

1 COMMERCIAL FISHERIES

2 DIVISION 004

3 COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

4 Halibut Fishery

5 635-004-0005

6 Scope of Rules

7 (1) The Pacific halibut commercial fishery in Oregon is regulated by the federal government and the International
 8 Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 004 incorporates into Oregon Administrative
 9 Rules, by reference: ~~the halibut management measures for 2010 included in the International Pacific Halibut
 10 Commission's News Release dated February 1, 2010, and to the extent they are consistent with Title 50 of the
 11 Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996), Vol. 75, No. 52, dated March
 12 18, 2010 as amended by Federal Regulations.~~]

13 (a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2010 ed.) as amended;14 and15 (b) Federal Register (insert citation when available).

16 (2) Therefore, persons must consult all publications referenced in this rule~~[the Federal Regulations]~~ in addition
 17 to Division 004 to determine all rules applicable to halibut fishing requirements.

18 (3) It is *unlawful* to take halibut for commercial purposes except as set by Federal Regulations and the IPHC and
 19 in accordance with a valid permit issued by the IPHC.

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

21 Stat. Auth.: ORS 506.119

22 Stats. Implemented: ORS 506.129

23
24 635-004-0009

25 Halibut Seasons

26 (1) The Pacific halibut commercial seasons in Oregon are regulated by the federal government and the
 27 International Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 004 incorporates into Oregon
 28 Administrative Rules, by reference: ~~the halibut management measures for 2010 included in the International
 29 Pacific Halibut Commission's News Release dated February 1, 2010, to the extent they are consistent with Title
 30 50 of the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996), Vol. 75, No. 52,
 31 dated March 18, 2010 as amended by Federal Regulations.~~]

32 (a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2010 ed.) as amended;

33 and

34 (b) Federal Register (insert citation when available).

35 (2) Therefore, persons must consult all publications referenced in this rule~~[the Federal Regulations]~~ in addition
36 to Division 004 rules to determine applicable halibut fishing seasons.

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

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

39 Stats. Implemented: ORS 496.162 and 506.129

41 Sardine Fishery

42 635-004-0016

43 Harvest Guideline

44 (1) The Pacific sardine commercial fishery in Oregon is managed by the federal government and the State
45 of Oregon. This rule incorporates, by reference:~~[-the sardine management measures for 2010, and in addition to~~
46 ~~the extent they are consistent with these rules, Code of Federal Regulations, Title 50 Part 660, as amended by~~
47 ~~means of Federal Register Vol. 75, No. 46 published March 10, 2010.]~~

48 (a) Code of Federal Regulations, Title 50 Part 660, Subpart I (October 1, 2010 ed.) as amended; and

49 (b) Federal Register (insert citation when available).

50 (2) Therefore, persons must consult all publications referenced in this rule~~[the Federal Regulations]~~ in addition
51 to Oregon Administrative Rules~~[this rule]~~ to determine all applicable sardine fishing requirements. Where
52 regulations refer to the fishery management area, that area is extended from shore to three nautical miles from
53 shore coterminous with the Exclusive Economic Zone.

54 (3)~~[(2)]~~ For the purposes of permit renewal in OAR 635-006-1075 the federal coastwide maximum harvest
55 guideline referenced in section (1) above is 50,526~~[72,039]~~ metric tons.

56 [Publications: Publications references are available from the agency.]

57 Stat. Auth.: ORS 506.119

58 Stats. Implemented: ORS 506.109 and ORS 506.129

60 635-004-0017

61 **Inclusions and Modifications**

62 (1) OAR Chapter 635, Division 004, modifies or is in addition to provisions contained in **Code of Federal**
63 **Regulations, Title 50, Part 660, Subpart I (October 1, 2010 ed.)**.

64 (2) The **Code of Federal Regulations (CFR), Title 50, Part 660, Subpart I (October 1, 2010 ed.)** provides
65 requirements for commercial sardine fishing in the Pacific Ocean. However, additional regulations may be
66 promulgated subsequently, and these supersede, to the extent of any inconsistency, the **Code of Federal**
67 **Regulations**.

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

69 Stat. Auth.: ORS 506.119

70 Stats. Implemented: ORS 506.109 and 506.129

71

72 **DIVISION 039**

73 **MARINE FISH, SHELLFISH AND**

74 **MARINE INVERTEBRATES**

75

76 635-039-0080

77 **Purpose and Scope**

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

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

81 (a) The sport fishing regulations of the State, included in the document entitled **2011 Oregon Sport Fishing**
82 **Regulations**; ~~Therefore, persons must consult the 2011 Oregon Sport Fishing Regulations in addition to~~
83 ~~Division 011 and Division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and~~
84 ~~marine invertebrates.~~

85 (b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2010 ed.), as
86 amended; ~~The International Pacific Halibut Commission's News Release dated February 1, 2010 and the Oregon~~
87 ~~Department of Fish and Wildlife's "Staff recommended 2010 PACIFIC HALIBUT SPORT REGULATIONS" dated~~
88 ~~February 10, 2010 (copies available from agency); and to the extent consistent with that document, Title 50 of~~
89 ~~the Code of Federal Regulations, Part 300, Subpart E (61FR35550, July 5, 1996), Vol. 75, No. 52, dated~~
90 ~~March 18, 2010 as amended by Federal Regulations, and Title 50 of the Code of Federal Regulations, Part~~

91 ~~660, Subpart G (61FR34572, July 2, 1996), Vol. 74, No. 43, dated March 6, 2009 as amended by Federal~~
92 ~~Regulations; to determine regulations applicable to this fishery.]~~

93 (c) Title 50 of the Code of Federal Regulations, Part 300, Subpart G (October 1, 2010 ed.), as amended;

94 (d) Federal Register Vol. 74 No. 43, March 6, 2009 (FR 74 9874); and

95 (e) Federal Register (insert halibut citation when available).

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

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

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

101 Stats. Implemented: ORS 496.162 and 506.129

102

103 **635-039-0085**

104 **Halibut Seasons**

105 (1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific
106 Halibut Commission (IPHC). OAR Chapter 635, Division 039 incorporates into Oregon Administrative Rules, by
107 reference: ~~[,] modifications or additions to provisions determined by the IPHC and included in] the International~~
108 ~~Pacific Halibut Commission's News Release dated February 1, 2010 and the Oregon Department of Fish and~~
109 ~~Wildlife's "Staff recommended 2010 PACIFIC HALIBUT SPORT REGULATIONS" dated February 10, 2010 and to~~
110 ~~the extent they are consistent with Title 50 of the Code of Federal Regulations, Part 300, Subpart E~~
111 ~~(61FR35550, July 5, 1996) Vol. 75, No. 52, dated March 18, 2010 as amended by Federal Regulations.]~~

112 (a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2010 ed.), as amended;

113 and

114 (b) Federal Register (insert citation when available).

115 (2) Therefore, persons must consult all publications referenced in this rule~~(the Federal Regulations]~~ in addition
116 to Division 039 ~~[rules]~~ to determine applicable halibut fishing seasons.

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

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

119 Stats. Implemented: ORS 496.162 and 506.129

120

121 635-039-0090

122 **Inclusions and Modifications**

123 (1) The **2011 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine fish,
124 shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the
125 Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the
126 extent of any inconsistency, they supersede the **2011 Oregon Sport Fishing Regulations**.

127 (2) For the purposes of this rule, a "sport harvest cap" is defined as the amount that may be impacted (combined
128 landings and other fishery related mortality) by the Oregon sport fishery in a single calendar year.

129 (a) For 2011, the sport harvest cap for black rockfish is 440.8 metric tons.

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

134 (4) For the purposes of this rule a "sport landing cap" is defined as the total landings for a given species, or
135 species group, that may be taken in a single calendar year by the ocean boat fishery. For 2011 the sport landing
136 caps are:

137 (a) Black rockfish and blue rockfish combined, 481.8 metric tons.

138 (b) Other nearshore rockfish, 13.6 metric tons.

139 (c) Cabezon, 15.8 metric tons.

140 (d) Greenling, 5.2 metric tons.

141 (5) In addition to the regulations for Marine Fish in the **2011 Oregon Sport Fishing Regulations**, the following
142 apply for the sport fishery in the Marine Zone in 2011:

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

144 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species
145 not listed in the **2011 Oregon Sport Fishing Regulations** in the Marine Zone, located under the category of
146 Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or number), of which no more than one
147 be a cabezon from April 1 through September 30. Retention of yelloweye rockfish and canary rockfish is
148 prohibited.

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

151 (d) Retention of all marine fish listed under the category of Species Name, Marine Fish, except Pacific cod,
152 sablefish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding
153 leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for
154 the all-depth sport fishery for Pacific halibut north of Humbug Mountain. Persons must also consult all
155 publications referenced in OAR 635-039-0080~~[Title 50 of the Code of Federal Regulations, Part 300,~~
156 ~~Subpart E (61FR35550, July 5, 1996); and the annual Pacific Halibut Fishery Regulations as amended by~~
157 ~~Federal Regulations]~~ to determine all rules applicable to the taking of Pacific halibut.

158 (e) Harvest methods and other specifications for marine fish in subsections (5)(a), (5)(b) and (5)(c) including
159 the following:

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

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

162 (C) Minimum length for greenling, 10 inches.

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

164 (E) Mutilating the fish so the size or species cannot be determined prior to landing or transporting
165 mutilated fish across state waters is prohibited.

166 (f) Sport fisheries for species in subsections (5)(a), (5)(b) and (5)(c) and including leopard shark and soupfin
167 shark are open January 1 through December 31, twenty-four hours per day, except that ocean waters are closed
168 for these species during April 1 through September 30, outside of the 40-fathom curve (defined by latitude and
169 longitude) as shown on **Title 50 Code of Federal Regulations Part 660 Section 384 Vol. 71, No. 189, dated**
170 **September 29, 2006**. A 20-fathom, 25-fathom, or 30-fathom curve, as shown on **Title 50 Code of Federal**
171 **Regulations Part 660 Section 391 Vol. 71, No. 189, dated September 29, 2006** may be implemented as the
172 management line as in-season modifications necessitate.

173 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in
174 **Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2010 ed.) [390]**. Within the YRCA, it is
175 *unlawful* to fish for, take, or retain species listed in subsections (5)(a), (5)(b) and (5)(c) of this rule, leopard shark,
176 soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within
177 the YRCA is prohibited from possessing any species listed in subsections (5)(a), (5)(b) and (5)(c) of this rule,
178 leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in
179 subsections (5)(a), (5)(b) and (5)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the
180 YRCA without fishing gear in the water.

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

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

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

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