



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

**COMMERCIAL FISHERIES
DIVISION 004
COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH**

Halibut Fishery

635-004-0005

Scope of Rules

The Pacific halibut commercial fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 004 incorporates into Oregon Administrative Rules, by reference, **Pacific Halibut Fishery Regulations of the IPHC**, and to the extent they are consistent with **Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996), Latest Vol. and No. when available** as amended by Federal Regulations. Therefore, persons must consult the Federal Regulations in addition to Division 004 to determine all rules applicable to halibut fishing requirements. It is *unlawful* to take 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 agency.]

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

635-004-0009

Halibut Seasons

Latest Vol. and No. when available.

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

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

Stats. Implemented: ORS 496.162 and 506.129

635-004-0018

Scope of Rules

Division 004 incorporates into Oregon Administrative Rules, by reference, the groundfish specifications and management measures for **2009** [2008, included in the *Biennial Specifications and Management Measures, Final Rule*, published in the Federal Register in December 2006, and in addition] to the extent they are consistent with [these rules,] **Code of Federal Regulations, Title 50 Part 660, Subpart G (61FR34572, July 2, 1996), Vol. 74, No. 43, dated March 6, 2009** as amended **by Federal Regulations**. [to incorporate the standards in the *Biennial Specifications and Management Measures, Final Rule*.] Therefore, persons must consult the Federal Regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where 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. A copy of the **Federal Regulations** may be obtained by contacting the National Oceanic and Atmospheric Administration's National Marine Fisheries Service at www.nwr.noaa.gov or 7600 Sand Point Way NE, Seattle, WA 98115-0070.

Stat. Auth.: ORS 496.138 and 506.119

Stats. Implemented: ORS 496.162 and 506.129

635-004-0019

Inclusions and Modifications

(1) OAR Chapter 635, Division 004, modifies or is in addition to provisions contained in **Code of Federal Regulations, Title 50, Part 660, Subpart G, West Coast Groundfish Fisheries**.

(2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart G**, provides requirements for commercial groundfish fishing in the Pacific Ocean off the Oregon coast. However, additional regulations may be



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promulgated subsequently, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations.

(3) Notwithstanding the regulations as defined in OAR 635-004-0018, the National Oceanic and Atmospheric Administration (NOAA), by means of Federal Register/Vol. 74, No. 43/Friday, March 6, 2009, announced inseason management measures effective March 1, 2009, including, but not limited to, changes to cumulative trip limits and RCA boundaries.

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

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109 and 506.129

635-004-0033

Groundfish Restrictions

(1) The season for most species of ocean food fish is open year-round, until catch quotas are met (where applicable). Regulations for the following species or species groups of ocean food fish change throughout the season and the Oregon Administrative Rules and federal regulations should be consulted before fishing:

- (a) Minor Shelf Rockfish
- (b) Minor Slope Rockfish
- (c) Black and Yellow Rockfish
- (d) Brown Rockfish
- (e) Calico Rockfish
- (f) China Rockfish
- (g) Copper Rockfish
- (h) Gopher Rockfish
- (i) Grass Rockfish
- (j) Kelp Rockfish
- (k) Olive Rockfish

(l) Quillback Rockfish

- (m)**~~(l)~~ Treefish
- (n)**~~(m)~~ Black Rockfish
- (o)**~~(n)~~ Blue Rockfish
- (p)**~~(o)~~ Cabezon
- (q)**~~(p)~~ Canary Rockfish
- (r)**~~(q)~~ Greenling
- (s)**~~(r)~~ Tiger Rockfish
- (t)**~~(s)~~ Vermilion Rockfish
- (u)**~~(t)~~ Widow Rockfish
- (v)**~~(u)~~ Yelloweye Rockfish
- (w)**~~(v)~~ Yellowtail Rockfish
- (x)**~~(w)~~ Darkblotched Rockfish
- (y)**~~(x)~~ Pacific Ocean Perch
- (z)**~~(y)~~ Longspine Thornyhead
- (aa)**~~(z)~~ Shortspine Thornyhead
- (bb)**~~(aa)~~ Arrowtooth Flounder
- (cc)**~~(bb)~~ Dover Sole
- (dd)**~~(cc)~~ Petrale Sole
- (ee)**~~(dd)~~ Rex Sole
- (ff)**~~(ee)~~ Other Flatfish
- (gg)**~~(ff)~~ Lingcod
- (hh)**~~(gg)~~ Sablefish
- (ii)**~~(hh)~~ Pacific Whiting

(2) For the purpose of this rule, "Other nearshore rockfish" means: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).



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(3) For the purpose of this rule a "commercial harvest cap" is defined as the total fishery-related mortality for a given species, or species group, that may occur in a single calendar year in Oregon commercial fisheries. For 2009[2008], the commercial harvest cap for black rockfish is 139.2[100.6] metric tons.

(4) For the purpose of this rule a "commercial landing cap" is defined as the total landed catch of a given species, or species group, that may be taken in a single calendar year in Oregon commercial fisheries. For 2009[2008], the commercial landing caps are:

(a) Black rockfish, 137.9 metric tons.

(b)[(a)] Black rockfish and blue rockfish combined of 141.9[104.6] metric tons.

(c)[(b)] Other nearshore rockfish, 14.3[12.0] metric tons.

(d)[(c)] Cabezon, 31.3 metric tons.

(e)[(d)] Greenling, 23.4 metric tons.

(5) For the purpose of this rule, the periods to which cumulative trip limits apply are: January through February (period 1); March through April (period 2); May through June (period 3); July through August (period 4); September through October (period 5); and November through December (period 6).

(6) For black and blue rockfish combined, no vessel may land more than:

(a) 800 pounds in period 1;

(b) 1000 pounds in period 2;

(c) 1600 pounds in each of periods 3[;] and 4[;];[~~and 5; and~~]

(d) 1200 pounds in period 5; and

(e) 1000[800] pounds in period 6.

(7) In each period, no vessel may land more than:

(a) 700 pounds of other nearshore rockfish, combined;

(b) 2,500 pounds of cabezon; or

(c) 450 pounds of greenling species in period 1.

(d) 250 pounds of greenling [species] in each of periods 2, 3, 4, 5, and 6.

Stat. Auth.: ORS 506.109 and 506.119

Stats. Implemented: ORS 506.129

Sturgeon Fishery

635-004-0090

Size Limit

(1) Except as provided in OAR 635-007-0700 through 635-007-0720 it is *unlawful* to:

(a) Take from the waters of this state or to land sturgeon for commercial purposes less than 43[48] inches or more than 54[60] inches in **fork** length;

(b) Remove the head or tail of any sturgeon taken from the waters of this state or landed for commercial purposes prior to being received at the premises of a wholesale fish dealer or canner;

(c) To possess, sell, or transport any whole sturgeon under four feet in length taken for commercial purposes in the waters of this state or the Pacific Ocean. Proof of possession, sale, or transportation of any dressed sturgeon under 28 inches in length exclusive of head and tail shall in itself create a permissible inference that the dressed sturgeon was under 43[48] inches in **fork** length at the time it was taken.

(2) Any person fishing with commercial fishing gear in the waters of this state who, on lifting, drawing, taking up or removing any such gear finds sturgeon entangled or caught therein which are not within the legal length limits set forth in section (1)(a) of this rule or during a season not open for sturgeon, shall immediately, with care and the least possible injury to the fish, disentangle, release and transfer the fish to the water without violence.

Stat. Auth.: ORS 506.109 and ORS 506.119

Stats. Implemented: ORS 506.129



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DIVISION 039

MARINE FISH, SHELLFISH AND
MARINE INVERTEBRATES

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, by reference:

(a) The sport fishing regulations of the State, included in the document entitled **2009 Oregon Sport Fishing Regulations**. Therefore, persons must consult the **2009 Oregon Sport Fishing Regulations** in addition to Division 011 and Division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.

(b) The Pacific Council Decisions or News documents dated June and November 2008[2006] (copy available from agency); and to the extent consistent with that document, **Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) as amended by Federal Regulations Latest Vol. and No. when available, and Title 50 of the Code of Federal Regulations, Part 660 Vol. 74, No. 43, dated March 6, 2009 [Vol. 71, No. 489, dated December 29, 2006]**; to determine regulations applicable to this fishery.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 496.162 and 506.129

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 reference, modifications or additions to provisions determined by the IPHC and to the extent they are consistent with **Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996) Latest Vol. and No. when available [Volume 73, Number 46, dated March 7, 2008]** and as amended by Federal Regulations.

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

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

Stats. Implemented: ORS 496.162 and 506.129

635-039-0090

Inclusions and Modifications

(1) The **2009 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 **2009 Oregon Sport Fishing Regulations**.

(2) For the purposes of this rule, a "harvest target" is defined as the Oregon share of the regional recreational harvest guideline for yelloweye rockfish and canary rockfish that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

(a) The regional recreational harvest guidelines for these species in 2009 are specified in the Pacific Council Decisions or News documents dated June and November, 2008.

(b) Harvest targets for yelloweye rockfish and canary rockfish effective at the start of the Oregon sport fishery in 2009 are:

(A) yelloweye rockfish, 2.5[3-3] metric tons.

(B) canary rockfish, 16.0[6-6] metric tons.

(c) Harvest targets for yelloweye rockfish and canary rockfish may be revised inseason following consultation with Washington Department of Fish and Wildlife provided that:



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- (A) regional recreational harvest guidelines for these species are not projected to be exceeded as a result of any inseason revisions to a harvest target or targets; and
- (B) inseason revisions to the harvest target or targets benefit the Oregon sport fishery.
- (3) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.
- (a) For 2009, the sport harvest cap for black rockfish is **440.8**[348] metric tons.
- (4) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).
- (5) For the purposes of this rule a "sport landing cap" is defined as the total landings for a given species, or species group, that may be taken in a single calendar year by the ocean boat fishery. For 2009 the sport landing caps are:
- (a) Black rockfish and blue rockfish combined, **481.8**[369] metric tons.
- (b) Other nearshore rockfish, **13.6**[44-3] metric tons.
- (c) Cabezon, 15.8 metric tons.
- (d) Greenling, 5.2 metric tons.
- (6) In addition to the regulations for Marine Fish in the **2009 Oregon Sport Fishing Regulations**, the following apply for the sport fishery in the Marine Zone in 2009:
- (a) Lingcod (including green colored lingcod): 2 fish daily bag limit.
- (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the **2009 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of Species Name, Marine Fish: **7**[6] fish daily bag limit in aggregate (total sum or number). Retention of yelloweye rockfish and canary rockfish is prohibited.
- (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species *except* Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).
- (d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except **Pacific cod**, sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut north of Humbug Mountain. [~~North of Cape Falcon, retention of Pacific cod also is allowed when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut.~~] Persons must also consult the Pacific Council Decisions; Title 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996); and the annual Pacific Halibut Fishery Regulations as amended by Federal Regulations to determine all rules applicable to the taking of Pacific halibut.
- (e) Harvest methods and other specifications for marine fish in subsections (6)(a), (6)(b) and (6)(c) including the following:
- (A) Minimum length for lingcod, 22 inches.
- (B) Minimum length for cabezon, 16 inches.
- (C) Minimum length for greenling, 10 inches.
- (D) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.
- (E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.
- (f) Sport fisheries for species in subsections (6)(a), (6)(b) and (6)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed for these species during April 1 through September 30, outside of the 40-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated September 29, 2006. A 20-fathom, 25-fathom, or 30-fathom curve, as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006 may be implemented as the management line as in-season modifications necessitate. [~~Ocean waters are closed for species in subsections (6)(a) and (6)(b) during July 7 through December 31, outside of the 20-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006. Ocean waters are closed for species in subsection (6)(c) during July 7 through December 31, outside of the 40-fathom curve (defined by latitude and longitude) as shown on Title 50 Code of Federal Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006.]~~]
- (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 390. Within the YRCA, it is *unlawful* to fish for, take, or retain species listed in subsections (6)(a), (6)(b) and (6)(c) of this rule, leopard shark, soupfin shark, and Pacific



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halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (6)(a), (6)(b) and (6)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (6)(a), (6)(b) and (6)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.

(7) Razor clams may be taken by hand, shovel, or cylindrical gun or tube. The opening of the gun/tube must be either circular or elliptical with the circular gun/tube opening having a minimum outside diameter of 4 inches and the elliptical gun/tube opening having minimum outside diameter dimensions of 4 inches long and 3 inches wide.

[Table 1, as referenced, is available from the Department]

Stat. Auth.: ORS 496.138, 496.146, 497.121 and 506.119

Stats. Implemented: ORS 496.004, 496.009, 496.162 and 506.129