p.m. on June 30 of any year, it is lawful to fish for, catch or take striped bass with drift nets, and with set nets not extending over one-third of the distance from one bank of the stream to the opposite bank, such nets having a mesh of not less than four and one-half nor more than six and one-half inches, taut measure, in the north fork of the Coos River below a line drawn across such north fork at right angles to the thread of the stream at the lower end of the ranch owned by John Hendrickson, and in the south fork of the Coos River below a line across such south fork drawn at right angles to the thread of the stream at the lower end of the H. H. Roger's ranch, Coos River and Coos Bay.

(2) During the open season provided for by subsection (1) of this section any striped bass lawfully caught may be sold, except striped bass caught or taken in the sports area provided for by ORS 498.230.

(3) Upon violation of any provision of this section or any of the rules, orders or regulations promulgated by the fish commission pertaining to net fishing in any of the waters described in this section, any illegal gear used shall be confiscated and forfeited and, in addition to or in lieu of any of the penalties provided by subsection (2) of ORS 511.995, any court having jurisdiction may revoke or cancel any fishing license held by the violator and prohibit the issuance of any similar license for not more than one year.

511.515 Angling and use of drift nets, set nets and seines in Coquille River. (1) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the Coquille River or its tributaries at any time, subject to regulations of the State Game Commission, with hook and line, commonly called angling.

(2) It is lawful to take, catch or fish for salmon, striped bass, sturgeon or other anadromous or food fish except shad, in the waters of the Coquille River below the drawbridge on the Roosevelt Highway crossing the Coquille River at the city of Coquille, with drift nets between 6 a.m. on July 15 and 6 p.m. on December 10 of each year. It is lawful to fish for, take or catch shad with drift nets and set nets in the waters of the Coquille River below such dead line from 6 a.m. on April 1 to 6 p.m. on June 30 of any year, only when having a mesh not to exceed six and one-half inches nor less than four and one-half inches, taut measure.

(3) No person shall take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with seines in the waters of the Coquille River or any of its tributaries.

511.520 to 511.600 [Reserved for expansion]

NEHALEM RIVER AND NESTUCCA, NETARTS AND TILLAMOOK BAY AREAS

511.605 Angling and use of drift nets in Nehalem River and tributaries. (1) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of Nehalem River or its tributaries at any time, subject to regulations of the State Game Commission, with hook and line, commonly called angling.

(2) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with drift nets in the waters of Nehalem River or its tributaries from 6 p.m. on August 1 to 6 a.m. on November 20, below the bridge across Nehalem River known as the Mohler Bridge. However, it is unlawful to take, catch or fish for such fish with drift nets between 6 a.m. Saturday and 6 p.m. Sunday of each week. Every drift net used for the taking, catching or fishing for such fish during the month of August during each open season shall have a mesh not less than eight inches.

511.610 Taking crabs in Nehalem Bay and River. It is unlawful for any person to take or catch in the waters of Nehalem Bay and Nehalem River any crabs with the use of rakes, submerged pots or any other device except the regular crab nets commonly known as rings or hoops.

511.612 Nestucca Bay and tributaries; angling only permitted. It is unlawful to take or attempt to take fish of any kind from, or to fish in, the waters of Nestucca Bay or any of its tributaries in any manner except with hook and line, commonly called angling.

511.615 Taking smelt in Netarts Bay; liberating other fish caught. It is lawful to take, catch or fish for California jack smelt or other species of smelt by means of a smelt seine or gillnet of small mesh in the waters of Netarts Bay from 12 noon, November 1 to 12 noon, June 1 of the year following. All salmon, shad, sturgeon or trout caught or taken while operating such gillnet or seine shall be liberated immediately, without injury, into the waters of the bay.

511.620 Taking chum salmon in Netarts Bay; silver salmon incidentally taken. It is lawful to take, catch or fish for chum salmon with set nets only in the waters of Netarts Bay between 6 a.m. on October 15 and 6 p.m. on November 30 of each year. Silver salmon taken or caught while such set nets are lawfully being operated for chum salmon shall be considered as lawfully taken and may be sold or disposed of commercially in exactly the same manner as chum salmon taken or caught in such nets.

511.625 Natural and artificial oyster beds in Netarts Bay. That portion of Netarts Bay, in Tillamook County, lying south of the quarter section line running east and west through the center of section 19, in township 2 south, range 10 west of the Willamette Meridian, is designated as natural oyster beds. That portion of Netarts Bay lying north of such quarter section line is designated and set apart for artificial plantations of oysters, the sizes of which shall be fixed by the local regulations of any oystermen's association on Netarts Bay, not exceeding two acres in any one plantation. Every person holding a claim for the cultivation of oysters on Netarts Bay shall in all respects comply with the local regulations applicable thereto. No person, firm, corporation or association shall be entitled to locate more than one such claim.

511.630 Angling in Tillamook Bay tributaries; use of fishing appliances in Tillamook Bay. (1) It is lawful to take, catch or

fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the tributaries of Tillamook Bay at any time subject to regulations of the State Game Commission, with hook and line, commonly called angling.

(2) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with gillnets or drift nets in any of the waters of Tillamook Bay between May 15 and December 10 of the same year. In addition, it is lawful so to use therein set nets, gillnets or drift nets between October 1 and December 10 of each year. However, it is unlawful to take, catch or fish for such fish with set nets, gillnets or drift nets between 6 a.m. Saturday and 6 p.m. Sunday of each week from May 15 to October 15.

511.635 Use of drift nets in Tillamook Bay tributaries; Miama, Kilchis, Wilson, Tillamook Rivers and Hoquarton Slough. (1) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with drift nets in any of the waters of the tributaries of Tillamook Bay below the points named, between May 15 and November 30 of the same year, inclusive, as follows:

(a) Miama River. Below a line drawn across the Miama River due north and south through a point 1,000 feet west from the northwest corner of the Southern Pacific railroad bridge across Miama River.

(b) Kilchis River. At the intersection of such stream by the section line between sections 11 and 12, township 1 south, range 10 west of Willamette Meridian. However, between October 1 and November 30 it is lawful to take, catch or fish for salmon from such river up to the railroad bridge of the Southern Pacific Company.

(c) Wilson River. Five hundred feet below where the bridge on the Oregon Coast Highway crosses such river in section 13, township 1 south, range 10 west of Willamette Meridian.

(d) Hoquarton Slough. Below a line extending across such slough, drawn due north from Beacon Light where Hoquarton Slough empties into Tillamook Bay or River.

(e) Tillamook River. One hundred feet below the mouth of Frazier Slough.

(2) However, it is unlawful to take, catch or fish for such fish with drift nets between 6 a.m. Saturday and 6 p.m. Sunday of each week from May 15 to October 15.

511.640 Oyster beds in Tillamook Bay; prior claims set aside for artificial oyster claims. All the tidelands and lands under the waters of Tillamook Bay in Tillamook County lying west of the old ship channel which, prior to July 16, 1949, were located as oyster claims as provided by law, are withdrawn from the lands of this state which may be sold or leased, are designated as oyster lands, and are set aside for the location of artificial oyster claims.

511.645 Locating claims in Tillamook Bay oyster lands; notice. Any citizen of this state, including any Oregon corporation, may locate on oyster lands mentioned in ORS 511.640 an oyster claim or claims, the aggregate acreage of which does not exceed 50 acres, by marking the boundaries of each claim by means which will not obstruct navigation and by recording, within 30 days thereafter, with the county clerk of Tillamook County, a notice of location, signed and acknowledged by him, which notice shall contain:

(1) A description of each oyster claim so marked.

(2) A statement that each claim is marked and is claimed as an oyster claim.

511.650 Requisites for retaining claims in Tillamook Bay oyster lands. The locators of oyster claims under prior laws or ORS 511.640 to 511.660, and the heirs, successors, assignees and lessees thereof, are entitled to continued possession of such claims if they, or someone on their behalf:

(1) Keep the boundaries of each such oyster claim reasonably marked.

(2) Biennially after the recording of notice of location, or July 16, 1949, in case of claims previously located, somewhere on such claims, either:

(a) Plant at least four-tenths of a bushel of oyster seed; or

(b) Transplant at least five bushels of oysters; or

(c) Harvest at least eight bushels of oysters, for each acre, or fraction thereof, of each claim.

(3) Make and record with the county clerk of Tillamook County, on or before June 30, 1951, and on or before June 30 of each odd numbered year thereafter, an affidavit stating:

(a) The description and acreage of each such claim.

(b) The period for which the affidavit is filed.

(c) That the planting, transplanting or harvesting and marking provisions of subsection (2) of this section have been complied with.

511.655 Evidentiary value of claim affidavit. The recorded affidavit mentioned in subsection (3) of ORS 511.650 is prima facie evidence of the facts therein stated, and it, or a duly certified copy thereof, shall be received as such evidence in all courts.

511.660 Loss of claim by noncompliance with ORS 511.650. In event of the failure by any claimant to comply with any of the provisions of ORS 511.650 all his rights to the possession and use of each oyster claim held by him shall cease, and thereafter it is lawful to relocate such claim.

511.665 to 511.700 [Reserved for expansion]

SIUSLAW RIVER, UMPQUA RIVER AREAS

511.705 Angling and use of nets in Siuslaw River. (1) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in the waters of the Siuslaw River between April 15 of any year and March 1 of the following year below a line drawn at right angles to the thread of the Siuslaw River at the lower mouth or confluence of Wildcat Creek with the Siuslaw River, and below a line drawn at right angles to the thread of Lake Creek at the mouth or confluence of the Deadwood Creek with Lake Creek, and below a line drawn at right angles to the thread of the north fork of the Siuslaw River with the mouth or confluence of McLeod Creek with the north fork of the Siuslaw River, with hook and line, commonly called angling.

(2) It is lawful to fish with nets having a mesh of not less than five inches or more than six and one-fourth inches, below a line across the Siuslaw River drawn at right angles to the thread of the stream at the lower end of the mouth or confluence of Martin Creek with the Siuslaw River, between May 15 and July 1 of each year for catching shad only.

(3) It is lawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish with drift nets in the waters of the Siuslaw River below a line across the river drawn at right angles to the thread of the stream at the lower end of the mouth or confluence of Morgan Creek with the Siuslaw River and in the waters of the north fork of the Siuslaw River below the state highway drawbridge crossing such north fork between the towns of Cushman and Florence in Lane County, from 6 p.m. on July 15 to 6 a.m. on November 20, inclusive, of the same year.

(4) It is unlawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish between 6 p.m. on Saturday of each week and 3 p.m. on the Sunday following during the open season on the Siuslaw River as above specified with drift nets.

(5) It is unlawful to fish in any of the waters of Duncan Inlet or South Inlet or tributaries with nets.

511.710 Trout, steelhead trout or salmon in Umpqua River; angling only permitted. It is unlawful to take, catch or fish for trout, steelhead trout or salmon at any time with nets, traps, seines or any other method except with hook and line, commonly called angling, in any waters of the Umpqua River or any of its tributaries. Angling or game fishing is subject to the rules and regulations of the State Game Commission and the laws of this state.

511.715 Sturgeon and salmon in Umpqua River; taking and possessing prohibited; exceptions. (1) Except as the State Game Commission, by regulation, may otherwise provide, it is unlawful to take, catch or fish for, or have in possession, any sturgeon, taken, caught or removed from any of the waters of the Umpqua River or any of its bays or tributaries by any means.

(2) It is unlawful to have in possession any salmon, taken or caught in the waters of the Umpqua River or any of its bays or tributaries by any other method than with hook and line, commonly called angling.
[Amended by 1961 c.215 §1]

511.720 Use of nets to take striped bass and shad in Umpqua River. (1) Except as provided in this section and ORS 511.725, it is unlawful to fish for, take or catch in the waters of the Umpqua River or any of the sloughs or tributaries thereof by any means, for commercial purposes, any striped bass or shad. It is lawful for any person, firm or corporation, when duly licensed, to take, catch or fish for striped bass and shad for commercial purposes in the waters of the Umpqua River below the confluence of

Big Mill Creek with the Umpqua River near the Town of Scottsburg in Douglas County, with drift nets only, and in the waters of Smith River, a tributary, below the confluence of the north fork of the Smith River with said Smith River, with drift nets and set nets only, from 6 a.m. on May 10 to 6 a.m. on July 1, both dates inclusive, of any year, and in all of the waters above mentioned between one hour before sunrise and one hour after sunset from July 1 to September 15, both dates inclusive, of any year, with drift nets only.

(2) The maximum and minimum mesh size, strength and type of such drift and set nets and the method of their use, shall be fixed and prescribed by the fish commission so as to enable the fish commission best to accomplish the purposes of ORS 511.710 to 511.740, which are the preservation and protection of fish of the game species, such as trout, salmon and steelhead trout, and to provide for the maximum escapement and free migration of fish of the game species.

511.725 Power of fish commission to change Umpqua River regulations. To further enable the fish commission to accomplish the purposes mentioned in subsection (2) of ORS 511.720, the fish commission may, whenever in its discretion it is deemed advisable, and in furtherance of the accomplishment of such purposes:

(1) Suspend in whole or in part any open commercial season designated by ORS 511.720.

(2) Further restrict any deadlines fixed by ORS 511.720.

(3) Alter, from time to time, any commercial fishing methods and types of gear prescribed by ORS 511.720.

(4) Limit, suspend or cancel any license required by ORS 511.720.

511.730 Publication and effective date of fish commission Umpqua River regulations. Any ruling, order or regulation promulgated, modified, amended or adopted by the fish commission in regard to commercial fishing in the Umpqua River or its tributaries, shall be published in a newspaper within the counties in which the streams affected flow. Such ruling, order or regulation shall take effect not sooner than five days after the date of final publication.

511.735 Game commission to seize game fish taken by commercial gear in Umpqua River. The State Game Commission shall seize and take for the benefit of the state, without remuneration to fishermen, any trout, steelhead trout, salmon or other game fish taken in nets or commercial gear under ORS 511.710 to 511.725.

511.740 Confiscation of illegal gear and revocation of license as additional penalty. Upon violation of ORS 511.710 to 511.735, or of any rule, order or regulation authorized by or promulgated in accordance with ORS 511.710 to 511.735, any illegal gear used in closed season shall be confiscated and in addition to or in lieu of any of the penalties prescribed by subsection (5) of ORS 511.995, any court having jurisdiction may revoke and cancel any fishing license held by the violator, and prohibit the issuance of another similar license for not more than one year.

511.745 to 511.800 [Reserved for expansion]

WILLAMETTE RIVER AREA

511.805 Willamette River and tributaries; angling only permitted. It is unlawful to take, catch or fish for salmon, shad, sturgeon or other anadromous or food fish in any of the waters of the Willamette River or any of its tributaries, at any time except by means of hook and line, commonly called angling.

511.810 Willamette Slough and tributaries; angling only permitted. It is unlawful to take, catch or fish for salmon, shad, striped bass, sturgeon or other anadromous or food fish in any of the waters of the Willamette Slough or the tributaries thereof, except with hook and line, commonly called angling; provided, nothing in this section operates to prevent the taking of shad in said waters, as provided in ORS 511.825.

511.815 Willamette River or tributaries above Oregon City; chinook salmon fishing prohibited at night or after July 1. It is unlawful for any person to take or catch or attempt to take or catch any chinook salmon by any means whatsoever, in the waters of the Willamette River, or in any of its tributary waters in the Willamette Valley Basin, above the falls at Oregon City, between one hour after sunset and one hour before sunrise, or at any time on or after July 1 during the remainder of any calendar year, except for the purposes and as provided for by ORS 509.020.

511.820 [Repealed by 1957 c.131 §1]

511.825 Using nets to take shad in Willamette Slough. It is lawful to take, catch or fish for shad in the Willamette Slough, from the Gilbert Lake farm dock to the mouth of the Willamette Slough, between May 10 and June 10, with nets having meshes not less than six nor more than six and one-half inches.

511.830 [Repealed by 1957 c.131 §1]

511.835 to 511.985 [Reserved for expansion]

PENALTIES

511.990 Penalties (Columbia River area). (1) Violation of any provision of ORS 511.105 or 511.110, or aiding, abetting or assisting in such violation, is punishable, upon conviction, by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not less than 30 days nor more than one year, or both. All money arising from fines for violation of ORS 511.105 and 511.110 shall be paid to the State Treasurer for the benefit of the fish commission.

(2) Violation of ORS 511.135 is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or both. Each day's violation of ORS 511.135 constitutes a separate offense.

(3) Violation of ORS 511.145 is punishable, upon conviction, by a fine of not less than $100 nor more than $500 and the costs of the prosecution, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both. In the case of fine only, the violator shall be imprisoned in the county jail until the fine and costs of prosecution are paid, and he shall be credited $2 on such fine and costs for each day of imprisonment. A person who, after having been convicted within this state of a violation of ORS 511.145, or of any attempt to so violate, violates ORS 511.145, is punishable, upon conviction of such second offense, by a fine of not less than $250 nor more than $500, or by imprisonment for not less than 60 days nor more than six months, or both.

(4) Violation of ORS 511.150 or 511.155 is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or both.

(5) Violation of ORS 511.165 is punishable, upon conviction, by a fine of not less than $500 nor more than $1,000, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

511.992 Penalties (coastal streams areas). Violations of any of the provisions of ORS 511.055 are punishable, upon conviction, by imprisonment in the county jail for not less than 30 days nor more than one year, or by a fine of not less than $50 nor more than $500, or by both such fine and imprisonment.

[1957 c.1 §4 (an Act proposed by an initiative petition approved at the general election on November 6, 1956)]

511.995 Penalties (other river and bay areas). (1) Violation of ORS 511.205 to 511.215 by any person, firm or corporation, including all officers, servants, agents or employes of any firm or corporation who take part in such violation, and who either cause or assist in any way such corporation to so violate, is punishable, upon conviction, by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both. The second or subsequent conviction for violation of ORS 511.205 to 511.215 is punishable by both such fine and such imprisonment. All fines for violations of ORS 511.205 to 511.215, other than for violations dealing with commercial fishing for salmon, shall be paid to the State Game Commission to be forwarded to the credit of the State Game Fund. Justice courts and circuit courts have concurrent jurisdiction over all cases of violation of ORS 511.205 to 511.215.

(2) Violation of any provision of ORS 511.510, or of any rule, order or regulation promulgated by the fish commission pertaining to net fishing in any of the waters described in ORS 511.510, is punishable, upon conviction, by a fine of not more than $500, or by imprisonment in the county jail for not more than six months, or both. Justice courts have concurrent jurisdiction with circuit courts over all prosecutions under this subsection.

(3) Violation of subsection (3) of ORS 511.515 is punishable, upon conviction, by a fine of not more than $100, or by imprisonment in the county jail for not more than three months.

(4) Violation of ORS 511.610 is punish-

able, upon conviction, by a fine of not more than $100, or by imprisonment in the county jail for not more than 30 days, or both.

(5) Violation of ORS 511.710 to 511.735, or of any rule, order or regulation authorized by or promulgated in accordance with ORS 511.710 to 511.735, is punishable, upon conviction, by a fine of not less than $100 nor more than $500, or by imprisonment in the county jail for not less than 30 days nor more than six months. Justice courts and circuit courts have concurrent jurisdiction of any prosecution instituted under authority of ORS 511.710 to 511.740 and this subsection.

(6) Violation of ORS 511.805 or 511.810 is punishable, upon conviction, by a fine of not less than $50 nor more than $100, or by imprisonment in the county jail for not less than 30 days nor more than six months, or both.

(7) Violation of ORS 511.815 is punishable, upon conviction, by a fine of not less than $50 nor more than $100, or by imprisonment in the county jail for not more than 25 days, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel

CHAPTER 512

[Reserved for expansion]