

Exhibit D

2021 Recreational and Commercial Groundfish Regulations and 2019 Nearshore Logbook Report

Addendum OAR December 9, 2020

- Pg 5 lines 152 and 153, **635-039-0090 (4)(b)** - add “no more than one may be China rockfish, copper rockfish or quillback rockfish in aggregate, and”;
- Pg 5 lines 163 and 164, **635-039-0090 (4)(d)** – add “when 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)”;
- Pg 6 lines 165 and 167, **635-039-0090 (4)(d)(A) and (B)** – revise outline adding (A) and changing (A) to (B);
- Pg 8 line 234, **635-039-0090(4)(h)(C)** - revise to update reference to (4)(d)(B)(iii).



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DIVISION 004
Commercial Fisheries Other Than Salmon or Shellfish

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] **2020** 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. 29

[Publications: Publications referenced are available from the Department.] 31

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

Stats. Implemented: ORS 496.162, 506.109, 506.129



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35 **635-004-0330**

36 **Transferability of Permits**

37 (1) Any transfer of a permit away from a vessel without the written consent of each person holding a
38 security interest in such vessel is void.

39 (2) Black Rockfish / Blue Rockfish / Nearshore Fishery Permit holders may transfer a permit pursuant to
40 ORS 508.957.

41 (3) To be eligible for transfer, the vessel operating under ~~[the permit]~~ **a Black Rockfish / Blue Rockfish**
42 **/Nearshore Fishery Permit with a Nearshore Endorsement** must have made, in the previous
43 calendar year, a minimum of five landings that contained at least 15 pounds of any combination of black
44 rockfish, blue rockfish or nearshore fish in each landing.

45 (4) In the event a buyer fails to complete a purchase agreement for a vessel permit, the seller is eligible
46 for a temporary transfer of the vessel permit back to the seller, if a preliminary injunction is issued by a
47 circuit court requiring the State Department of Fish and Wildlife to allow the seller to continue to
48 operate a vessel in the fishery during the pendency of the proceeding. An order granting a preliminary
49 injunction under this section must include a finding that allowing the seller to continue to operate a
50 vessel in the fishery will not cause excessive harvest pressure on the fishery resource.

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52 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

53 Stats. Implemented: ORS 506.109, 506.129 & 508.957

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55 **635-004-0350**

56 **Harvest Guidelines and Landing Caps**

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

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

62 (a) Black rockfish: 122.9 metric tons;

63 (b) Blue rockfish and deacon rockfish combined: [~~18.3~~] **16.8** metric tons;

64 (c) Other Nearshore Rockfish combined: [~~12.2~~] **11.3** metric tons;

65 (d) Cabezon: [~~30.2~~] **35.0** metric tons; and

66 (e) Greenling: [~~118.3~~] **108.1** metric tons.

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69 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129
70 Stats. Implemented: ORS 506.109, 506.129
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72 **635-004-0355**

73 **Trip Limits**

74 (1) The trip limits outlined in this rule are set at the beginning of each calendar year based on
75 commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and
76 closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine
77 Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date
78 information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.
79 (2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a
80 Nearshore Endorsement, may land no more than the following bi-monthly cumulative trip limits:

81 (a) Black rockfish:

- 82 (A) 1500 pounds in period 1;
- 83 (B) [~~1500~~] **1800** pounds in period 2;
- 84 (C) [~~1800~~] **2100** pounds in period 3;
- 85 (D) [~~1800~~] **2100** pounds in period 4;
- 86 (E) [~~1500~~] **1800** pounds in period 5;
- 87 (F) 1500 pounds in period 6; and

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

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

- 92 (a) [~~450~~] **350** pounds of other nearshore rockfish combined in each period;
- 93 (b) [~~1000~~] **1500** pounds of cabezon in each period; and
- 94 (c) 1000 pounds of greenling species in each period.

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96 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
97 Stats. Implemented: ORS 506.109 & 506.129
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DIVISION 039

Marine Zone Fish, Shellfish and Marine Invertebrates Sport Regulations

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 **2021 Oregon Sport Fishing Regulations**;

(b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, [2019] **2020** ed.), as amended; and

(c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, [2019] **2020** 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.]

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 496.162, 506.129

635-039-0090

Inclusions and Modifications

(1) The **2021 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 **2021 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



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134 additional regulatory actions are necessary to achieve management objectives. The following sport
135 harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport
136 fishery in a single calendar year:

- 137 (a) Black rockfish, [~~392.2~~] **389.1** metric tons;
- 138 (b) Blue rockfish and deacon rockfish combined: [~~82.6~~] **73.7** metric tons;
- 139 (c) Other Nearshore Rockfish combined: [~~11.7~~] **10.8** metric tons;
- 140 (d) Cabezon, [~~16.8~~] **19.4** metric tons; and
- 141 (e) Greenling, [~~42.6~~] **35.8** metric tons.

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

146 (4) In addition to the regulations for Marine Fish in the **2021 Oregon Sport Fishing Regulations**, the
147 following apply for the sport fishery in the Marine Zone:

- 148 (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.
- 149 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine
150 fish species not listed in the **2021 Oregon Sport Fishing Regulations** in the Marine Zone, located
151 under the category of Finfish Species, General Marine Species: [~~5~~] **6** fish daily bag limit in aggregate
152 (total sum or number), of which **no more than one may be China rockfish, copper rockfish or**
153 **quillback rockfish in aggregate, and** no more than one may be a cabezon, when retention of cabezon is
154 allowed. Retention of the following species is prohibited:

- 155 (A) Yelloweye rockfish; and
- 156 (B) Cabezon from January 1 through June 30.
- 157 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish
158 daily bag limit in aggregate (total sum or number).
- 159 (d) [~~Retention~~] **Except as specified in subsection (4)(d)(A), retention** of all marine fish listed under
the
160 category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring,
161 anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark
162 and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the
163 all-depth sport fishery for Pacific halibut **when the sport fishery for general marine species (other**
164 **than flatfish species) is closed outside of the 40-fathom curve as specified in subsection (4)(f).**



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165 (A) Persons must also consult all publications referenced in OAR 635-039-0080 to determine all
166 rules applicable to the taking of Pacific halibut.

167 (B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for
168 general marine species (other than flatfish species) is closed outside of the 40-fathom curve as
169 specified in subsection (4)(f), fishing with long-leader gear is allowed on the same trip as all-
170 depth halibut fishing as follows:

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

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

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

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

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

- 184 (A) Minimum length for lingcod, 22 inches.
185 (B) Minimum length for cabezon, 16 inches.
186 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.
187 (D) Mutilating the fish so the size or species cannot be determined prior to landing or
188 transporting mutilated fish across state waters is prohibited.

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



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

202 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and
203 soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided
204 in subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish
205 species, during [~~May 1~~] **June 1** through [~~September 30~~] **August 31**, outside of the 40-fathom curve
206 (defined by latitude and longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section**
207 **71**, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in
208 such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in **Title 50**
209 **Code of Federal Regulations Part 660 Section 71** may be implemented as the management line as
210 inseason modifications necessitate. In addition, the following management lines may be used to set area-
211 specific regulations for inseason action only:

- 212 (A) Cape Lookout (45°20'30" N latitude); and
- 213 (B) Cape Blanco (42°50'20" N latitude).

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

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

- 227 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish
228 (Sebastes flavidus), widow rockfish (S. entomelas), canary rockfish (S. pinniger), deacon rockfish (S.



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229 diaconus), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S.*
230 *elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S.*
231 *brevispinis*);

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

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

235 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than
236 10 fish in aggregate of the species listed in subsection (4)(b) in the same day;

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

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

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

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

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

248

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

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

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