



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

1 **635-004-0275**

2 **Scope, Inclusion, and Modification of Rules**

3 (1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of
 4 Oregon and the federal government through the Pacific Fishery Management Council process. The Code
 5 of Federal Regulations provides federal requirements for this fishery, including but not limited to the time,
 6 place, and manner of taking groundfish. However, additional regulations may be promulgated
 7 subsequently by publication in the Federal Register, and these supersede, to the extent of any
 8 inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated
 9 into Oregon Administrative Rule by reference:

10 (a) **Code of Federal Regulations, Part 660, Subparts C, D, E and F** (October 1, [2016] **2018** ed.)
 11 as amended; and

12 (b) **[INSERT REFERENCE WHEN AVAILABLE] [Federal Register Vol. 81, No. 226 dated**
 13 **November 23, 2016 (81FR84419)].**

14 (c) **Federal Register Vol. 82, No. 24, dated February 7, 2017 (82FR9634)].**

15 (2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable
 16 groundfish fishing requirements. Where federal regulations refer to the fishery management area, that
 17 area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic
 18 Zone.

19 (3) The Commission may adopt additional or modified regulations that are more conservative than federal
 20 regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205
 21 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal
 22 groundfish regulations.

23
 24 [Publications: Publications referenced are available from the Department.]

25
 26 Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

27 Stats. Implemented: ORS 496.162, 506.109, 506.129

28
 29 **635-004-0350**

30 **Harvest Guidelines and Landing Caps**

31 (1) Upon attainment of a harvest guideline in the Black Rockfish / Blue Rockfish / Nearshore Fishery, the
 32 Department shall initiate consultation to determine if additional regulatory actions are necessary to
 33 achieve management objectives.

34 (2) The following commercial harvest guidelines include the combined landings and other fishery related
 35 mortality by all Oregon commercial fisheries in a single calendar year:

36 (a) Black rockfish: [424.8] **123.8** metric tons;



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

37 (b) [~~Cabezon: 30.2 metric tons;~~] **Blue rockfish and deacon rockfish combined: 18.9 metric tons;**

38 (c) [~~Blue rockfish, deacon rockfish and other nearshore rockfish combined: 12.9 metric tons; and]~~

39 **Other Nearshore Rockfish combined: 12.3 metric tons;**

40 (d) **Cabezon: 30.2 metric tons; and**

41 **(e) Greenling: [144.3] 128.5 metric tons.**

42

43 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129

44 Stats. Implemented: ORS 506.109, 506.129

45

46 **635-004-0355**

47 **Trip Limits**

48 (1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial
49 harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers
50 should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program
51 Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip
52 limits and other regulations affecting the Nearshore Commercial Fishery.

53 (2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a Nearshore
54 Endorsement, may land no more than the following bi-monthly cumulative trip limits:

55 (a) Black rockfish:

56 (A) 1500 pounds in period 1;

57 (B) 1500 pounds in period 2;

58 (C) 1800 pounds in period 3;

59 (D) 1800 pounds in period 4;

60 (E) 1500 pounds in period 5;

61 (F) 1500 pounds in period 6; and

62 (b) ~~[300]~~ **1500** pounds of blue rockfish and deacon rockfish combined in each period.

63 (3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery
64 Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip
65 limits:

66 (a) 450 pounds of other nearshore rockfish combined in each period;

67 (b) [~~Cabezon:~~

68 ~~(A) 2000 pounds in period 1;~~

69 ~~(B) 2000 pounds in period 2;~~

70 ~~(C) 2500 pounds in period 3;~~

71 ~~(D) 2500 pounds in period 4;~~

72 ~~(E) 2500 pounds in period 5; and~~



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

(F) ~~2000 pounds in period 6~~ **1000 pounds of cabezon in each period**; and
(c) ~~800~~ **1000** pounds of greenling species **in each period**.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109 & 506.129

635-039-0080

Purpose and Scope

(1) The purpose of Division 039 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.

(2) Division 039 incorporates into Oregon Administrative Rules, by reference:

(a) The sport fishing regulations of the State, included in the document entitled ~~[2018]~~ **2019 Oregon Sport Fishing Regulations**;

(b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, ~~[2016]~~ **2018** ed.), as amended;

(c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, ~~[2016]~~ **2018** ed.), as amended; and

(d) ~~[INSERT REFERENCE WHEN AVAILABLE] [Federal Register Vol. 82, No. 24, dated February 7, 2017 (82FR9634)]~~

~~(e) Federal Register Vol. 83, No. 61, dated March 29, 2018 (83FR13428)]~~

(3) Therefore, persons must consult all publications referenced in this rule in addition to Division 011 and Division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 496.138, 496.146, 506.119
Stats. Implemented: ORS 496.162, 506.129

635-039-0090

Inclusions and Modifications

(1) The ~~[2018]~~ **2019 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

108 division from time to time and to the extent of any inconsistency, they supersede the ~~[2018]~~ **2019 Oregon**
109 **Sport Fishing Regulations.**

110 (2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest
111 objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.
112 Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if
113 additional regulatory actions are necessary to achieve management objectives. The following sport
114 harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport
115 fishery in a single calendar year:

116 (a) Black rockfish, ~~[395.2]~~ **392.2** metric tons[-];

117 (b) ~~[Cabezon, 16.8 metric tons.]~~ **Blue rockfish and deacon rockfish combined: 82.6 metric tons;**

118 (c) ~~[Blue rockfish, deacon rockfish, and other nearshore rockfish combined, 32.8 metric tons.]~~ **Other**
119 **Nearshore Rockfish combined: 11.7 metric tons;**

120 (d) **Cabezon, 16.8 metric tons; and**

121 **(e)** Greenling, ~~[47.9]~~ **42.6** metric tons.

122 (3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black
123 and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper
124 (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*);
125 quillback (*S. maliger*); and treefish (*S. serriceps*).

126 (4) In addition to the regulations for Marine Fish in the ~~[2018]~~ **2019 Oregon Sport Fishing Regulations,**
127 the following apply for the sport fishery in the Marine Zone:

128 (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.

129 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
130 species not listed in the ~~[2018]~~ **2019 Oregon Sport Fishing Regulations** in the Marine Zone, located
131 under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total
132 sum or number), of which no more than one may be a cabezon, when retention of cabezon is allowed.
133 Retention of the following species is prohibited:

134 (A) Yelloweye rockfish; and

135 (B) Cabezon from January 1 through June 30.

136 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish
137 daily bag limit in aggregate (total sum or number).

138 (d) Retention of all marine fish listed under the category of Finfish Species, General Marine Species,
139 except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and
140 offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is
141 retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

142 also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the
143 taking of Pacific halibut.

144 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c)
145 including the following:

146 (A) Minimum length for lingcod, 22 inches.

147 (B) Minimum length for cabezon, 16 inches.

148 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.

149 (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting
150 mutilated fish across state waters is prohibited.

151 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of
152 groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall
153 use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude
154 and longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section 71**. Upon request, a
155 descending device shall be presented for inspection by any person authorized to enforce the wildlife laws
156 or a representative of the Department. In this subsection, "descending device" means a device capable of
157 returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve
158 the fish's chance of survival.

159 (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a
160 sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the
161 lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be
162 equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish,
163 crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.

164 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and
165 soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in
166 subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish
167 species, during [~~April 1~~] **May 1** through September 30, outside of the [~~30-fathom~~] **40-fathom** curve
168 (defined by latitude and longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section**
169 **71**, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in
170 such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in **Title 50**
171 **Code of Federal Regulations Part 660 Section 71** may be implemented as the management line as
172 inseason modifications necessitate. In addition, the following management lines may be used to set area
173 specific regulations for inseason action only:

174 (A) Cape Lookout (45°20'30" N latitude); and

175 (B) Cape Blanco (42°50'20" N latitude).



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

176 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
177 specified in **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, [2017] **2018** ed.).
178 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and
179 (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A
180 vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in
181 subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut.
182 Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and
183 including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in
184 the water.

185 (h) Notwithstanding any other provisions of this rule, on any fishing trip where fishing with long-leader
186 gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and
187 longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section 71**, the following apply:

188 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish
189 (Sebastes flavidus), widow rockfish (S. entomelas), canary rockfish (S. pinniger), **deacon rockfish (S.**
190 **diaconus), blue rockfish (S. mystinus),** redstripe rockfish (S. proriger), greenstriped rockfish (S.
191 elongatus), chilipepper rockfish (S. goodei), bocaccio rockfish (S. paucispinis), or silvergray rockfish (S.
192 brevispinis);

193 (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);

194 (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are
195 retained by returning to the dock and offloading fish;

196 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than
197 10 fish in aggregate of the species listed in (4)(b) in the same day;

198 (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in section
199 (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in section
200 (4)(e)(F); and

201 (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any
202 inconsistency, including the definition of long-leader gear.

203 **(i) Topsmelt and jacksmelt are included in the daily limit for herring, anchovy, sardine, and**
204 **true smelts of 25 pounds per day in aggregate. Topsmelt and jacksmelt are not included in the**
205 **General Marine Species daily limit of 5 fish per day.**

206 (5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2021.

207

208 [Publications: Publications referenced are available from the agency.]

209

210 Stat. Auth.: ORS 496.138, 496.146, 497.121, 506.119

211 Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.129