



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.

5

6 **635-039-0090**

7 **Inclusions and Modifications**

8 (1) The ~~[2023]~~**current annual Oregon Sport Fishing Regulations** provide requirements for sport
9 fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and
10 beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in
11 this rule division from time to time and to the extent of any inconsistency, they supersede the
12 ~~[2023]~~**current annual Oregon Sport Fishing Regulations**.

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

19 (a) Black rockfish, 389.1 metric tons;

20 (b) Blue rockfish and deacon rockfish combined: 68.8 metric tons;

21 (c) Other Nearshore Rockfish combined: 15.8 metric tons;

22 (d) Cabezon, 18.0 metric tons; and

23 (e) Greenling, 33.4 metric tons.

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

28 (4) In addition to the regulations for Marine Fish in the 2023 Oregon Sport Fishing Regulations, the
29 following apply for the sport fishery in the Marine Zone:

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

31 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
32 species not listed in the ~~[2023]~~**current annual Oregon Sport Fishing Regulations** in the Marine Zone,
33 located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate
34 (total sum or number), of which no more than one may be a cabezon, when retention of cabezon is
35 allowed. Retention of the following species is prohibited:

36 (A) Yelloweye rockfish;

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

38 (C) Quillback rockfish.



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- 39 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily
40 bag limit in aggregate (total sum or number).
- 41 (d) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the category of
42 Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt,
43 sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin
44 shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth
45 sport fishery for Pacific halibut when the sport fishery for general marine species (other than flatfish
46 species) is closed outside of the 40 fathom curve as specified in subsection (4)(f).
- 47 (A) Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules
48 applicable to the taking of Pacific halibut.
- 49 (B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for general marine
50 species (other than flatfish species) is closed outside of the 40-fathom curve as specified in subsection
51 (4)(f), fishing with long-leader gear is allowed on the same trip as all-depth halibut fishing as follows:
- 52 (i) When rockfish are onboard the vessel, anglers are only allowed to retain the species listed under
53 subsection (4)(h)(A) and must use longleader gear as defined in subsection (4)(e)(F);
- 54 (ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and
55 offshore pelagic species (excluding leopard shark and soupfin shark) may be retained while all-depth
56 halibut fishing, prior to retaining any rockfish species;
- 57 (iii) It is not required to separate all-depth halibut fishing from long-leader fishing by returning to the dock
58 and offloading fish. A long-leader fishing trip must be separated from any other fishing trip where
59 groundfish are retained by returning to the dock and offloading fish; and
- 60 (iv) All other requirements and prohibitions contained within subsection (4)(h) apply.
- 61 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c)
62 including the following:
- 63 (A) Minimum length for lingcod, 22 inches.
- 64 (B) Minimum length for cabezon, 16 inches.
- 65 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.
- 66 (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting
67 mutilated fish across state waters is prohibited.
- 68 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of
69 groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall
70 use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude
71 and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a
72 descending device shall be presented for inspection by any person authorized to enforce the wildlife laws
73 or a representative of the Department. In this subsection, "descending device" means a device capable
74 of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to
75 improve the fish's chance of survival.
- 76 (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and
77 no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest
78 hook, and a non-compressible float attached to the line above the hooks. The hooks can only be



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- 79 equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish,
80 crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.
- 81 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and
82 soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided
83 in subsections 4(b) and (4)(d). A 20-fathom, 25-fathom, 30-fathom, or 40-fathom curve, as shown in Title
84 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line for
85 depth-based inseason modifications as necessary. In addition, the following management lines may be
86 used to set area-specific regulations for inseason action only:
- 87 (A) Cape Lookout (45°20'30" N latitude); and
88 (B) Cape Blanco (42°50'20" N latitude).
- 89 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
90 specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2018 ed.). Within the
91 YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this
92 rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged
93 in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections
94 (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing
95 vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard
96 shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.
- 97 (h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs
98 seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal
99 Regulations Part 660 Section 71, the following apply:
- 100 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes*
101 *flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S. diaconus*), blue
102 rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper
103 rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*);
- 104 (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);
- 105 (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained
106 by returning to the dock and offloading fish, except as specified in subsection (4)(d)(B)(iii);
- 107 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in
108 aggregate of the species listed in subsection (4)(b) in the same day;
- 109 (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in subsection
110 (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in subsection
111 (4)(e)(F); and
- 112 (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any
113 inconsistency, including the definition of long-leader gear.
- 114 ~~[(5)](i) Take of abalone is prohibited[, twenty-four hours per day, in all Oregon waters until March 17,~~
115 ~~2024].~~
- 116 **Statutory/Other Authority:** ORS 496.138 & ORS 496.146
117 **Statutes/Other Implemented:** ORS 496.162