

## **Exhibit B**

# **Amendment to Rules for 2017 Sport and Commercial Pacific Halibut Fishery Regulations**

### **Proposed OAR's**

#### **Revision:**

**Page 1 lines 23-24, (OAR 635-004-0585) section (1)(c) removed  
[INSERT CITATION WHEN AVAILABLE] and added  
Federal Register Vol. 82, No. 75, dated April 20, 2017**

**Page 2 lines 52-53, (OAR 635-039-0085) section (1)(c) removed  
[INSERT CITATION WHEN AVAILABLE] and added  
Federal Register Vol. 82, No. 75, dated April 20, 2017**



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COMMERCIAL FISHERIES  
DIVISION 004  
COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

**635-004-0580**

**Fishery Defined**

"Halibut Fishery" means the commercial fishery for Pacific halibut (*Hippoglossus stenolepis*) in the Pacific Ocean.

Stat. Auth.: ORs 506.036, 506.109, 506.119 & 506.129

Stats. Implemented: ORS 506.109 & 506.129

Hist.: DFW 75-2012, f. 6-28-12, cert. ef. 7-1-12

**635-004-0585**

**Scope, Inclusion, and Modification of Pacific Halibut Rules**

(1) The commercial Pacific halibut fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon, the federal government, and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking Pacific halibut. However, additional federal 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, Subpart E**, (October 1, 201[5]6 ed.);

(b) [~~Federal Register Vol. 81, No. 51, dated March 16, 2016 (81 FR 140000)~~] **Federal Register Vol. 82, No. 43, dated March 7, 2017 (82 FR 12730)**; and

(c) [~~Federal Register Vol. 81, No. 63, dated April 1, 2016 (81 FR 18789)~~] **Federal Register Vol. 82, No. 75, dated April 20, 2017**.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable Pacific halibut fishing requirements. The area that federal regulations apply to is hereby extended to the area 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.

(4) It is unlawful to take Pacific halibut for commercial purposes except as set by federal regulations and the IPHC and in accordance with a valid permit issued by the IPHC.

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

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

Stats. Implemented: ORS 469.162, 506.109, 506.129, 508.306

DIVISION 039  
MARINE FISH, SHELLFISH AND  
MARINE INVERTEBRATES

**635-039-0085**

**Halibut Seasons**

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 039 incorporates into Oregon Administrative Rules, by



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48 reference:

49 (a) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, 201[5]6 ed.), as amended;

50 (b) [~~Federal Register Vol. 81, No. 54, dated March 16, 2016 (81 FR 140000)] Federal Register Vol. 82, No.  
51 43, dated March 7, 2017 (82 FR 12730); and~~

52 (c) [~~Federal Register Vol. 81, No. 63, dated April 1, 2016 (81 FR 18789)] Federal Register Vol. 82, No. 75,  
53 dated April 20, 2017.~~

54 (2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to  
55 determine applicable halibut fishing seasons.

56 [Publications: Publications referenced are available from the agency.]  
57

58 Stat. Auth.: ORS 496.138, 496.162, 506.036, 506.109, 506.119 & 506.129  
59 Stats. Implemented: ORS 496.162 & 506.129  
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63 **635-039-0090**

64 **Inclusions and Modifications**

65 (1) The **2017 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish, shellfish,  
66 and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine  
67 Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of  
68 any inconsistency, they supersede the **2017 Oregon Sport Fishing Regulations**.

69 (2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective  
70 that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a  
71 sport harvest guideline, the Department shall initiate consultation to determine if additional regulatory actions are  
72 necessary to achieve management objectives.

73 The following sport harvest guidelines include the combined landings and other fishery related mortality by the  
74 Oregon sport fishery in a single calendar year:

- 75 (a) Black rockfish, 400.1 metric tons.
- 76 (b) Cabezon, 16.8 metric tons.
- 77 (c) Blue rockfish, deacon rockfish, and other nearshore rockfish combined, 33.1 metric tons.
- 78 (d) Greenling, 56.3 metric tons.

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

83 (4) In addition to the regulations for Marine Fish in the **2017 Oregon Sport Fishing Regulations**, the following  
84 apply for the sport fishery in the Marine Zone:

- 85 (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.
- 86 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species  
87 not listed in the **2017 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of  
88 Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of which no more than six



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89 may be black rockfish, no more than four may be blue rockfish, deacon rockfish, China rockfish, copper rockfish, or  
90 quillback rockfish in aggregate, and no more than one may be a cabezon. Retention of the following species is  
91 prohibited:

92 (A) Yelloweye rockfish; and

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

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

96 (d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod,  
97 sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species  
98 (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open  
99 days for the all-depth sport fishery for Pacific halibut. Persons must also consult all publications referenced in OAR  
100 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.

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

103 (A) Minimum length for lingcod, 22 inches.

104 (B) Minimum length for cabezon, 16 inches.

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

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

108 (E) **When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of**  
109 **groundfish or Pacific halibut, all** ~~[All]~~ vessels ~~[engaged in sport fishing activities]~~ shall have a functional  
110 descending device on board ~~[when fishing for groundfish in the Pacific Ocean or when in possession of groundfish-~~  
111 ~~A-]~~ **and shall use a** descending device ~~[shall be used]~~ when releasing any rockfish outside of the 30-fathom curve  
112 (defined by latitude and longitude) as shown in **Title 50 Code of Federal Regulations Part 660 Section 71**. Upon  
113 request, a descending device shall be presented for inspection by any person authorized to enforce the ~~[recreational~~  
114 ~~fishing]~~ **wildlife** laws ~~[of Oregon]~~ or a representative of the Department. In this subsection, "descending device"  
115 means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression  
116 and to improve the fish's chance of survival.

117 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin  
118 shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections 4(b)  
119 and (4)(d). Ocean waters are closed for these species during April 1 through September 30, outside of the 30-  
120 fathom curve (defined by latitude and longitude) as shown in **Title 50 Code of Federal Regulations Part 660**  
121 **Section 71**, except as provided in subsection 4(d). A 20-fathom, 25-fathom, or 30-fathom curve, as shown on **Title**  
122 **50 Code of Federal Regulations Part 660 Section 71** may be implemented as the management line as in-season  
123 modifications necessitate. In addition, the following management lines may be used to set area specific regulations  
124 for inseason action only:

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

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



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127 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in  
128 **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, 2015 ed.). Within the YRCA, it is unlawful  
129 to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin  
130 shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA  
131 is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark,  
132 soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a),  
133 (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing  
134 gear in the water.

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136 [Table 1, as referenced, is available from the Department]  
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138 Stat. Auth.: ORS 496.138, 496.146, 497.121, 506.119  
139 Stats. Implemented: ORS 496.004, 496.009, 496.162, 506.129  
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