

Chapter 511

1965 REPLACEMENT PART (1967 reprint)

Local and Special Regulations

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GENERAL PROVISIONS

511.005 [Repealed by 1965 c.570 §152]

511.006 Chapter definitions. The definitions prescribed by ORS 506.001 to 506.025 apply to this chapter.

[1965 c.570 §138]

511.010 [Repealed by 1965 c.570 §152]

511.011 "Mouth" of river defined. The "mouth" of any river emptying into the Pacific Ocean including the bay or tidal area formed by each such river is the seaward end of the jetty or jetties of each such river. If no jetties exist, the extension of the Pacific Ocean, shoreline high watermark across the river, bay or tidal area, is the "mouth" of such river.

[1965 c.570 §139]

511.015 to 511.050 [Reserved for expansion]

COASTAL STREAMS AREAS

511.055 [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2, 3 (an Act proposed by an initiative petition approved at the general election on November 6, 1956); 1959 c.125 §1; repealed by 1965 c.570 §152]

511.060 Taking salmon for commercial purposes in coastal streams prohibited. It is unlawful to take salmon for commercial purposes from all waters inland from the mouth of all streams or tributaries thereof that empty into the Pacific Ocean south of the mouth of the Columbia River, except as provided in ORS 511.070.

[1965 c.570 §143]

511.070 Open season for chum salmon and incidental take of salmon in Tillamook Bay. It shall be lawful for the commission by rule to establish a season for commercial fishing for chum salmon and the incidental take of salmon in Tillamook Bay. Such season may not exceed 30 calendar days total length each year and may only be between October 25 and December 5. Fishing areas under this section shall be limited to:

(1) Tillamook Bay except that portion of Hathaway Slough above a line extended due south from a point on the northerly bank or shoreline of the slough 1,000 feet downstream from the Southern Pacific railroad trestle.

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

(3) The Kilchis River below a point at the intersection of the Kilchis River by the section line between sections 11 and 12, township 1 south, range 10 west of the Willamette Meridian.

(4) The Wilson River below a point 500 feet below the bridge crossing the Wilson River in section 13, township 1 south, range 10 west of the Willamette Meridian.

(5) The Tillamook River below a point 100 feet below the mouth of Frasier Slough.

[1965 c.570 §144]

511.080 to 511.100 [Reserved for expansion]

COLUMBIA RIVER AREA

511.105 [Repealed by 1965 c.570 §152]

511.106 Taking salmon or food fish for commercial purposes in Columbia River restricted. It is unlawful in the Columbia River and its tributaries to:

(1) Take salmon for commercial purposes east of its confluence with the Deschutes River.

(2) Take food fish for commercial purposes in a closed area at and adjacent to the mouth of all tributaries of the Columbia River except the Willamette River in which the Federal Government, state or the Fish Commission of the State of Oregon establishes and operates a hatchery, feeding pond or fish culture station. The closed area shall be one-fourth 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 shoreline of such tributary where the tributary intersects the left-hand bank or shoreline of the Columbia River.

[1965 c.570 §140]

511.110 [Repealed by 1965 c.570 §152]

511.115 [Repealed by 1965 c.570 §152]

511.120 [Repealed by 1965 c.570 §152]

511.125 [Repealed by 1965 c.570 §152]

511.130 [Repealed by 1965 c.570 §152]

511.135 [Repealed by 1965 c.570 §152]

511.140 [Repealed by 1965 c.570 §152]

511.145 [Repealed by 1965 c.570 §152]

511.150 [Repealed by 1965 c.570 §152]

511.155 [Repealed by 1965 c.570 §152]

511.160 [Repealed by 1965 c.570 §152]

511.165 [Repealed by 1965 c.570 §152]

511.170 [Repealed by 1965 c.570 §152]

511.175 to 511.200 [Reserved for expansion]

ROGUE RIVER AREA

511.205 [Repealed by 1965 c.570 §152]

511.206 Taking food fish for commercial purposes in Rogue River prohibited. It is unlawful to take any food fish except shellfish for commercial purposes from the Rogue River and its tributaries and within a radius of three miles from the center of the mouth of the Rogue River.

[1965 c.570 §148]

511.210 [Repealed by 1965 c.570 §152]

511.215 [Repealed by 1965 c.570 §152]

511.220 [Repealed by 1965 c.570 §152]

511.225 [Repealed by 1965 c.570 §152]

511.230 to 511.300 [Reserved for expansion]

CURRY COUNTY AREA

511.305 [Repealed by 1965 c.570 §152]

511.306 Taking food fish for commercial purposes in certain Curry County waters prohibited. It is unlawful to take any food fish for commercial purposes from the following waters in Curry County:

- (1) Floras Creek.
- (2) Sixes River.
- (3) Elk River.
- (4) Euchre Creek.
- (5) Hunters Creek.
- (6) Pistol River.
- (7) Chetco River.
- (8) Winchuk River.

[1965 c.570 §142]

511.310 [Repealed by 1965 c.570 §152]

511.315 [Repealed by 1965 c.570 §152]

511.320 [Repealed by 1965 c.570 §152]

511.325 [Repealed by 1965 c.570 §152]

511.330 [Repealed by 1953 c.24 §2]

511.335 to 511.400 [Reserved for expansion]

511.405 [Repealed by 1965 c.570 §152]

511.410 [Repealed by 1965 c.570 §152]

511.415 [Repealed by 1965 c.570 §152]

511.420 to 511.500 [Reserved for expansion]

COOS, DOUGLAS AND LANE COUNTY AREAS

511.505 [Repealed by 1965 c.570 §152]

511.506 Taking shad or striped bass for commercial purposes in Coos Bay or in Coquille, Siuslaw, Umpqua or Smith rivers restricted. It is unlawful to take shad or

striped bass for commercial purposes in the following waters of this state:

(1) That portion of Coos Bay and all of Isthmus Inlet, a tributary thereof, southerly of the bridge connecting Coos Bay and East-side in Coos County; the area designated as Coos Bay Sports Area and consisting of Isthmus Inlet, Catching Inlet and Cold Bank Slough in Coos County; the north fork of Coos River above a line drawn across the north fork at right angles to the thread of the stream at the lower end of the old John Hendrickson ranch and the south fork of Coos River above a line drawn across the south fork at right angles to the thread of the stream at the lower end of the H. H. Roger's ranch.

(2) The Coquille River above the draw-bridge on Oregon Route No. 42 south crossing the Coquille River at the city of Coquille.

(3) The Siuslaw River above 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; the north fork of the Siuslaw River above the state highway bridge crossing the north fork between Cushman and Florence in Lane County; and Duncan Inlet or South Inlet or tributaries.

(4) The Umpqua River above the confluence of Mill Creek, outlet of Loon Lake with the Umpqua River in Douglas County; and the Smith River above the confluence of the North Fork of the Smith River with the Smith River.

[1965 c.570 §145]

511.510 [Repealed by 1965 c.570 §152]

511.511 Taking sturgeon for commercial purposes in Umpqua River prohibited. It is unlawful to take sturgeon for commercial purposes from the waters of the Umpqua River or any of its bays or tributaries.

[1965 c.570 §147]

511.515 [Repealed by 1965 c.570 §152]

511.520 to 511.600 [Reserved for expansion]

NESTUCCA, NETARTS AND TILLAMOOK BAY AREAS

511.605 [Repealed by 1965 c.570 §152]

511.606 Taking food fish for commercial purposes in Nestucca Bay prohibited. It is unlawful to take any food fish except shellfish for commercial purposes from Nestucca Bay or any of its tributaries.

[1965 c.570 §149]

511.610 [Repealed by 1965 c.570 §152]

511.611 Taking shad and sturgeon for commercial purposes in Netarts Bay prohibited. It is unlawful to take shad and sturgeon in Netarts Bay for commercial purposes.

[1965 c.570 §146]

511.612 [Repealed by 1965 c.570 §152]

511.615 [Repealed by 1965 c.570 §152]

511.620 [Repealed by 1965 c.570 §152]

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 [Repealed by 1965 c.570 §152]

511.635 [Repealed by 1965 c.570 §152]

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]

- 511.705 [Repealed by 1965 c.570 §152]
- 511.710 [Repealed by 1965 c.570 §152]
- 511.715 [Amended by 1961 c.215 §1; repealed by 1965 c.570 §152]
- 511.720 [Repealed by 1965 c.570 §152]
- 511.725 [Repealed by 1965 c.570 §152]
- 511.730 [Repealed by 1965 c.570 §152]
- 511.735 [Repealed by 1965 c.570 §152]
- 511.740 [Repealed by 1965 c.570 §152]
- 511.745 to 511.800 [Reserved for expansion]

WILLAMETTE RIVER AREA

- 511.805 [Repealed by 1965 c.570 §152]
- 511.806 **Taking salmon, shad, striped bass or sturgeon for commercial purposes in Willamette River prohibited; taking shad for commercial purposes in Willamette Slough restricted.** (1) It is unlawful in the waters of the Willamette River or any of its tribu-

taries or sloughs to take salmon, shad, striped bass or sturgeon for commercial purposes.

(2) Notwithstanding subsection (1) of this section, it shall be lawful to take shad for commercial purposes in the Willamette Slough from the Gilbert Lake farm dock to the mouth of the Willamette Slough.
[1965 c.570 §141]

- 511.810 [Repealed by 1965 c.570 §152]
- 511.815 [Repealed by 1965 c.570 §152]
- 511.820 [Repealed by 1957 c.131 §1]
- 511.825 [Repealed by 1965 c.570 §152]
- 511.830 [Repealed by 1957 c.131 §1]
- 511.835 to 511.985 [Reserved for expansion]
- 511.990 [Repealed by 1965 c.570 §152]
- 511.992 [1957 c.1 §4 (an Act proposed by an initiative petition approved at the general election on November 6, 1956); repealed by 1965 c.570 §152]
- 511.995 [Repealed by 1965 c.570 §152]

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 November 15, 1965.

Sam R. Haley
Legislative Counsel

CHAPTER 512
[Reserved for expansion]