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TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

DFW 37-2026

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED: 05/11/2026 12:42 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Federal Actions Implemented for Commercial Groundfish Fisheries

EFFECTIVE DATE: 05/11/2026 THROUGH 11/06/2026

AGENCY APPROVED DATE: 05/11/2026

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Filed By:

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Rules Coordinator

NEED FOR THE RULE(S):

This rule is needed to conform with in-season actions previously adopted by the federal government for 2026 Pacific Coast Limited Entry Fixed Gear and Open Access commercial groundfish fisheries.

JUSTIFICATION OF TEMPORARY FILING:

There is not adequate time to go through normal rulemaking proceedings to modify these rules in a timely manner as the National Marine Fisheries Service has already published in-season adjustments to Pacific Coast commercial groundfish management measures.

Failure to adopt these rules could cause serious prejudice to the public interest in that inconsistency between state and federal regulations would exist that could result in enforcement issues and confusion within the commercial fishing industry.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Federal Register Vol. 91, No. 84 dated, May 1, 2026 (91 FR 23374)

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Linda Spansel at 503-947-6233 or linda.d.spansel@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

AMEND: 635-004-0275

RULE SUMMARY: This amended rule adopts in-season changes previously adopted by the federal government for 2026 Pacific Coast Limited Entry Fixed Gear and Open Access commercial groundfish fisheries, including, but not limited to, catch limit increases for canary rockfish.

CHANGES TO RULE:

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 publication ~~is~~ are incorporated into Oregon Administrative Rule by reference: ¶
(a) Code of Federal Regulations, Part 660, Subparts C, D, and E (October 1, 2025 ed.) as amended; and ¶
(b) Federal Register Vol. 91, No. 84, dated May 1, 2026 (91 FR 23374). ¶

(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.

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.109, ORS 506.129