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ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**

10/22/2020 10:43 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: 2021 Commercial and Recreational Groundfish Fisheries Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/11/2020 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

CONTACT: Lisa Kingsley  
503-947-6233  
Lisa.M.Kingsley@state.or.us

4034 Fairview Industrial Dr SE  
Salem, OR 97302

Filed By:  
Lisa Kingsley  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 12/11/2020

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Department of Fish  
and Wildlife

4034 Fairview Industrial Dr SE  
Salem, OR 97302

SPECIAL INSTRUCTIONS:

Because of the rapidly changing  
situation with COVID-19, all or  
portions of this hearing may be  
conducted electronically. Information  
will be posted on our website at  
<https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S):

These amended rules will establish annual groundfish management measures and harvest limits for 2021 commercial and recreational groundfish fisheries, including but not limited to, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits, length limits, and seasons), and additional nearshore commercial regulations (e.g., bi-monthly period vessel limits). One technical correction to the regulations is necessary to ensure rule consistency with statute.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/11/2020.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

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#### FISCAL AND ECONOMIC IMPACT:

No major fiscal and economic impacts are expected from these rule changes.

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#### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

The proposed rules will affect state agencies, units of local government, and the public, as discussed below:

A. The state agencies that could be affected by the adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). No significant changes in costs to ODFW or to OSP are expected from these rule changes. There is potential for changes in recreational groundfish regulations to affect recreational angler license sales (ODFW) and enforcement costs (OSP), but the potential changes are likely to be small relative to statewide angler license sales and enforcement costs. There is potential for slight changes in Ad Valorem (AV) revenues from changes to commercial nearshore period limits, but the potential changes are likely to be very small relative to overall AV revenues collected annually by ODFW.

B. Economic impacts to local governments are expected to be minor. There may be potential for some Oregon port districts to be impacted, but significant impacts are not anticipated. A more detailed consideration of impacts is not possible because of data constraints.

C. The public will be affected by the adoption of these rules. The proposed rules are consistent with actions of the Pacific Fishery Management Council (PFMC), which establishes federal harvest levels for groundfish. Adoption of regulations that exceed these harvest levels would likely result in preemption of state management authority. Detailed economic analyses are required under federal law (NEPA), and are part of the Environmental Impact Statement (EIS) filed by the PFMC. The EIS contains additional information on the economic and social effects of the 2021-2022 regulations. That document is incorporated into this statement by reference.

#### State Harvest Guidelines (HGs)

State HGs are harvest objectives and attainment does not necessarily close a fishery, but may result in further in-season restrictions to meet objectives such as not exceeding federal Annual Catch Limits (ACLs) or HGs.

HGs are set separately for commercial and recreational fisheries, establishing sector-specific harvest objectives. The recommended state HGs for 2021, as well as those for previous years, are shown in Table 1. The department is recommending adjusting recreational and commercial state HGs for: blue and deacon rockfish, nearshore rockfish,

cabezon, and greenling. The proposed HG changes are due to changes in federal harvest specifications, which are founded on projections of sustainable yield from the most recent assessment of each stock. No adjustment to black rockfish HGs are recommended, based on the PFMC's constant harvest policy for this species, in place until a new stock assessment is conducted. The cabezon HGs are increasing 16% which will allow for modest increases in opportunity. The blue and deacon rockfish and nearshore rockfish HGs are decreasing by about 7% and 8% respectively. Blue and deacon rockfish is a low-attainment group and the decrease is not expected to have any impact on opportunity. Nearshore rockfish has been a high-attainment group in both recreational and commercial fisheries in recent years, and the decrease in HGs is likely to have a corresponding impact on opportunity. While the HGs for greenling are going down significantly, this is a low-attainment group and the reduction is not expected to result in any impact on opportunity.

See Table 1. State harvest guidelines for commercial and recreational groundfish management groups

Although harvest restrictions reduce positive economic impacts in the short run, conservation through restrictive regulations and Optimum Yields set at the federal level are intended to perpetuate these groundfish resources at higher levels in the long run. Failure to restrict harvests to appropriate levels may result in more severe adverse economic impacts in the future. The proposed regulations are intended to strike a balance between present and future consumption that sustains fishery resource benefits over time.

#### Recreational Groundfish Regulations

Regulation amendments proposed for recreational groundfish fisheries in 2021 include changes in the daily bag limit and allowing longleader rockfish fishing on certain all-depth halibut trips. These changes are intended to optimize recreational groundfish opportunities while reducing the risk of exceeding state or federal harvest guidelines to an acceptably low level. While impacts on catch per species can be estimated with existing data and models, it is not possible to estimate how the proposed modifications might impact the total number of angler trips targeting bottomfish; therefore, it is not possible to estimate the fiscal impact at this time.

The following changes to recreational groundfish regulations and are being proposed for 2021 based on federal ACLs or HGs, fishery performance in recent years, and public input:

- A six fish bag limit for general marine species (increased from five fish in 2020).
- Allow anglers to combine longleader fishing for rockfish and all-depth halibut fishing on the same trip, when the recreational groundfish depth restriction is in effect (June through August).

No changes are proposed to the all-depth groundfish season (September through May) or the one fish sub-bag limit for the following types of rockfish: copper, china, and quillback (one fish in aggregate).

Together these recommendations maintain or increase recreational bottomfish fishing opportunities relative to 2020, with low to moderate risk of exceeding federal or state harvest limits. As always, ODFW will monitor harvest rates during the year and make adjustments as needed in consultation with the marine Sportfishing Advisory Committee.

From 2014-2019, there were from 77,400 to 109,700 recreational fishing trips targeting groundfish, accounting for just under one-half of the ocean recreational trips during that time period (Table 2). A 2015 economic study estimated that the groundfish trips translated into an economic contribution of \$6.04 million in personal income at the coastwide economic level in 2014, the most recent year this estimate is available (TRG 2015). Using current multipliers for charter (\$246.69) and private (\$83.84) angler trips provides an estimate of \$17.30 million for 2019.

See Table 2. Ocean recreational fishing effort by trip-type (target species), 2014 to 2019, in thousands of angler-

## trips.Commercial Groundfish Regulations

Commercial groundfish fisheries approached, but did not exceed, state or federal harvest guidelines for several species or species groups in 2019 including black rockfish, other nearshore rockfish combined, and cabezon. In 2020 only other nearshore rockfish have approached the HG.

The recommended modifications to commercial bi-monthly vessel limits are being proposed based on changes to federal ACLs or HGs, evaluation of recent harvest and effort data, and public input include:

- Black rockfish – increase bi-monthly vessel limits in Periods 2 thru 5 (March thru October) by 300 pounds in each period, resulting in the following limits:
  - o Period 1 (Jan-Feb): 1,500 pounds
  - o Period 2 (Mar-Apr): 1,800 pounds
  - o Period 3 (May-Jun): 2,100 pounds
  - o Period 4 (Jul-Aug): 2,100 pounds
  - o Period 5 (Sep-Oct): 1,800 pounds
  - o Period 6 (Nov-Dec): 1,500 pounds
- Cabezon – increase bi-monthly vessel limits for all periods by 500 pounds, resulting in a vessel limit of 1,500 pounds in each bi-monthly period.
- Nearshore Rockfish – decrease the bi-monthly vessel limit for all periods by 100 pounds, resulting in a vessel limit of 350 pounds in each bi-monthly period.
- Clarify that landing requirements for permit transfers do not apply to black rockfish/blue rockfish permits without a nearshore endorsement, as consistent with statute.

These changes are designed to balance opportunity for commercial nearshore permit holders to attain but not exceed the commercial HG with the goal of maintaining year-round harvest opportunity for all management groups. Increases in black rockfish and cabezon limits will provide some economic benefits for fishers that take advantage of them, and decreases in nearshore rockfish limits will reduce economic benefits for those fishers that target them. However, gains or losses are expected to be modest since few fishers have achieved similar bi-monthly vessel limits on a regular basis in recent years. In addition, increases for black rockfish and cabezon limits will offset decreases in nearshore rockfish limits to some degree.

In 2019, the commercial groundfish fishery in Oregon had about 48 million pounds of onshore landings, valued at nearly \$28 million (Table 3). The 2019 landings were 12% above, while ex-vessel value was 13% below, 5-year averages (2015-2019), respectively. The recent trend of increased landings along with a decrease in price per pound continued in 2019. At \$0.58, price per pound landed was below the 5-year average of \$0.75 per pound and the lowest price per pound in recent history. Pacific whiting is excluded because harvest levels are set via an international treaty between the U.S. and Canada.

See Table 3. Onshore landings, ex-vessel value, and average price for landings of commercial groundfish in Oregon (excluding Pacific whiting), 2004 to 2019.

## References

PacFIN. APEX Reporting System Reports Dashboard, All Species Reports ALL004 WOC All Species by Agency.

Retrieved September 17, 2020.

The Research Group, LLC. Oregon's Commercial Fishing Industry, Year 2013 and 2014 Review. Prepared for Oregon Department of Fish and Wildlife, and Oregon Coastal Zone Management Association. September 2015.

US Bureau of Labor Statistics. CPI Inflation Calculator. <https://data.bls.gov/cgi-bin/cpicalc.pl>. Retrieved September 12, 2019.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Public meetings were conducted in fall of 2020 to allow impacted parties to participate in the rule making process.

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The alternatives for federal groundfish regulations and harvest limits were developed through the Pacific Fishery Management Council process, which involves advisory committees and public comment. Department staff conducted several public meetings to discuss and develop proposed changes to state regulations that are in addition to federal regulations.

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NOTE: Additional PDF filed with this filing not included in this document. Please contact Department of Fish and Wildlife for a copy of this document.

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RULES PROPOSED:

635-004-0275, 635-004-0330, 635-004-0350, 635-004-0355, 635-039-0080, 635-039-0090

AMEND: 635-004-0275

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2021 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0275

Scope, Inclusion, and Modification of Rules ¶¶

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

(a) Code of Federal Regulations, Part 660, Subparts C, D, and E (October 1, 2019~~20~~ ed.) as amended; and ¶¶

(b) Federal Register Vol. 84, no. 203, dated October 21, 2019 (84 FR 56142); ¶¶

(c) Federal Register Vol. 84, no. 223, dated November 19, 2019 (84 FR 63966);¶¶

~~(d) Federal Register Vol. 84, no. 238, dated December 11, 2019 (84 FR 67674);¶~~

~~(e) Federal Register Vol. 84, no. 242, dated December 17, 2019 (84 FR 68799); and¶~~

~~(f) Federal Register Vol. 84, no. 247, dated December 26, 2019 (84 FR 70904)~~INSERT REFERENCE WHEN AVAILABLE.¶

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

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

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

Statutory/Other Authority: ORS 496.138, ORS 496.162, ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 496.162, ORS 506.109, ORS 506.129

AMEND: 635-004-0330

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2021 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0330

Transferability of Permits ¶¶

- (1) 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) Black Rockfish / Blue Rockfish / Nearshore Fishery Permit holders may transfer a permit pursuant to ORS 508.957.¶¶
- (3) To be eligible for transfer, the vessel operating under ~~the permit~~ Black Rockfish / Blue Rockfish / Nearshore Fishery Permit with a Nearshore Endorsement must have made, in the previous calendar year, a minimum of five landings that contained at least 15 pounds of any combination of black rockfish, blue rockfish or nearshore fish in each landing.¶¶
- (4) In the event a buyer fails to complete a purchase agreement for a vessel permit, the seller is eligible for a temporary transfer of the vessel permit back to the seller, if a preliminary injunction is issued by a circuit court requiring the State Department of Fish and Wildlife to allow the seller to continue to operate a vessel in the fishery during the pendency of the proceeding. An order granting a preliminary injunction under this section must include a finding that allowing the seller to continue to operate a vessel in the fishery will not cause excessive harvest pressure on the fishery resource.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.109, 506.129, 508.957

AMEND: 635-004-0350

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2021 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0350

Harvest Guidelines and Landing Caps ¶¶

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

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

(a) Black rockfish: 122.9 metric tons;¶¶

(b) Blue rockfish and deacon rockfish combined: ~~18.36.8~~ metric tons;¶¶

(c) Other Nearshore Rockfish combined: ~~12.21.3~~ metric tons;¶¶

(d) Cabezon: ~~30.25.0~~ metric tons; and¶¶

(e) Greenling: ~~1408.31~~ metric tons.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-004-0355

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2021 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0355

Trip Limits ¶¶

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

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

(a) Black rockfish:¶¶

(A) 1500 pounds in period 1;¶¶

(B) ~~15~~800 pounds in period 2;¶¶

(C) ~~2~~1800 pounds in period 3;¶¶

(D) ~~2~~1800 pounds in period 4;¶¶

(E) ~~15~~800 pounds in period 5;¶¶

(F) 1500 pounds in period 6; and¶¶

(b) 1500 pounds of blue rockfish and deacon rockfish combined in each period.¶¶

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

(a) ~~4~~350 pounds of other nearshore rockfish combined in each period;¶¶

(b) ~~10~~500 pounds of cabezon in each period; and¶¶

(c) 1000 pounds of greenling species in each period.

Statutory/Other Authority: ORS 506.036, ORS 506.109, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-039-0080

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2021 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

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 2020~~1~~ Oregon Sport Fishing Regulations;¶¶

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 201~~9~~20 ed.), as amended; and¶¶

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 201~~9~~20 ed.), as amended.¶¶

(d) INSERT REFERENCE WHEN AVAILABLE¶¶

(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.]

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 496.162, ORS 506.129

AMEND: 635-039-0090

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2021 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-039-0090

#### Inclusions and Modifications ¶

(1) The 2020~~1~~ 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 division from time to time and to the extent of any inconsistency, they supersede the 2020~~1~~ Oregon Sport Fishing Regulations.¶

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

(a) Black rockfish, ~~392.289.1~~ metric tons;¶

(b) Blue rockfish and deacon rockfish combined: ~~82.673.7~~ metric tons;¶

(c) Other Nearshore Rockfish combined: ~~14.70.8~~ metric tons;¶

(d) Cabezon, ~~16.89.4~~ metric tons; and¶

(e) Greenling, ~~42.635.8~~ metric tons.¶

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

(4) In addition to the regulations for Marine Fish in the 2020~~1~~ Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:¶

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit;¶

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the 2020~~1~~ Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: ~~56~~ fish daily bag limit in aggregate (total sum or number), of which no more than one may be a cabezon, when retention of cabezon is allowed. Retention of the following species is prohibited:¶

(A) Yelloweye rockfish; and¶

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

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

(d) ~~Except as specified in (4)(d)(A),~~ retention of all marine fish listed under the category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut; When the all-depth sport fishery for Pacific halibut is open and the sport fishery for general marine species (other than flatfish species) is closed outside of the 40-fathom curve as specified in subsection (4)(f), fishing with longleader gear is allowed on the same trip as all-depth halibut fishing as follows:¶

(A) When rockfish are onboard the vessel, anglers are only allowed to retain the species listed under subsection (4)(h)(A) and must use longleader gear as defined in subsection (4)(e)(F):¶

(B) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark) may be retained while all-depth halibut fishing, prior to retaining any rockfish species.

(C) It is not required to separate all-depth halibut fishing from longleader fishing by returning to the dock and offloading fish. A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish; and

(D) All other requirements and prohibitions contained within subsection (4)(h) apply.

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

(A) Minimum length for lingcod, 22 inches.

(B) Minimum length for cabezon, 16 inches.

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

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

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

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

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

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

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

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

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

(A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes flavidus*),

widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*);¶

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

(C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish, except as specified in subsection (4)(d)(A)(iii);¶

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

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

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

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

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

~~(6) Effective January 1, 2020, surface buoys used to mark recreational crab pots or rings must be marked in a visible, legible and permanent manner, with information clearly identifying the owner of the crab pots or rings. The identifying information must include first and last name or business name and at least one of the following:¶~~

~~(a) Permanent address;¶~~

~~(b) Phone number;¶~~

~~(c) Angler Identification number; or¶~~

~~(d) The vessel documentation number issued by the U.S. Coast Guard, or, for an undocumented vessel, the vessel registration number issued by the state~~  
5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2021.¶

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

Statutory/Other Authority: ORS 497.121, ORS 506.119, ORS 496.146, ORS 496.138

Statutes/Other Implemented: ORS 496.004, ORS 496.009, ORS 496.162, ORS 506.129