



**Oregon Administrative Rules
Oregon Department of Fish and Wildlife**

- 1 NOTE: This is the format for Oregon Administrative Rules (OARs).
 2 When adding text (**Bold and Underline**)
 3 When deleting text [~~bracket and strikethrough~~]
 4 No extra lines or page breaks between rules or sections.

Division 4

COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

635-004-0220

Closed Season and Areas

- 11 (1) It is unlawful to take for commercial purposes, the following from [~~Special Regulation Marine Areas~~]
 12 **Marine Management Areas** described in the "Oregon Sport Fishing Regulations:"
- 13 (a) Shellfish and invertebrates in designated Marine Gardens [~~areas~~].
- 14 (b) Shellfish and invertebrates in designated [~~Intertidal and Subtidal Research Reserves~~] **Marine**
 15 **Research Areas**.
- 16 (c) Fish, shellfish and invertebrates in designated [~~Habitat Refuges~~] **Marine Conservation Areas,**
 17 **except:**
- 18 **(A) In the Ecola Point Marine Conservation Area, fish may be taken.**
- 19 **(B) In the Cape Lookout Marine Conservation, fish may be taken, and shellfish or invertebrates**
 20 **may be taken from subtidal areas.**
- 21 **(C) In the Fogarty Creek Marine Conservation Area, fish may be taken from shore.**
- 22 (d) Fish, shellfish and invertebrates from 1000 feet around and including Pyramid Rock from May 1
 23 through August 31.
- 24 (2) [~~It is unlawful to move any vessel within 500 feet of the main rocks in Three Arch Rocks National~~
 25 ~~Wildlife Refuge from May 1 through September 15.~~
- 26 (3) It is unlawful to take ocean food fish for commercial purposes during the following seasons and
 27 areas:
- 28 (a) As provided in these rules or in the Code of Federal Regulations, Title 50 Part 660; and
- 29 (b) From Oregon coastal bays, the Oregon estuary waters of the Columbia River, or from or within [~~200-~~
 30 ~~yards~~] **600 feet** of any man-made structures. This closure does not apply to:
- 31 (A) Ocean food fish taken in specific fisheries established by rule allowing harvest in inland waters, but
 32 only during the times and areas specified in those fishery's regulations;
- 33 (B) Ocean food fish taken to be sold or used for scientific or educational purposes, or for live public
 34 display;
- 35 (C) Pacific herring, Pacific sardine (pilchard), anchovies, and shad that are taken by hook-and-line and
 36 sold as bait; or to
- 37 (D) Pacific herring, Pacific sardine (pilchard), anchovies, and shad that are taken by beach seine in the
 38 Umpqua estuary and sold as bait.



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39 (c) All species other than those whose harvest is authorized under these rules must be immediately
40 returned to the water unharmed.

41 ~~[(4)]~~**(3)** The following areas have additional closures and prohibitions as specified in ORS Chapter 511,
42 and fishers should consult these regulations before fishing in these areas:

- 43 (a) Coastal Streams Areas;
- 44 (b) Columbia River Area;
- 45 (c) Rogue River Area;
- 46 (d) Curry County Area;
- 47 (e) Coos, **Douglas** ~~[Douglass]~~ and Lane County Areas;
- 48 (f) Nestucca, Netarts and Tillamook Bay Areas; and
- 49 (g) Willamette River Area.

50 ~~[(5)]~~**(4)** Marine Reserves and Marine Protected Areas within Oregon's Territorial Sea have been
51 established and fishers should consult regulations in OAR Division 012 regarding fishing and transit
52 restrictions.

53 **Statutory/Other Authority:** ORS ~~[506.036, 506.109, 506.119] & 506.129]~~

54 **Statutes/Other Implemented:** ORS 506.109, 506.129, ~~506.306~~

55 **635-004-0275**

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

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

64 (a) Code of Federal Regulations, Part 660, Subparts C, D, and E (October 1, ~~[2022]~~ **2023** ed.) as
65 amended; and

66 (b) **Insert Reference When Available** ~~[Federal Register Vol. 87, no. 241, dated December 16, 2022 (87-~~
67 ~~FR 77007); and~~

68 ~~(c) Federal Register Vol. 88, no. 17, dated January 26, 2023 (88 FR 4910)].~~

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

73 (3) The Commission may adopt additional or modified regulations that are more conservative than
74 federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-
75 0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to
76 federal groundfish regulations.



77 **Statutory/Other Authority:** ORS 506.119

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

79 **635-004-0350**

80 **Harvest Guidelines and Landing Caps**

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

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

86 (a) Black rockfish: 122.9 metric tons;

87 (b) Blue rockfish and deacon rockfish combined: [~~15.7~~] **15.2** metric tons;

88 (c) Other Nearshore Rockfish combined: [~~16.6~~] **16.1** metric tons;

89 (d) Cabezon: [~~32.4~~] **31.6** metric tons; and

90 (e) Greenling: [~~400.7~~] **98.4** metric tons.

91 **Statutory/Other Authority:** ORS 506.119

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

93 **635-004-0355**

94 **Trip Limits**

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

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

102 (a) Black rockfish:

103 (A) 1800 pounds in period 1;

104 (B) [~~4800~~] **2100** pounds in period 2;

105 (C) 2400 pounds in period 3;

106 (D) 2400 pounds in period 4;

107 (E) [~~4800~~] **2100** pounds in period 5;

108 (F) [~~200~~] **1800** pounds in period 6; and

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

110 (3) [~~Effective September 1, 2011~~] For all other nearshore species with a Black Rockfish/ Blue Rockfish/
111 Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following bi-monthly
112 cumulative trip limits:



- 113 (a) ~~[350]~~**450** pounds of other nearshore rockfish combined in each period;
114 (b) ~~[2000]~~**1500** pounds of cabezon in each period; and
115 (c) 1200 pounds of greenling species in each period.
116 (4) It is unlawful to retain or land quillback rockfish for commercial purposes, except by vessels
117 participating in the federal Pacific coast groundfish limited entry trawl fishery.

118 **Statutory/Other Authority:** ORS 506.119

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

120 **Division 5**

121 **COMMERCIAL SHELLFISH AND MARINE INVERTEBRATE FISHERIES**

122 **635-005-0260**

123 **Closed Seasons and Areas**

124 (1) It is unlawful to take for commercial purposes, the following from ~~[Special Regulation Marine Areas]~~
125 **Marine Management Areas** described in the "Oregon Sport Fishing Regulations:"

126 (a) Shellfish and invertebrates in designated Marine Gardens; ~~[areas;]~~

127 (b) Shellfish and invertebrates in designated ~~[Intertidal and Subtidal Research Reserves;]~~ **Marine**
128 **Research Areas.**

129 (c) Fish, shellfish and invertebrates in designated ~~[Habitat Refuges; or]~~ **Marine Conservation Areas,**
130 **except:**

131 **(A) In the Ecola Point Marine Conservation Area, fish may be taken.**

132 **(B) In the Cape Lookout Marine Conservation, fish may be taken, and shellfish or invertebrates**
133 **may be taken from subtidal areas.**

134 **(C) In the Fogarty Creek Marine Conservation Area, fish may be taken from shore.**

135 (d) Fish, shellfish and invertebrates from 1000 feet around and including Pyramid Rock from May 1
136 through August 31.

137 (2) ~~[It is unlawful to move any vessel within 500 feet of the main rocks in Three Arch Rocks National~~
138 ~~Wildlife Refuge from May 1 through September 15.~~

139 ~~(3)~~ The following areas have additional closures and prohibitions as specified in ORS Chapter 511, and
140 fishers should consult these regulations before fishing in these areas:

141 (a) Coastal Streams Areas;

142 (b) Columbia River Area;

143 (c) Rogue River Area;

144 (d) Curry County Area;

145 (e) Coos, ~~[Douglass]~~ **Douglas** and Lane County Areas;

146 (f) Nestucca, Netarts and Tillamook Bay Areas; and

147 (g) Willamette River Area.



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148 [(4)](3) Marine Reserves and Marine Protected Areas within Oregon's Territorial Sea have been
149 established and fishers should consult regulations in OAR Division 012 regarding fishing and transit
150 restrictions.

151 **Statutory/Other Authority:** ORS [506.036, 506.109,] 506.119[& 506.429]

152 **Statutes/Other Implemented:** ORS 506.109,506.129

153 **Division 39**

154 **MARINE ZONE FISH, SHELLFISH AND MARINE INVERTEBRATES SPORT REGULATIONS**

155 **635-039-0080**

156 **Purpose and Scope**

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

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

161 (a) The sport fishing regulations of the State, included in the document entitled [2023]current annual
162 **Oregon Sport Fishing Regulations**;

163 (b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, [2022] 2023 ed.), as
164 amended; and

165 (c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, [2022] 2023 ed.), as
166 amended[; ~~and~~

167 ~~(d) Federal Register Vol. 87, no. 241, dated December 16, 2022 (87 FR 77007); and~~

168 ~~(e) Federal Register Vol. 88, no. 17, dated January 26, 2023 (88 FR 4910)].~~

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

172 **Statutory/Other Authority:** ORS 496.138 & ORS 496.146

173 **Statutes/Other Implemented:** ORS 496.162

174 **635-039-0090**

175 **Inclusions and Modifications**

176 (1) The [2023]current annual Oregon Sport Fishing Regulations provide requirements for sport
177 fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and
178 beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in
179 this rule division from time to time and to the extent of any inconsistency, they supersede the
180 [2023]current annual Oregon Sport Fishing Regulations.

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



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- 187 (a) Black rockfish, 389.1 metric tons;
- 188 (b) Blue rockfish and deacon rockfish combined: ~~[68.8]~~ **66.7** metric tons;
- 189 (c) Other Nearshore Rockfish combined: ~~[45.8]~~ **15.2** metric tons;
- 190 (d) Cabezon, ~~[48.0]~~ **17.6** metric tons; and
- 191 (e) Greenling, ~~[33.4]~~ **32.6** metric tons.
- 192 (3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black
193 and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*);
194 copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S.*
195 *serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).
- 196 (4) In addition to the regulations for Marine Fish in the **[2023]current annual Oregon Sport Fishing**
197 **Regulations**, the following apply for the sport fishery in the Marine Zone:
- 198 (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.
- 199 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
200 species not listed in the **[2023]current annual Oregon Sport Fishing Regulations** in the Marine Zone,
201 located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate
202 (total sum or number), of which no more than one may be a cabezon, when retention of cabezon is
203 allowed. Retention of the following species is prohibited:
- 204 (A) Yelloweye rockfish;
- 205 (B) Cabezon from January 1 through June 30; and
- 206 (C) Quillback rockfish.
- 207 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily
208 bag limit in aggregate (total sum or number).
- 209 (d) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the category of
210 Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt,
211 sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin
212 shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth
213 sport fishery for Pacific halibut when the sport fishery for general marine species (other than flatfish
214 species) is closed outside of the 40 fathom curve as specified in subsection (4)(f).
- 215 (A) Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules
216 applicable to the taking of Pacific halibut.
- 217 (B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for general marine
218 species (other than flatfish species) is closed outside of the 40-fathom curve as specified in subsection
219 (4)(f), fishing with long-leader gear is allowed on the same trip as all-depth halibut fishing as follows:
- 220 (i) When rockfish are onboard the vessel, anglers are only allowed to retain the species listed under
221 subsection (4)(h)(A) and must use longleader gear as defined in subsection (4)(e)(F);
- 222 (ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and
223 offshore pelagic species (excluding leopard shark and soupfin shark) may be retained while all-depth
224 halibut fishing, prior to retaining any rockfish species;



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- 225 (iii) It is not required to separate all-depth halibut fishing from long-leader fishing by returning to the dock
226 and offloading fish. A long-leader fishing trip must be separated from any other fishing trip where
227 groundfish are retained by returning to the dock and offloading fish; and
- 228 (iv) All other requirements and prohibitions contained within subsection (4)(h) apply.
- 229 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c)
230 including the following:
- 231 (A) Minimum length for lingcod, 22 inches.
- 232 (B) Minimum length for cabezon, 16 inches.
- 233 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.
- 234 (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting
235 mutilated fish across state waters is prohibited.
- 236 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of
237 groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall
238 use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude
239 and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a
240 descending device shall be presented for inspection by any person authorized to enforce the wildlife laws
241 or a representative of the Department. In this subsection, "descending device" means a device capable
242 of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to
243 improve the fish's chance of survival.
- 244 (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and
245 no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest
246 hook, and a non-compressible float attached to the line above the hooks. The hooks can only be
247 equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish,
248 crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.
- 249 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and
250 soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided
251 in subsections 4(b) and (4)(d). A 20-fathom, 25-fathom, 30-fathom, or 40-fathom curve, as shown in Title
252 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line for
253 depth-based inseason modifications as necessary. In addition, the following management lines may be
254 used to set area-specific regulations for inseason action only:
- 255 (A) Cape Lookout (45°20'30" N latitude); and
- 256 (B) Cape Blanco (42°50'20" N latitude).
- 257 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
258 specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2018 ed.). Within the
259 YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this
260 rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged
261 in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections
262 (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing
263 vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard
264 shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.



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- 265 (h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs
266 seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal
267 Regulations Part 660 Section 71, the following apply:
- 268 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes*
269 *flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S. diaconus*), blue
270 rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper
271 rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*);
- 272 (B) The daily bag limit is [~~10~~] **12** fish in aggregate for the species listed in section (4)(h)(A);
- 273 (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained
274 by returning to the dock and offloading fish, except as specified in subsection (4)(d)(B)(iii);
- 275 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in
276 aggregate of the species listed in subsection (4)(b) in the same day;
- 277 (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in subsection
278 (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in subsection
279 (4)(e)(F); and
- 280 (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any
281 inconsistency, including the definition of long-leader gear.
- 282 (5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2024.
- 283 **Statutory/Other Authority:** ORS 496.138 & ORS 496.146
284 **Statutes/Other Implemented:** ORS 496.162