

Exhibit C

2022 Recreational and Commercial Groundfish Regulations and 2020 Nearshore Logbook Report

Amended Attachment 3 Draft Oregon Administrative Rule December 17, 2021

Updates to page 1; Lines 12 through 17

(a) Code of Federal Regulations, Part 660, Subparts C, D, and E (October 1, 2021~~[0]~~ ed.)
as amended; [~~and~~]

(b) Federal Register Vol. 86, no. 207, dated October 29, 2021 (86 FR 59876); and~~[(b)
Federal Register Vol. 84, no. 238, dated December 11, 2020 (85 FR 79880); and]~~

(c) Federal Register Vol. 86 no. 235, dated December 10, 2021 (86 FR 70413)~~[(c) Federal
Register Vol. 85, no. 239, dated December 11, 2020 (85 FR 79880);].~~

Updates to page 5; Line 132

“(e) Greenling, **34.4**~~[35.8]~~ metric tons.”



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DIVISION 004

Commercial Fisheries Other Than Salmon or Shellfish

635-004-0275

Scope, Inclusion, and Modification of Rules – Permanent Rule

(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, 2021~~[0]~~) ed.) as amended; ~~[and]~~

(b) Federal Register Vol. 86, no. 207, dated October 29, 2021 (86 FR 59876); and ~~[(b) Federal Register Vol. 84, no. 238, dated December 11, 2020 (85 FR 79880); and]~~

(c) Federal Register Vol. 86 no. 235, dated December 10, 2021 (86 FR 70413) ~~[(c) Federal Register Vol. 85, no. 239, dated December 11, 2020 (85 FR 79880);].~~

(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, 496.162, 506.036, 506.109, 506.119, & 506.129

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

635-004-0350

Harvest Guidelines and Landing Caps

(1) Upon attainment of a harvest guideline in the Black Rockfish / Blue Rockfish / Nearshore Fishery, the

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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: 122.9 metric tons;
- 37 (b) Blue rockfish and deacon rockfish combined: **16.3**[16.8] metric tons;
- 38 (c) Other Nearshore Rockfish combined: **11.1**[11.3] metric tons;
- 39 (d) Cabezon: **33.5**[35.0] metric tons; and
- 40 (e) Greenling: **103.8**[108.1] metric tons.

41 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

42 **Statutes/Other Implemented:** ORS 506.109 & 506.129

43

44 **635-004-0355**

45 **Trip Limits**

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

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

- 53 (a) Black rockfish:
 - 54 (A) **1800**[1500] pounds in period 1;
 - 55 (B) 1800 pounds in period 2;
 - 56 (C) **2400**[2100] pounds in period 3;
 - 57 (D) **2400**[2100] pounds in period 4;
 - 58 (E) 1800 pounds in period 5;
 - 59 (F) **1800**[1500] pounds in period 6; and

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

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

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63 limits:

64 (a) 350 pounds of other nearshore rockfish combined in each period;

65 (b) 1500 pounds of cabezon in each period; and

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

67 **(4) It is unlawful to retain or land quillback rockfish for commercial purposes, except by vessels**
 68 **participating in the federal Pacific coast groundfish limited entry trawl fishery.**

69 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119, & 506.129

70 **Statutes/Other Implemented:** ORS 506.109, & 506.12

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72 **635-004-0365**

73 **Black Rockfish Management Areas**

74 In addition to catch restrictions set forth in the **Code of Federal Regulations, Title 50 Part 660**, OAR
 75 635-004-0355 and OAR 635-004-0360, the following trip limit applies to black rockfish taken with all
 76 commercial gears except trawl:

77 (1) It is *unlawful* to take, retain, possess, or land more than the following trip limit of black rockfish per
 78 vessel from a single fishing trip when fishing occurs for any species of fish within one of the Black
 79 Rockfish Management Areas defined in section (2) of this rule:

80 (a) 500 pounds from November 1 of any year through February 28 of the following year; and

81 (b) 300 pounds from March 1 through October 31.

82 (2) Black Rockfish Management Areas are defined as:

83 (a) Tillamook Head (45°56'45" N latitude) to Cape Lookout (45°20'15" N latitude);

84 (b) Cascade Head (45°03'50" N latitude) to Cape Perpetua (44°18' N latitude);

85 (c) From a point (43°30' N latitude), approximately 8 1/2 nautical miles north of the Coos Bay
 86 north jetty, to a point (43°03' N latitude) adjacent to the mouth of Four-mile Creek;

87 (d) Mack Arch (42°13'40" N latitude) to the Oregon-California border (42°00' N latitude).

88 **(3) Notwithstanding any other part of this rule, trip limits described in section (1) of this rule are**
 89 **suspended from January 1 through December 31, 2022. Therefore, vessels may land up to the**
 90 **period trip limit for black rockfish described in OAR 635-004-0355(2)(a) from a single fishing trip**
 91 **during that time.**

92 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

93 **Statutes/Other 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 **2022 Oregon Sport Fishing Regulations**;

(b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, 2021[2019] ed.), as amended; and

(c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, 2021[2019] ed.), as amended.

(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, 496.146, & 506.119

Statutes/Other Implemented : ORS 496.162, & 506.129

635-039-0090

Inclusions and Modifications

(1) The **2022 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 **2022 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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125 additional regulatory actions are necessary to achieve management objectives. The following sport
126 harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport
127 fishery in a single calendar year:

128 (a) Black rockfish, 389.1 metric tons;

129 (b) Blue rockfish and deacon rockfish combined: **71.2**^[73.7] metric tons;

130 (c) Other Nearshore Rockfish combined: **10.5**^[10.8] metric tons;

131 (d) Cabezon, **18.6**^[19.4] metric tons; and

132 (e) Greenling, **34.4**^[35.8] metric tons.

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

137 (4) In addition to the regulations for Marine Fish in the **2022 Oregon Sport Fishing Regulations**, the
138 following apply for the sport fishery in the Marine Zone:

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

140 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
141 species not listed in the **2022 Oregon Sport Fishing Regulations** in the Marine Zone, located under
142 the category of Finfish Species, General Marine Species: **5**^[6] fish daily bag limit in aggregate (total
143 sum or number), of which no more than one may be a China rockfish **or copper**^{[, copper rockfish or}
144 ^{quillback]} rockfish in aggregate, and no more than one may be a cabezon, when retention of cabezon
145 is allowed. Retention of the following species is prohibited:

146 (A) Yelloweye rockfish; ~~and~~

147 (B) Cabezon from January 1 through June 30; **and**

148 **(C) Quillback rockfish.**

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

151 (d) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the category
152 of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy,
153 smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and
154 soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the
155 all-depth sport fishery for Pacific halibut when the sport fishery for general marine species (other



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- 156 than flatfish species) is closed outside of the 40 fathom curve as specified in subsection (4)(f).
- 157 (A) Persons must also consult all publications referenced in OAR 635-039-0080 to determine all
158 rules applicable to the taking of Pacific halibut.
- 159 (B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for general
160 marine species (other than flatfish species) is closed outside of the 40-fathom curve as specified
161 in subsection (4)(f), fishing with long-leader gear is allowed on the same trip as all-depth halibut
162 fishing as follows:
- 163 (i) When rockfish are onboard the vessel, anglers are only allowed to retain the species
164 listed under subsection (4)(h)(A) and must use longleader gear as defined in subsection
165 (4)(e)(F);
- 166 (ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid
167 bass, and offshore pelagic species (excluding leopard shark and soupfin shark) may be
168 retained while all-depth halibut fishing, prior to retaining any rockfish species;
- 169 (iii) It is not required to separate all-depth halibut fishing from long-leader fishing by
170 returning to the dock and offloading fish. A long-leader fishing trip must be separated
171 from any other fishing trip where groundfish are retained by returning to the dock and
172 offloading fish; and
- 173 (iv) All other requirements and prohibitions contained within subsection (4)(h) apply.
- 174 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c)
175 including the following:
- 176 (A) Minimum length for lingcod, 22 inches.
- 177 (B) Minimum length for cabezon, 16 inches.
- 178 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring
179 jigs.
- 180 (D) Mutilating the fish so the size or species cannot be determined prior to landing or
181 transporting mutilated fish across state waters is prohibited.
- 182 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession
183 of groundfish or Pacific halibut, all watercraft shall have a functional descending device on
184 board and shall use a descending device when releasing any rockfish outside of the 30-fathom
185 curve (defined by latitude and longitude) as shown in **Title 50 Code of Federal Regulations**
186 **Part 660 Section 71**. Upon request, a descending device shall be presented for inspection by



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187 any person authorized to enforce the wildlife laws or a representative of the Department. In
188 this subsection, “descending device” means a device capable of returning a rockfish back to a
189 depth of at least 100 feet to assist the fish in recompression and to improve the fish’s chance
190 of survival.

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

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

207 (A) Cape Lookout (45°20’30” N latitude); and

208 (B) Cape Blanco (42°50’20” N latitude).

209 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
210 specified in **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, 2018 ed.).

211 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b)
212 and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing
213 gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any
214 species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and
215 Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a),
216 (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the
217 YRCA without fishing gear in the water.



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218 (h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs
219 seaward of the 40-fathom curve (defined by latitude and longitude) as shown in **Title 50 Code of**
220 **Federal Regulations Part 660 Section 71**, the following apply:

221 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish
222 (Sebastes flavidus), widow rockfish (S. entomelas), canary rockfish (S. pinniger), deacon
223 rockfish (S. diaconus), blue rockfish (S. mystinus), redstripe rockfish (S. proriger),
224 greenstriped rockfish (S. elongatus), chilipepper rockfish (S. goodei), bocaccio rockfish (S.
225 paucispinis), or silvergray rockfish (S. brevispinis);

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

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

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

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

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

237 (5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2024.

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

239 **Statutory/Other Authority:** ORS 496.138, 496.146, 497.121, & 506.119

240 **Statutes/Other Implemented:** ORS 496.004, 496.009, 496.162, & 506.129