



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 33 (8) “Commission” means the State Fish and Wildlife Commission created by ORS 496.090.
- 34 (9) “Department” means the State Department of Fish and Wildlife.
- 35 (10) “Director” means the Director of the Oregon Department of Fish and Wildlife appointed pursuant to
36 ORS 496.112.
- 37 (11) “Dive gear” means gear used while a fisher is submerged underwater in order to take food fish, and
38 includes but is not limited to one or more of the following pieces of equipment: SCUBA or other surface
39 supplied air source (hookah gear), dive mask, snorkel, air cylinders, weight belt, wetsuit and fins.
- 40 (12) “Exclusive Economic Zone” means the zone between 3-200 nautical miles offshore of the United
41 States.
- 42 (13) “Fishing gear” means, as specified in ORS 506.006, any appliance or device intended for or capable
43 of being used to take food fish for commercial purposes, and includes:
- 44 (a) “Fixed gear” means longline, trap or pot, set net, and stationary hook-and-line gears;
- 45 (b) “Gillnet” has the meaning as set forth in OAR 635-042-0010;
- 46 (c) “Hook-and-line” means one or more hooks attached to one or more lines;
- 47 (d) “Lampara net” means a surrounding or seine net with the sections of netting made and joined to
48 create bagging, and is hauled with purse rings;
- 49 (e) “Longline” means a stationary buoyed, and anchored groundline with hooks attached;
- 50 (f) “Mesh size” means the opening between opposing knots. Minimum mesh size means the smallest
51 distance allowed between the inside of one knot to the inside of the opposing knot regardless of twine
52 size;
- 53 (g) “Pot or trap” means a portable, enclosed device with one or more gates or entrances and one or
54 more lines attached to surface floats;
- 55 (h) “Purse seine” means an encircling net that may be closed by a purse line threaded through the
56 bottom of the net. Purse seine gear includes ring net, drum purse seine, and lampara nets;
- 57 (i) “Seine” means any non-fixed net other than a trawl net or gillnet and includes all types of purse
58 seines;
- 59 (j) “Setline” means a bottom longline used in rivers and estuaries for targeting white sturgeon;
- 60 (k) “Set net” means a stationary, buoyed and anchored gillnet or trammel net which takes fish
61 commonly by gilling and is not free to move or drift with the current or tide;
- 62 (l) “Spear” means a sharp, pointed, or barbed instrument on a shaft;
- 63 (m) “Trammel net” means a gillnet made with two or more walls joined to a common float line;



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

64 (n) "Trawl gear" means a cone or funnel-shaped net which is towed or drawn through the water by
65 one or two vessels, and includes but is not limited to beam trawl, bobbin or roller trawl, bottom trawl,
66 pelagic trawl and Danish and Scottish seine gear;

67 (o) "Troll" means fishing gear that consists of 1 or more lines that drag hooks with bait or lures
68 behind a moving fishing vessel, and which lines are affixed to the vessel and are not disengaged from the
69 vessel at any time during the fishing operation; and

70 (p) "Vertical hook and line" means a line attached to the vessel or to a surface buoy vertically
71 suspended to the bottom by a weight or anchor, with hooks attached between its surface and bottom end.

72 (14) "Fishing trip" means a period of time between landings when fishing is conducted.

73 (15) "Food Fish" means any animal over which the State Fish and Wildlife Commission has jurisdiction,
74 pursuant to ORS 506.036.

75 (16) "Groundfish" means all species of ocean food fish defined as groundfish in the Pacific Coast
76 Groundfish Fishery Management Plan and in the Federal Groundfish Regulations, **Title 50, Part 660**
77 and includes:

78 (a) All species of rockfish, thornyheads, and scorpionfish that occur off Washington, Oregon, or
79 California (genera *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*);

80 **(b) All species of grenadiers in the family Macrouridae that occur off Washington, Oregon, or**
81 **California, including but not limited to Giant grenadier, (*Albatrossia pectoralis*) and Pacific**
82 **grenadier (*Coryphaenoides acrolepis*);**

83 **(c) All species of skates in the family Arhynchobatidae that occur off Washington, Oregon, or**
84 **California, including but not limited to Aleutian skate (*Bathyraja aleutica*), Bering/sandpaper**
85 **skate (*B. interrupta*), big skate (*Raja binoculata*), California skate (*R. inornata*), longnose skate**
86 **(*R. rhina*), and rougtail/black skate (*B. trachura*);**

87 **(d) [(b)] Arrowtooth flounder (*Atheresthes stomias*);**

88 **[(e)] Big skate (*Raja binoculata*);**

89 **(e) [(d)] Butter sole (*Isopsetta isolepis*);**

90 **(f) [(e)] Cabezon (*Scorpaenichthys marmoratus*);**

91 **[(f)] California skate (*Raja inornata*);**

92 (g) Curlfin sole (*Pleuronichthys decurrens*);

93 (h) Dover sole (*Microstomus pacificus*);

94 (i) English sole (*Parophrys vetulus*);



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 95 (j) Finescale codling (*Antimora microlepis*);
- 96 (k) Flathead sole (*Hippoglossoides elassodon*);
- 97 (l) Kelp greenling (*Hexagrammos decagrammus*);
- 98 (m) Leopard shark (*Triakis semifasciata*);
- 99 (n) Lingcod (*Ophiodon elongatus*);
- 100 [~~(o)~~] Longnose skate (~~*Raja rhina*~~);]
- 101 (o) [(p)] Pacific cod (*Gadus macrocephalus*);
- 102 [~~(q)~~] Pacific rattail (~~*Coryphaenoides arolepis*~~);]
- 103 (p) [(r)] Pacific sanddab (*Citharichthys sordidus*);
- 104 (q) [(s)] Pacific whiting (*Merluccius productus*);
- 105 (r) [(t)] Petrale sole (*Eopsetta jordani*);
- 106 (s) [(u)] Ratfish (*Hydrolagus colliei*);
- 107 (t) [(v)] Rex sole (*Glyptocephalus zachirus*);
- 108 (u) [(w)] Rock sole (*Lepidopsetta bilineata*);
- 109 (v) [(x)] Sablefish (*Anoplopoma fimbria*);
- 110 (w) [(y)] Sand sole (*Psettichthys melanostictus*);
- 111 (x) [(z)] Soupfin shark (*Galeorhinus zyopterus*);
- 112 (y) [(aa)] Spiny dogfish (*Squalus acanthias*); **and**
- 113 (z) [(bb)] Starry flounder (*Platichthys stellatus*)]~~;~~ **and**
- 114 ~~(cc)~~ Starry rockfish (~~*Sebastes constellatus*~~)].
- 115 (17) “Harvest guideline” means a specified numerical harvest objective that is not a quota. Attainment of
- 116 a harvest guideline does not automatically close a fishery.
- 117 (18) “Highly Migratory Species” means all species of ocean food fish defined as highly migratory
- 118 species in the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species and
- 119 in the Federal Highly Migratory Species Regulations, Title 50, Part 660, and includes:
- 120 (a) Bigeye thresher shark (*Alopias superciliosus*);
- 121 (b) Bigeye tuna (*Thunnus obesus*);
- 122 (c) Blue shark (*Prionace glauca*);
- 123 (d) Common thresher shark (*Alopias vulpinus*);
- 124 (e) Common Mola (*Mola mola*);
- 125 (f) Dorado (*Coryphaena hippurus*);



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 126 (g) Escolar (*Lepidocybium flavobrunneum*);
- 127 (h) Lancetfishes (*Alepisauridae* species);
- 128 (i) Louvar (*Luvarus imperialis*);
- 129 (j) North Pacific albacore tuna (*Thunnus alalunga*);
- 130 (k) Northern bluefin tuna (*Thunnus thynnus*);
- 131 (l) Pacific swordfish (*Xiphias gladius*);
- 132 (m) Pelagic sting ray (*Dasyetis violacea*);
- 133 (n) Pelagic thresher shark (*Alopias pelagicus*);
- 134 (o) Shortfin mako shark (*Isurus oxyrinchus*);
- 135 (p) Skipjack tuna (*Katsuwonus pelamis*);
- 136 (q) Striped marlin (*Tetrapturus audax*);
- 137 (r) Wahoo (*Acanthocybium solandri*); and
- 138 (s) Yellowfin tuna (*Thunnus albacares*).

139 (19) "Inland waters" means all waters of the state except the Pacific Ocean.(20) "Intertidal" means the
140 area in Oregon coastal bays, estuaries, and beaches between mean extreme low water and mean extreme
141 high water boundaries.

142 (21) "Land, landed, or landing" means either of the following:

143 (a) For fisheries where food fish were taken by use of a vessel, "land, landed or landing" means to
144 begin transfer of food fish from a vessel. Once transfer begins, all food fish aboard the vessel are
145 counted as part of that landing, except:

146 (A) Anchovies being held live on a vessel for the purpose of using for bait in that vessel's
147 commercial fishing operation; and

148 (B) For vessels participating in the federal trawl rationalization program, the portion of catch that
149 is intended to be delivered to Washington or California is not considered part of that landing.

150 (b) For fisheries where food fish were taken without use of any vessel, "land, landed or landing"
151 means to begin transfer of food fish from a harvester to a wholesale fish dealer, wholesale fish bait
152 dealer, or food fish canner, under which the following provisions apply:

153 (A) When the harvester and the wholesale fish dealer, wholesale fish bait dealer, or food fish
154 canner are the same person or entity, transfer occurs when the food fish arrive at the licensed premises of
155 the wholesale fish dealer, wholesale fish bait dealer, or food fish canner; and

156 (B) Once transfer begins, all food fish from the harvest area are counted as part of that landing.



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

157 (22) “Length” or “Length Overall” of a vessel means the manufacturer’s specification of overall length,
158 United States Coast Guard or Marine Board registered length documentation stating overall length or
159 overall length as surveyed by a certified marine surveyor. In determining overall length, marine
160 surveyors shall measure in a straight line parallel to the keel from the foremost part of the vessel to the
161 aftermost part, excluding sheer and excluding bow sprits, boomkins, rudders aft of the transom, outboard
162 motor brackets, or transom extensions such as a dive step or platform.

163 (23) “Length, total” of a fish is measured from the tip of the snout (mouth closed) to the tip of the tail
164 (pinched together) without mutilation of the fish or the use of additional force to extend the length.

165 (24) “Nearshore species” includes (See ORS 506.011):

- 166 (a) Black and yellow rockfish (*Sebastes chrysomelas*);
- 167 (b) Brown Irish lord (*Hemilepidotus spinosus*);
- 168 (c) Brown rockfish (*Sebastes auriculatus*);
- 169 (d) Buffalo sculpin (*Enophrys bison*);
- 170 (e) Cabezon (*Scorpaenichthys marmoratus*);
- 171 (f) Calico rockfish (*Sebastes dalli*);
- 172 (g) China rockfish (*S. nebulosus*);
- 173 (h) Copper rockfish (*S. caurinus*);
- 174 (i) Gopher rockfish (*S. carnatus*);
- 175 (j) Grass rockfish (*S. rastrelliger*);
- 176 (k) Kelp greenling (*Hexagrammos decagrammus*);
- 177 (l) Kelp rockfish (*Sebastes atrovirens*);
- 178 (m) Olive rockfish (*S. serranoides*);
- 179 (n) Painted greenling (*Oxylebius pictus*);
- 180 (o) Quillback rockfish (*Sebastes maliger*);
- 181 (p) Red Irish lord (*Hemilepidotus hemilepidotus*);
- 182 (q) Rock greenling (*Hexagrammos lagocephalus*);
- 183 (r) Tiger rockfish (*Sebastes nigrocinctus*);
- 184 (s) Treefish (*S. serriceps*);
- 185 (t) Vermillion rockfish (*S. miniatus*); and
- 186 (u) White spotted greenling (*Hexagrammos stelleri*).

187 (25) “Ocean food fish” means all saltwater species of food fish except salmon, halibut, and shellfish



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

188 whether found in fresh or salt water.

189 (26) "Other nearshore rockfish" includes:

190 (a) Black and yellow rockfish (*Sebastes chrysomelas*);

191 (b) Brown rockfish (*S. auriculatus*);

192 (c) Calico rockfish (*S. dalli*);

193 (d) China rockfish (*S. nebulosus*);

194 (e) Copper rockfish (*S. caurinus*);

195 (f) Gopher rockfish (*S. carnatus*);

196 (g) Grass rockfish (*S. rastrelliger*);

197 (h) Kelp rockfish (*S. atrovirens*);

198 (i) Olive rockfish (*S. serranoides*);

199 (j) Quillback rockfish (*S. maliger*); and

200 (k) Treefish (*S. serriceps*).

201 (27) "Pacific Ocean" means all water seaward of the end of the jetty or jetties of any river, bay, or tidal
202 area, except the Columbia River boundary with the Pacific Ocean is as specified in OAR 635-003-0005,
203 or all water seaward of the extension of the shoreline high watermark across the river, bay, or tidal area
204 where no jetties exist.

205 (28) "Permit holder" means a person or entity that owns an individual permit or owns the vessel to
206 which a vessel permit is attached. A lessee of a permit is not a permit holder.

207 (29) "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.

208 (30) "Process or Processing" means fresh packaging requiring freezing of food fish, or any part thereof,
209 or any type of smoking, reducing, loining, steaking, pickling or filleting.

210 (31) "Resident" means an actual bona fide resident of this state for at least one year, as specified in ORS
211 508.285.

212 (32) "Rockfish" includes all species in the following genera:

213 (a) *Sebastes*; and

214 (b) *Sebastolobus*.

215 (33) "Salmon" means all anadromous species of salmon, including but not limited to:

216 (a) *Oncorhynchus gorboscha*, commonly known as humpback, humpies or pink salmon.

217 (b) *Oncorhynchus keta*, commonly known as chum or dog salmon.

218 (c) *Oncorhynchus kisutch*, commonly known as coho or silver salmon.



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 219 (d) *Oncorhynchus nerka*, commonly known as sockeye, red or blueback salmon.
- 220 (e) *Oncorhynchus tshawytscha*, commonly known as Chinook salmon.
- 221 (34) “Security interest” means an interest in a vessel or permit granted by the owner of the vessel or
222 permit to a third party under a security agreement, pursuant to ORS chapter 79, another state’s laws
223 enacted to implement Article 9 of the Uniform Commercial Code or equivalent federal statutory
224 provisions for federally documented vessels.
- 225 (35) “Sell” includes to offer or possess for sale, barter, exchange or trade.
- 226 (36) “Smelt” means all species in the family Osmeridae.
- 227 (37) “Take” means fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch,
228 capture or kill.
- 229 (38) “Transport” means transport by any means, and includes offer or receive for transportation.
- 230 (39) “Trip limit” means the total amount of fish that may be taken and retained, possessed, or landed per
231 vessel from a single fishing trip or cumulatively per unit of time. A vessel which has landed its
232 cumulative or daily limit may continue to fish on the limit for the next legal period as long as the fish are
233 not landed until the next period. Trip limits may be:
- 234 (a) “Bi-monthly cumulative trip limit” means the maximum amount of fish that may taken and
235 retained, possessed or landed per vessel in specified bi-monthly periods. There is no limit on the number
236 of landings or trips in each period, and periods apply to calendar months. The specified periods are as
237 follows:
- 238 (A) Period 1: January through February;
- 239 (B) Period 2: March through April;
- 240 (C) Period 3: May through June;
- 241 (D) Period 4: July through August;
- 242 (E) Period 5: September through October; and
- 243 (F) Period 6: November through December.
- 244 (b) “Daily trip limit” means the maximum amount of fish that may be taken and retained, possessed
245 or landed per vessel in 24 consecutive hours, starting at 00:01 hours local time. Only one landing of
246 groundfish may be made in that 24-hour period;
- 247 (c) “Monthly trip limit” means the maximum amount of fish that may be taken and retained,
248 possessed or landed per vessel during the first day through the last day of any calendar month.
- 249 (d) “Weekly trip limit” means the maximum amount of fish that may be taken and retained,



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

250 possessed or landed per vessel in seven (7) consecutive days, starting at 00:01 hours local time on
251 Sunday and ending at 24:00 hours local time on Saturday. Weekly trip limits may not be accumulated
252 during multiple week trips. If a calendar week falls within two different months or two different
253 cumulative limit periods, a vessel is not entitled to two separate weekly limits during that week.

254 (40) “Undue hardship” means death, serious illness requiring extended care by a physician, permanent
255 disability, or other circumstances beyond the individual’s control.

256 (41) “Unlawful to buy” means that it is unlawful to buy, knowing or having reasonable cause to believe
257 that the fish have been illegally taken or transported within this state, or unlawfully imported or
258 otherwise unlawfully brought into this state.

259 (42) “Vessel” means any floating craft, powered, towed, rowed or otherwise propelled which is used for
260 landing or taking food fish for commercial purposes, and has the same meaning as ‘boat’ as specified in
261 ORS 506.006.

262 (43) “Vessel operator” means the person onboard a fishing vessel who is responsible for leading a
263 fishing vessel in fishing or transit operations, and who signs the corresponding fish ticket from that
264 fishing trip. A vessel operator may be a vessel owner or permit holder or both, individual hired to
265 operate a vessel, or lessee of a vessel, permit or both. Although more than one person may physically
266 operate a vessel during a fishing trip or transit, there may only be one person identified as a vessel
267 operator (commonly referred to as a captain or skipper) on a fishing vessel during any one fishing trip or
268 transit.

269 (44) “Vessel owner” means any ownership interest in a vessel, including interests arising from
270 partnerships, corporations, limited liability corporations, or limited liability partnerships. A vessel owner
271 does not include a leasehold interest.

272 (45) “Waters of this state” means all waters over which the State of Oregon has jurisdiction, or joint or
273 other jurisdiction with any other state or government, including waters of the Pacific Ocean and all bays,
274 inlets, lakes, rivers and streams within or forming the boundaries of this state.

275 (46) “Week” means the period beginning at 00:01 hours local time on Sunday and ending at 24:00 hours
276 local time on the following Saturday.

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

278 Stats. Implemented: ORS 496.162, 506.109, 506.129

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Oregon Administrative Rules
Oregon Department of Fish and Wildlife

Groundfish Section

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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 publications are incorporated into Oregon Administrative Rule by reference:

(a) **Code of Federal Regulations, Part 660, Subparts C, D, E and F** (October 1, 2015[2014] ed.) **as amended**;

(b) **Federal Register Vol. 80, No. 46**, dated March 10, 2015 (80 FR 12567);

(c) **Federal Register Vol. 80, No. 222, dated November 18, 2015 (80 FR 71975)**

(d) **Federal Register Vol. 80, No. 239, dated December 14, 2015 (80 FR 77267)**[Federal Register Vol. 79, No. 231, dated December 2, 2014 (79 FR 71340)].

(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.

[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 496.162, 506.109, 506.129



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

Black Rockfish, Blue Rockfish and Nearshore Fishery

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635-004-0295

Fishery Defined

"Black Rockfish / Blue Rockfish / Nearshore Fishery" means the commercial fishery for black rockfish (*Sebastes melanops*), blue rockfish (*Sebastes mystinus*), deacon rockfish (*Sebastes dionocus*) and nearshore species as defined in OAR 635-004-0215.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.129, 506.450 through 506.465

635-004-0300

Requirement for Black Rockfish / Blue Rockfish / Nearshore Fishery Permit

(1) Except as provided in OAR 635-004-0360, it is *unlawful* to take, land or possess black rockfish, [or] blue rockfish, or deacon rockfish without a Black Rockfish / Blue Rockfish Permit or black rockfish, blue rockfish, deacon rockfish, or nearshore species without a Black Rockfish / Blue Rockfish or Black Rockfish / Blue Rockfish with a Nearshore Endorsement Permit pursuant to ORS 508.945.

(2) It is *unlawful* for a wholesaler, canner or buyer to buy or receive black rockfish, blue rockfish, deacon rockfish, or other nearshore species taken in the Black Rockfish / Blue Rockfish / Nearshore Fishery from a vessel for which the permit required by section (1) of this rule has not been issued.

(3) A Black Rockfish / Blue Rockfish / Nearshore Fishery Permit required by section (1) of this rule is in addition to and not in lieu of the commercial fishing and vessel license required by ORS 508.235 and ORS 508.260.

(4) No vessel may hold more than one Black Rockfish / Blue Rockfish / Nearshore Fishery Permit at any one time.

(5) Unless otherwise provided, Black Rockfish / Blue Rockfish / Nearshore Permits must be purchased by January 1 of the year the permit is sought for renewal.

(6) Applications for Black Rockfish / Blue Rockfish / Nearshore Fishery Permits shall be in such form and contain such information as the Department may prescribe. Proof of length of vessel may be required at the time of application.

Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129
Stats. Implemented: ORS 506.109, 506.129, 506.306 & 508.945



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

342 **635-004-0340**

343 **Fishing Gear**

344 (1) Except as provided in OAR 635-004-0360, it is *unlawful* to take Black Rockfish / Blue Rockfish /
345 Nearshore Fishery species by any means other than:

346 (a) Hook-and-line gear; or

347 (b) Pot gear may be used if a Developmental Fisheries Permit for nearshore species using pot gear
348 was issued in 2003. Pot gear shall be limited to a maximum of 35 pots.

349 (2) It is *unlawful* to take black rockfish, blue rockfish, **deacon rockfish**, or nearshore species using dive
350 gear.

351 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

352 Stats. Implemented: ORS 506.109, 506.129 & 506.306

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354 **635-004-0350**

355 **Harvest Guidelines and Landing Caps**

356 (1) Upon attainment of a harvest guideline in the Black Rockfish [/] Blue Rockfish [/, and] Nearshore
357 Fishery, the Department shall initiate consultation to determine if additional regulatory actions are
358 necessary to achieve management objectives.

359 (2) The following commercial harvest guidelines include the combined landings and other fishery related
360 mortality by all Oregon commercial fisheries in a single calendar year:

361 (a) Black rockfish: 139.2 metric tons;

362 (b) Cabezon: 30.2 metric tons; and

363 (c) Blue rockfish, **deacon rockfish** and other nearshore rockfish combined: 10.4 metric tons.

364 (3) The following commercial harvest guidelines include landings by all Oregon commercial fisheries in
365 a single calendar year:

366 Greenling, 23.4 metric tons.

367 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129

368 Stats. Implemented: ORS 506.109, 506.129

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370 **635-004-0355**

371 **Trip Limits**

372 (1) The trip limits outlined in this rule are set at the beginning of each calendar year based on
373 commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

374 closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine
375 Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date
376 information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

377 (2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a
378 Nearshore Endorsement, may land no more than the following cumulative trip limits:

379 (a) Black rockfish:

380 (A) 1200 pounds in period 1;

381 (B) 1400 pounds in period 2;

382 (C) 1700 pounds in period 3;

383 (D) 1600 in period 4;

384 (E) 1400 pounds in period 5;

385 (F) 1000 pounds in period 6; and

386 (b) **30[15]** pounds of blue rockfish **and deacon rockfish combined** in each period.

387 (3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery
388 Permit with Nearshore Endorsement may land no more than the following cumulative trip limits in each
389 period:

390 (a) **200[100]** pounds of other nearshore rockfish combined;

391 (b) 1,500 pounds of cabezon; and

392 (c) **400[300]** pounds of greenling species.

393 Stat. Auth.: ORS 506.036, 506.109, 506.119 & 506.129

394 Stats. Implemented: ORS 506.109 & 506.129

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396 **635-004-0360**

397 **Incidental Catch in Other Fisheries**

398 A vessel may land black rockfish, blue rockfish, and nearshore species without a permit or endorsement
399 required by OAR 635-004-0300 if the vessel operator:

400 (1) For only one landing per day, lands no more than 15 pounds of a combination of black rockfish, blue
401 rockfish, **deacon rockfish** and nearshore species, as defined in OAR 635-004-0215, and if the black
402 rockfish, blue rockfish, **deacon rockfish** and nearshore species:

403 (a) Make up 25 percent or less of the total poundage of the landing; and

404 (b) Are taken with legal groundfish fishing gear.

405 (2) Operates a vessel that holds a valid Black Rockfish / Blue Rockfish Permit without a Nearshore



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

406 Endorsement and:

407 (a) For only one landing per day, lands no more than 15 pounds of nearshore species, as defined in
408 OAR 635-004-0215;

409 (b) The nearshore species make up 25 percent or less of the total poundage of the landing; and

410 (c) The nearshore species are taken with gear that is legal to use in the Black Rockfish / Blue
411 Rockfish / Nearshore Fishery.

412 (3) Operates a vessel in the ocean troll salmon fishery pursuant to ORS 508.801 to 508.825 and the
413 vessel lands black rockfish, blue rockfish, **deacon rockfish** or a combination of black **rockfish**, [~~and~~
414]blue rockfish, **and deacon rockfish** in the same landing in which the vessel lands a salmon under the
415 permit required by ORS 508.801 to 508.825. The black **rockfish**, [~~and~~] blue rockfish, **and deacon**
416 **rockfish** landed under this subsection must be landed dead. A vessel that lands black rockfish, [~~or~~]blue
417 rockfish, **or deacon rockfish** under this section may land up to 100 pounds of black **rockfish**, [~~and~~]blue
418 rockfish, **and deacon rockfish** in aggregate, per landing. When the aggregate incidental catch of black
419 **rockfish**, [~~and~~]blue rockfish, **and deacon rockfish** in the salmon troll fishery reaches 3,000 pounds in a
420 calendar year, a vessel that lands black rockfish, [~~or~~]blue rockfish, **or deacon rockfish** under this
421 section may not land more than 15 pounds of black **rockfish**, [~~and~~]blue rockfish, **and deacon rockfish**
422 in aggregate, per trip.

423 (4) Operates a vessel in the west coast groundfish trawl fishery pursuant to federal regulations and lands
424 no more than 1,000 pounds of black **rockfish**, [~~and~~]blue rockfish, **and deacon rockfish** in aggregate
425 per calendar year, and if the black **rockfish**, [~~and~~]blue rockfish, **and deacon rockfish**:

426 (a) Make up 25 percent or less of the total poundage of each landing; and

427 (b) Are landed dead.

428 (5) Is a nonprofit aquarium or has contracted with a nonprofit aquarium to land black rockfish, blue
429 rockfish, **deacon rockfish** or nearshore fish for the purpose of displaying or conducting research on the
430 black rockfish, blue rockfish, **deacon rockfish** or nearshore fish.

431 (6) Does not exceed trip limits as established in OAR 635-004-0355, and OAR 635-004-0365.

432 Stat. Auth.: ORS 506.036, 506.109, 506.119, 506.129

433 Stats. Implemented: ORS 506.109, 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 into Oregon Administrative Rules, by reference:

(a) The sport fishing regulations of the State, included in the document entitled 2016[2015] **Oregon Sport Fishing Regulations**;

(b) **Title 50 of the Code of Federal Regulations, Part 300, Subpart E** (October 1, 2015[2014] ed.), as amended;

(c) **Title 50 of the Code of Federal Regulations, Part 660, Subpart G** (October 1, 2015[2014] ed.), as amended; **and**

(d) **Federal Register Vol. 80, No. 46**, dated March 10, 2015 (80 FR 12567)[;];

~~(e) **Federal Register Vol. 79, No. 48**, dated March 12, 2014 (79 FR 3906); and~~

~~(f) **Federal Register Vol. 79, No. 65**, dated April 4, 2014 (79 FR 18827)].~~

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

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

Stat. Auth.: ORS 496.138, 496.146, 506.119

Stats. Implemented: ORS 496.162, 506.129

635-039-0090

Inclusions and Modifications

(1) The 2016[2015] **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 2016[2015]



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

468 **Oregon Sport Fishing Regulations.**

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

473 (a) The following sport harvest guidelines include the combined landings and other fishery related
474 mortality by the Oregon sport fishery in a single calendar year:

475 (A) Black rockfish, 440.8 metric tons.

476 (B) Cabezon, 16.8 metric tons.

477 (C) Blue rockfish, **deacon rockfish**, and other nearshore rockfish combined, 26 metric tons.

478 (b) The following sport harvest guidelines include total landings in the Oregon sport ocean boat
479 fishery in a single calendar year: Greenling, 5.2 metric tons.

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

484 (4) In addition to the regulations for Marine Fish in the **2016[2015] Oregon Sport Fishing Regulations**,
485 the following apply for the sport fishery in the Marine Zone[-in 2015]:

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

487 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish
488 species not listed in the **2016[2015] Oregon Sport Fishing Regulations** in the Marine Zone, located
489 under the category of Species Name, Marine Fish: 7 fish daily bag limit in aggregate (total sum or
490 number), of which no more than three may be [a] blue rockfish **or deacon rockfish in aggregate**, no
491 more than one may be a canary rockfish, and no more than one may be a cabezon. Retention of the
492 following species is prohibited:

493 (A) Yelloweye rockfish;

494 (B) China rockfish;

495 (C) Copper rockfish;

496 (D) Quillback rockfish; and

497 (E) Cabezon from January 1 through June 30.

498 (c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

499 daily bag limit in aggregate (total sum or number).

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

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

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

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

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

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

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

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

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

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

524 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
525 specified in **Title 50 Code of Federal Regulations Part 660 Section 70** (October 1, 2015[2014] ed.).
526 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and
527 (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A
528 vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed
529 in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut.



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

530 Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and
531 including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in
532 the water.

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

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

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