

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



Attachment 2

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

06/10/2022 10:10 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2023 Sport Fishing Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/05/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Lisa Kingsley
503-947-6233
Lisa.M.Kingsley@odfw.oregon.gov

4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Lisa Kingsley
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/05/2022

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Fish and Wildlife Commission

ADDRESS: Oregon Department of Fish and Wildlife
4034 Fairview Industrial Dr SE
Salem, OR 97302

SPECIAL INSTRUCTIONS:

Because of the rapidly changing situation with COVID-19, all or portions of this hearing may be conducted virtually. Information will be posted on our website at <https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S)

An annual review of sport fishing regulations is necessary to maintain angling opportunities and provide effective conservation management in dynamic ecosystems.

The proposed 2023 Sport Fishing Regulations are necessary to address conservation needs, provide angling opportunities, complete housekeeping corrections, simplify regulations, and clarify the existing regulations.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 8/5/2022.

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 Lisa Kingsley at 503-947-6233 or lisa.m.kingsley@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.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. For a complete list of persons, the department has invited to provide pre-notice comments please contact Lisa Kingsley at 503-947-6233 or lisa.m.kingsley@odfw.oregon.gov.

FISCAL AND ECONOMIC IMPACT:

No major fiscal or economic effects are expected to result from the 2023 Sport Fishing Regulations. Minor agency level fiscal impacts are anticipated from changes to the price of the one-day angling and shellfish license and new Rogue-South Coast steelhead validation and wild steelhead harvest tag. These impacts are estimated in the description of impacts.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

State agencies that could be affected by the changes in regulations are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). ODFW impacts include fisheries management costs and license sales, while OSP impacts are from enforcement costs. Overall, these proposed rule changes are not expected to result in significant changes to current levels of costs for ODFW or for OSP. Changes to ODFW revenues from license sales would depend substantially on changes to participation rates and purchases from the sport angling community. While ODFW does not expect that these regulations will result in a significant impact on purchase behaviors for angling licenses. It is anticipated that there may be minor changes to revenues from modifications to angling license structure implement House Bill 4072-3 estimated below:

ODFW expects the elimination of the one-day angling license and reduction in cost of the one-day angling and shellfish license to have a minimal impact in proportion to overall license revenue. Revenue impacts were calculated by examining the proportion of projected customers who would be spending less money to include the shellfish privilege in their angling trip. The estimate provided here is based on a January 1, 2023, implementation date (affecting 6 months of the 2021-23 biennium).

Estimated revenue loss (assuming no compensatory increase in sales as discussed below) from reduction in cost of the one-day angling and shellfish license:

2021-23 biennium: -\$113,850

2023-25 biennium: -\$475,887

There is also potential that lost revenues from the lower license price for existing one-day angling customers could be

partially offset by revenues from new customers, visitors, and tourists who may have a greater incentive to participate in angling and shellfish harvesting given the lower price point and inclusion of the opportunity to shellfish.

The Rogue-South Coast steelhead validation would be priced at \$2 for residents and \$4 for nonresidents. The Rogue-South Coast wild steelhead harvest card would be priced at \$10 for residents and \$20 for nonresidents. The estimate provided here is also based on a January 1, 2023, implementation date (affecting 6 months of the 2021-23 biennium).

Estimated revenue gain from the new Rogue-South Coast angling products is approximately \$80,000 per year:

2021-23 biennium: \$ 40,000

2023-25 biennium: \$160,000

House Bill 4072-3 established the Rogue-South Coast Research and Monitoring Subaccount in the Fish and Wildlife Account. Revenue from the sale of Rogue-South Coast steelhead validations and Rogue-South Coast wild steelhead harvest cards will be deposited into this subaccount and used for winter steelhead research and monitoring consistent with the Rogue-South Coast Multi-Species Conservation and Management Plan.

Units of local government which could be affected by sport fishing regulations, include port authorities and county governments. Port authorities and county governments may derive revenues and experience costs related to the provision of moorage and other support facilities for sport fishing. However, no major changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rule amendments.

The public is affected by rules relating to angling regulations. The requirement for new fishing authorizations in the Rogue-South Coast area will be an expense that certain anglers will have to pay. However, these rule changes are unlikely to translate into changes in angler trips. The magnitude of the effect cannot be forecast with any precision because a variety of factors, such as run sizes, weather, gas prices, etc. determine the level of angler trips in any given year. Additional angler trips would mean more spending by anglers, which can have positive impacts on local communities near fishing areas. Overall, these regulation changes are not expected to result in significant change in license sales or angler trips in the next year.

Various sectors of the public economy (anglers, businesses that sell goods and services to anglers, and the general economy) may experience different impacts. In general, the economic impact of changes in angling regulations depends primarily on the changes in angling opportunities associated with the rule changes and the associated effects on direct expenditures by anglers. These effects would best be measured by estimating the magnitude of changes in the number of anglers and angler days, and then inferring the resulting changes in expenditures made by anglers based on available estimates of expenditures per angler day or per season, as appropriate.

The total (direct, indirect and induced) effects on personal income in the state as a whole and in areas surrounding the sport fisheries are the result of the direct expenditures on goods and services made by anglers from the businesses which supply the goods and services. Through the "multiplier process," there is a resulting increase in economic activity and personal income in the general economy. For the purposes of assessing the impact of changes in angling regulation changes, only trip expenditures and their impacts on personal income would probably be affected in the short run. Equipment expenditures are of a longer-term nature and are not expected to change immediately as a result of adjustments in angling regulations.

The 2016 National Survey of Fishing, Hunting, and Wildlife- Associated Recreation (U.S. Fish and Wildlife Service, 2016)

and Bridge 50-State Survey (The Rockville Institute, 2019) estimated that in 2016 there were 5,658,000 days of fishing and 4,117,000 angler trips in Oregon. Total angling expenditures in Oregon, both from residents and nonresidents, were estimated at \$999 million for 2016. For Oregon the aggregate impact of all anglers' expenditures in terms of total multiplier effect is estimated at \$1.26 billion in adjusted for 2016 dollars, including \$411 million in salaries and wages which support 11,043 jobs (American Sportfishing Association, 2013). A 2021 study by Earth Economics assessed recreational fishing-related expenditures in Oregon (using 2019 data). Their findings estimate Oregon's statewide total sport fishing related expenditure impact (the total multiplier effect) to be \$1.01 billion in 2019 dollars.

The 2016 USFWS report estimates that the average trip expenditure per angler day, is \$101 per day nationally. These per day impact estimates are representative estimates which could be applied to estimates of increases and decreases in angler days resulting from regulation changes, provided the effect of the changes on angler use can be accurately projected. That is, these estimates of angler expenditures and the associated total personal income impacts represent the per-unit (angler day) economic impact on the public taken as a whole. Given a projection of the effect of a regulatory change on angler use in a particular fishery, the economic impact on personal income of the proposed change can then be inferred.

To perform specific analyses for each of the proposed changes in the angling regulations, statistical creel survey data and estimates of angler use would be required for each affected fishery in order to be able to predict the potential effects of changes that affect the use of bait and angling gear, retention, openings, closures and other seasonal adjustments on angler use (angler days) in a particular fishery. Unfortunately, it is prohibitively expensive for ODFW to accomplish such studies for each specific fishery, so in most cases it is not feasible to assess the effects of fishery-specific proposed changes on angler use. In other cases, we may simply not have sufficient knowledge to predict anglers' behavioral responses, in terms of participation levels, to regulations that do not close a fishery. For example, some regulations may impose other less stringent kinds of restrictions, such as season, method of harvest, or bag limits. As a result, it is usually not possible to make reliable inferences about the magnitude of the effect on angler use and economic impact on personal income associated with the entire set of proposed changes.

Although some of the changes to angling rules and angling regulations in general can be viewed as reducing positive economic impacts in the short run, conservation through the regulation of seasons and other factors is intended to perpetuate Oregon's fishery resources at optimal levels in the long run. Failure to restrict harvests of fish to allow escapement for reproduction would result in severe adverse economic impacts in the future. The proposed regulations attempt to strike a balance, which will provide optimal angling opportunity subject to the need to sustain fish population levels and to maintain future benefits.

References

American Sportfishing Association. Sportfishing in America, 2013.

Mojica, J., Cousins, K., Madsen, T. Economic Analysis of Outdoor Recreation in Oregon. Earth Economics. Tacoma, WA, 2021.

The Rockville Institute, for State Fish and Wildlife Agencies. Final Methodology Overview: Bridging the 50-State Survey of Fishing, Hunting, Wildlife-Associated Recreation with Previous National Survey of Fishing, Hunting, and Wildlife-Associated Recreation Trends, 2019.

U.S. Fish and Wildlife Service and U.S. Census Bureau. 2016 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, 2016.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

The types of businesses that may be indirectly affected are those that supply goods or services to anglers. These may include fishing guides, private marinas, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Angling occurs in myriad locations throughout the state and thus the number of small businesses subject to the rule cannot be estimated.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

No significant changes in these costs are expected.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No significant changes in these costs are expected.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

A less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No. Correspondence from and testimony by interested and affected persons is accepted into record and is part of the rulemaking process.

RULES PROPOSED:

635-011-0100, 635-011-0104, 635-013-0004, 635-014-0080, 635-014-0090, 635-016-0080, 635-016-0090, 635-017-0080, 635-017-0090, 635-017-0095, 635-018-0080, 635-018-0090, 635-019-0080, 635-019-0090, 635-021-0080, 635-021-0090, 635-023-0080, 635-023-0090, 635-023-0095, 635-023-0125, 635-023-0128, 635-023-0130, 635-023-0134, 635-023-0140, 635-039-0080, 635-039-0090

AMEND: 635-011-0100

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to implement House Bill 4072-3 (2022), which eliminated the one-day angling license; reduced the price of the one-day angling and shellfish license; and introduced a new Rogue-South Coast steelhead validation and wild winter steelhead harvest tag.

CHANGES TO RULE:

635-011-0100
General Rule ¶

It is unlawful to take any fish, shellfish, or marine invertebrates for personal use except as provided in these rules which include and incorporate the 2022 Oregon Sport Fishing Regulations by reference. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2022 Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~

AMEND: 635-011-0104

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to implement House Bill 4072-3 (2022), which eliminated the one-day angling license; reduced the price of the one-day angling and shellfish license; and introduced a new Rogue-South Coast steelhead validation and wild winter steelhead harvest tag.

CHANGES TO RULE:

635-011-0104

Licenses, Tags, and Permits ¶¶

(1) Hatchery Salmon and Steelhead Harvest Tag Requirements:¶¶

(a) Persons holding a valid annual angling license and combined angling harvest tag may purchase Hatchery Salmon and Steelhead Harvest Tags. There is no limit on the number of Hatchery Salmon and Steelhead Harvest Tags an angler may purchase per year. The purchase of each tag entitles the angler to take a combined total of 10 hatchery salmon or steelhead;¶¶

(b) Only adipose or otherwise fin-clipped adult salmon or adipose fin-clipped steelhead may be recorded on the Hatchery Salmon and Steelhead Harvest Tag;¶¶

(c) A valid annual angling license and a valid annual angling harvest tag must be in possession while fish validated on the Hatchery Salmon and Steelhead Harvest Tag are in angler's possession. All tags purchased must be in angler's possession while angling for salmon or steelhead;¶¶

(d) Fish must be recorded immediately upon removal from the water and fish must be recorded in the chronological order caught. The angler who landed the fish must record the fish on his or her tag irrespective of who hooked the fish; and¶¶

(e) Harvested fish can be tagged either electronically or on a paper copy. All paper copies of Hatchery Salmon and Steelhead Harvest Tags should be returned to ODFW upon expiration.¶¶

(2) Columbia River Basin Endorsement:¶¶

(a) The Columbia River Basin is defined as: The mainstem Columbia River from Buoy 10 upstream to include all rivers and their tributaries that drain into the mainstem Columbia River.¶¶

(b) ~~Beginning January 1, 2014 a~~A valid Columbia River Basin Endorsement must be in possession while angling for salmon, steelhead, or sturgeon in the Columbia River Basin except during free fishing weekend where every angler is considered as having a valid Columbia River Basin Endorsement.¶¶

(c) The fee for the Columbia River Basin Endorsement, when purchased in conjunction with an annual license is \$9.75, in addition to fees as described in ORS 497.121 and ORS 497.123.¶¶

(d) The fee for the Columbia River Basin Endorsement when purchased separately is \$9.75 (plus a \$2.00 agent fee).¶¶

(e) The fee for the Columbia River Basin Endorsement, when purchased in conjunction with a daily license is \$1.00 per each day, in addition to those fees as described in ORS 497-121.¶¶

(f) Purchase of a Columbia River Basin Endorsement is not required for free fishing weekend.¶¶

(g) No fee will be charged for a Columbia River Basin Endorsement for an angler(s) in possession of:¶¶

(A) A resident disabled veteran, resident pioneer, resident and non-resident youth under 12 license; or¶¶

(B) A Permanent Wheel-chair Angling License, a Permanent Blind Angler License, or a Permanent Senior.¶¶

(3) Rogue-South Coast Steelhead Fishing Authorizations:¶¶

(a) Rogue-South Coast steelhead fishing authorizations include the Rogue-South Coast Steelhead Validation and the Rogue-South Coast Wild Steelhead Harvest Tag.¶¶

(b) For purposes of these authorizations, the Rogue-South Coast area is defined as: all rivers and streams draining into the Pacific Ocean from, and inclusive of, the Sixes River south to the Winchuck River.¶¶

(c) For purposes of these authorizations, the winter steelhead angling season is December 1 through April 30, although angling dates may vary in specific locations.¶¶

(d) These authorizations shall only be purchased once by each angler for each season, excluding replacements, and are valid for a single winter steelhead angling season regardless of whether an annual, daily, or multi-day angling license is used.¶¶

(e) Except as noted, these authorizations are in addition to other license and tag requirements, and do not preclude the need to follow those license requirements, and steelhead angling and harvest regulations.¶¶

(f) A Rogue-South Coast Steelhead Validation:¶¶

(A) Shall only be available to anglers with an annual angling license and an annual combined angling tag, or a daily or multi-day angling license associated with a valid ODFW ID Number; and¶¶

(B) shall be in possession in the Rogue-South Coast area while angling for steelhead during the winter steelhead angling season.¶¶

(g) A Rogue-South Coast Wild Steelhead Harvest Tag:¶

(A) Shall only be available to anglers with a Rogue-South Coast Steelhead Validation:¶

(B) Shall be utilized in the Rogue-South Coast area instead of the combined angling tag to record harvested wild winter steelhead immediately upon removal from the water by the angler who landed the fish:¶

(C) Shall be in possession while harvested wild winter steelhead recorded on it are in possession; and¶

(D) Shall be in possession in electronic or paper form, and if a paper form is utilized then such form shall be returned or reported to ODFW after each winter steelhead angling season and before the next winter steelhead angling season.¶

(4) An angling license is not required when angling in temporary structures utilized to serve or promote a public fishing event.

Statutory/Other Authority: ~~SB 247 (2015), ORS 496.138, ORS 496.146, ORS 497.079, ORS 497.121, ORS 497.123, ORS 506.119~~

Statutes/Other Implemented: ~~ORS 496.162, ORS 506.129~~

AMEND: 635-013-0004

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-013-0004

Inclusions and Modifications ¶¶

(1) OAR 635-013-0005 through OAR 635-013-0009 modify or are in addition to provisions contained in Code of Federal Regulations, Title 50, Part 660, Subparts A and H, and the ~~2022~~23 Oregon Sport Fishing Regulations.¶¶

(2) The Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H, and the ~~2022~~23 Oregon Sport Fishing Regulations contain requirements for sport salmon angling in the Pacific Ocean off the Oregon coast. However, additional regulations may be adopted from time to time, and, to the extent of any inconsistency, they supersede the published federal regulations and the ~~2022~~23 Oregon Sport Fishing Regulations. This means that persons must consult not only the federal regulations and the published sport fishing regulations but also the Department's web page to determine all applicable sport fishing regulations.¶¶

(3) This rule contains requirements that modify sport salmon angling regulations off the Oregon coast. The following modifications are organized in sections that apply to the ocean sport salmon fishery in general and within management zones established by the Pacific Fishery Management Council and enacted by Federal Regulations (CFR, Title 50, Part 660, Subparts A and H).

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121~~, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.004, ~~ORS 496.009~~, ~~ORS 496.162~~, ~~ORS 506.129~~162

AMEND: 635-014-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-014-0080

Purpose and Scope ¶¶

(1) The purpose of Division 014 is to provide for management of sport fisheries in the Northwest Zone over which the State has jurisdiction.¶¶

(2) Division 014 incorporates by reference the ~~2022~~23 Oregon Sport Fishing Regulations. Therefore, persons must consult the ~~2022~~23 Oregon Sport Fishing Regulations in addition to Division 011 and Division 014 to determine all applicable sport fishing requirements for the Northwest Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121~~, ~~ORS 506.119~~

Statutes/Other Implemented: ORS ~~496.004~~, ~~ORS 496.009~~, ~~ORS 496.162~~, ~~ORS 506.129~~162

AMEND: 635-014-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-014-0090

Inclusions and Modifications ¶¶

~~(1) The 2022³ Oregon Sport Fishing Regulations provide requirements for the Northwest 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 2022³ Oregon Sport Fishing Regulations pamphlet.¶¶~~

~~(2) Effective February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in the following areas: Youngs Bay Select Area (Clatsop Co.) from the Highway 101 Bridge upstream to markers at confluence of Youngs and Klaskanine rivers, including lower Lewis and Clark River upstream to Alternate Highway 101 Bridge and lower Walluski River upstream to Highway 202 Bridge; and Gnat Creek (Clatsop Co.) from railroad bridge upstream to Aldrich Point Road Bridge. Use of barbless hooks is still required when angling for these species in nearby areas within the Columbia Zone.~~

~~Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 497.121, ORS 506.119~~

~~Statutes/Other Implemented: ORS 496.004, ORS 496.009, ORS 496.162, ORS 506.129¹⁶²~~

AMEND: 635-016-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-016-0080

Purpose and Scope ¶¶

(1) The purpose of Division 016 is to provide for management of sport fisheries in the Southwest Zone over which the State has jurisdiction.¶¶

(2) Division 016 incorporates by reference the ~~2022~~23 Oregon Sport Fishing Regulations. Therefore, persons must consult the ~~2022~~23 Oregon Sport Fishing Regulations in addition to Division 011 and Division 016 to determine all applicable sport fishing requirements for the Southwest Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121~~, ~~ORS 506.119~~

Statutes/Other Implemented: ORS ~~496.004~~, ~~ORS 496.009~~, ~~ORS 496.162~~, ~~ORS 506.129~~162

AMEND: 635-016-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-016-0090

Inclusions and Modifications ¶

The ~~2022~~2023 Oregon Sport Fishing Regulations provide requirements for the Southwest 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 ~~2022~~2023 Oregon Sport Fishing Regulations pamphlet.

Statutory/Other Authority: ORS 496.146~~38~~, ORS 496.138~~46~~

Statutes/Other Implemented: ORS 496.162

AMEND: 635-017-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-017-0080

Purpose and Scope ¶¶

(1) The purpose of Division 017 is to provide for management of sport fisheries in the Willamette Zone over which the State has jurisdiction.¶¶

(2) Division 017 incorporates by reference the ~~2022~~2023 Oregon Sport Fishing Regulations. Therefore, persons must consult the ~~2022~~2023 Oregon Sport Fishing Regulations in addition to Division 011 and Division 017 to determine all applicable sport fishing requirements for the Willamette Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162

AMEND: 635-017-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-017-0090

Inclusions and Modifications ¶¶

(1) The ~~2022~~ Oregon Sport Fishing Regulations provide requirements for the Willamette 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 ~~2022~~ Oregon Sport Fishing Regulations.¶¶

(2) ~~Beginning February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in Willamette River downstream of Willamette Falls (including Multnomah Channel and Gilbert River) and in lower Clackamas River upstream to Highway 99E Bridge.~~¶¶

(3) Pacific Lamprey Harvest:¶¶

(a) Pursuant to OAR 635-044-01430(1)(b), authorization from the Oregon Fish and Wildlife Commission must be in possession by individuals collecting or possessing Pacific lamprey for personal use. Permits are available from ODFW, 17330 SE Evelyn Street, Clackamas, OR 97015;¶¶

(b) Open fishing period is June 1 through July 31 from 7:00 A.M. to 6:00 P.M.; personal use harvest is permitted Friday through Monday each week. All harvest is prohibited Tuesday through Thursday;¶¶

(c) Open fishing area is the Willamette River at Willamette Falls on the east side of the falls only, excluding Horseshoe Area at the peak of the falls;¶¶

(d) Gear is restricted to hand or hand-powered tools only;¶¶

(e) Catch must be recorded daily on a harvest record card prior to leaving the open fishing area. Harvest record cards will be provided by ODFW. All harvest record cards must be returned to the ODFW Clackamas office by August 31 to report catch. Permit holders who do not return the harvest record cards by August 31 will be ineligible to receive a permit in the following year.¶¶

(f) Harvesters must allow sampling or enumeration of catches by ODFW personnel.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121, ORS 506.119~~

Statutes/Other Implemented: ~~ORS 496.004, ORS 496.009, ORS 496.162, ORS 506.129162~~

AMEND: 635-017-0095

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-017-0095

Sturgeon Season ¶

The ~~2022~~2023 Oregon Sport Fishing Regulations provide requirements for the Willamette 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 ~~2022~~2023 Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS ~~183.325~~496.138, ORS ~~504~~96.109, ORS ~~506.119~~46

Statutes/Other Implemented: ORS ~~504~~96.1629, ORS ~~507.030~~

AMEND: 635-018-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-018-0080

Purpose and Scope ¶¶

(1) The purpose of Division 018 is to provide for management of sport fisheries in the Central Zone over which the State has jurisdiction.¶¶

(2) Division 018 incorporates by reference the 2022~~3~~ Oregon Sport Fishing Regulations. Therefore, persons must consult the 2022~~3~~ Oregon Sport Fishing Regulations in addition to Division 011 and Division 018 to determine all applicable sport fishing requirements for the Central Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121, ORS 506.119~~

Statutes/Other Implemented: ORS 496.004, ~~ORS 496.009, ORS 496.162, ORS 506.129~~162

AMEND: 635-018-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-018-0090

Inclusions and Modifications ¶¶

(1) The ~~2022~~2023 Oregon Sport Fishing Regulations provide requirements for the Central 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 ~~2022~~2023 Oregon Sport Fishing Regulations.¶¶

(2) Seasonal closures prohibiting angling may be enacted to provide additional protection for upriver summer steelhead. When enacted, closures will be from July 15-September 15 in the lower reaches of Columbia River tributaries within the Central Zone as specified in section (3).¶¶

(3) The closures will be in the lower reaches of Eagle Creek and the Deschutes River as described below, and adjacent areas of the mainstem Columbia River (Columbia River Zone) as described in OAR 635-023-0090:¶¶

(a) Eagle Creek. That portion of Eagle Creek from the angling deadline in Eagle Creek (200 feet downstream of hatchery fishway entrance) downstream to the mouth at the mainline railroad bridge.¶¶

(b) Deschutes River: The lower Deschutes River from markers at the lower end of Moody Rapids downstream to the mouth at the Interstate 84 Bridge.¶¶

(4) Except as described above, other permanent rules apply.¶¶

(5) Nothing in this rule precludes the Department from recommending or enacting, as needed for conservation purposes, protective measures for Columbia River steelhead not described in this rule.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121~~, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.004, ~~ORS 496.009~~, ~~ORS 496.162~~, ~~ORS 506.129~~162

AMEND: 635-019-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-019-0080

Purpose and Scope ¶¶

(1) The purpose of Division 019 is to provide for management of sport fisheries in the Northeast Zone over which the State has jurisdiction.¶¶

(2) Division 019 incorporates by reference the ~~2022~~2023 Oregon Sport Fishing Regulations. Therefore, persons must consult the ~~2022~~2023 Oregon Sport Fishing Regulations in addition to Division 011 and Division 019 to determine all applicable sport fishing requirements for the Northeast Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~

AMEND: 635-019-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-019-0090

Inclusions and Modifications

The 20223 Oregon Sport Fishing Regulations provide requirements for the Northeast 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 20223 Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~

AMEND: 635-021-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-021-0080

Purpose and Scope ¶¶

(1) The purpose of Division 021 is to provide for management of sport fisheries in the Southeast Zone, over which the State has jurisdiction.¶¶

(2) Division 021 incorporates by reference the ~~2022~~23 Oregon Sport Fishing Regulations. Therefore, persons must consult the ~~2022~~23 Oregon Sport Fishing Regulations in addition to Division 011 and Division 021 to determine all applicable sport fishing requirements for the Southeast Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121~~, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.004, ~~ORS 496.009~~, ~~ORS 496.162~~, ~~ORS 506.129~~162

AMEND: 635-021-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-021-0090

Inclusions and Modifications

(1) The ~~2022~~ 2023 Oregon Sport Fishing Regulations provide requirements for the Southeast 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. ~~2022~~ 2023 Oregon Sport Fishing Regulations.¶

(2) From June 1 through August 31, the Malheur River is open to angling for spring Chinook on the mainstem river from the Bluebucket Creek confluence upstream to the headwaters of McCoy Creek, Lake Creek, Big Creek and tributaries, and Bosonberg Creek. The daily bag limit is two (2) hatchery spring Chinook; two daily limits in possession.¶

(3) Burns Paiute Tribal members participating in this experimental spring Chinook fishery are governed by the conditions and limitations established in the Burns Paiute Tribal Fishing Code.¶

(a) Burns Paiute Tribal members are not required to have an ODFW angling license or report catch on an ODFW combined angling tag when fishing for spring Chinook in the area described above in section (2).¶

(b) Burns Paiute Tribal members must have a valid tribal identification card in their possession.¶

(c) When fishing for any species other than spring Chinook, an ODFW angling license is required and General, Statewide and Southeast Zone regulations, as provided in the Oregon Sport Fishing Regulations, remain in effect.¶

~~(4) All other permanent rules for the Southeast Zone, as stated in the 2022 Oregon Sport Fishing Regulations, remain in effect.~~

Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162

AMEND: 635-023-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0080

Purpose and Scope ¶¶

(1) The purpose of Division 023 is to provide for management of sport fisheries in the Columbia River Zone and in the Snake River Zone over which the State has jurisdiction.¶¶

(2) Division 023 incorporates by reference the ~~2022~~2023 Oregon Sport Fishing Regulations. Therefore, persons must consult the ~~2022~~2023 Oregon Sport Fishing Regulations in addition to Division 011 and Division 023 to determine all applicable sport fishing requirements for the Columbia River Zone and the Snake River Zone.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 497.121~~, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.004, ~~ORS 496.009~~, ~~ORS 496.162~~, ~~ORS 506.129~~162

AMEND: 635-023-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0090

Inclusions and Modifications ¶¶

(1) The ~~2022~~ 2023 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River 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 ~~2022~~ 2023 Oregon Sport Fishing Regulations.¶¶

(2) ~~Effective February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in the following areas:¶¶~~

~~(a) Within the Youngs Bay Select Area (Clatsop County) from the Highway 101 Bridge upstream to markers at the confluence of the Youngs and Klaskanine rivers, including the lower Lewis and Clark River upstream to the Alternate Highway 101 Bridge and the Walluski River upstream to the Highway 202 Bridge.¶¶~~

~~(b) Within the Knappa/Blind Slough Select Area (Clatsop County) from markers at the west end of Minaker Island upstream to markers at the mouth of Blind Slough, continuing upstream to the railroad bridge in Blind Slough.¶¶~~

~~(3) Seasonal closures prohibiting angling may be enacted to provide additional protection for upriver summer steelhead. When enacted, closures will be from July 15-September 15 in Oregon waters at the mouths, and in the lower reaches of Columbia River tributaries as specified in sub-section (43)(a) through (43)(f) below.¶¶~~

~~(43) The closures will be in the lower reaches of Eagle Creek (Central Zone), Herman Creek (Columbia Zone), and the Deschutes River (Central Zone), and adjacent areas of the mainstem Columbia River (Columbia River Zone) as described below:-¶¶~~

~~(a) Eagle Creek: That portion of Eagle Creek (Central Zone) from the angling deadline in Eagle Creek (200 feet downstream of hatchery fishway entrance) downstream to the mouth at the mainline railroad bridge.¶¶~~

~~(b) Eagle Creek mouth: That portion of the mainstem Columbia River (Columbia River Zone) adjacent to the mouth of Eagle Creek from the mainline railroad bridge northwest to a line projecting from a marker on the Oregon shore approximately 200 feet downstream of Eagle Creek, through red navigation buoy #4, and terminating at a marker on the Oregon shore approximately 325 feet upstream of Eagle Creek.¶¶~~

~~(c) Herman Creek: That portion of Herman Creek (Columbia Zone) from the mainline railroad bridge downstream to markers at mouth.¶¶~~

~~(d) Herman Creek Lagoon: That portion of the mainstem Columbia River (Columbia River Zone) adjacent to the mouth of Herman Creek commonly referred to as Herman Creek Lagoon east of a line from the northwest tip of the jetty, south to a marker on the Oregon shore.¶¶~~

~~(e) Deschutes River: The lower Deschutes River (Central Zone) from markers at the lower end of Moody Rapids downstream to the mouth at the Interstate 84 Bridge.¶¶~~

~~(f) Deschutes River mouth: That portion of the mainstem Columbia River (Columbia River Zone) adjacent to the mouth of the Deschutes River from the Interstate 84 Bridge north to a line projecting from the flashing red navigation marker #2 located approximately 1.5 miles downstream of the Deschutes River mouth on the Oregon shore, upstream to the red navigation marker #4, then to the lower South Channel Range "B" marker located on the Oregon shore approximately 0.7 mile upstream of the Deschutes River mouth.¶¶~~

~~(54) Except as described above, other permanent rules apply except for those areas within the Columbia River Zone which are subject to annual regulations described in OARs 635-023-0095, 635-023-0125, 635-023-0128, and 635-023-0130 and those areas within the Central Zone which are subject to any permanent rule modifications within OAR 635-018-0090.¶¶~~

~~(65) Nothing in this rule precludes the Department from recommending or enacting, as needed for conservation purposes, protective measures for Columbia River steelhead not described in this rule.~~

~~Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119~~

~~Statutes/Other Implemented: ORS 496.162, ORS 506.129~~

AMEND: 635-023-0095

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0095

Sturgeon Season ¶

The ~~2022~~ 2023 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River 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 ~~2022~~ 2023 Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS ~~183.325~~, ORS ~~506.109~~, ORS ~~50496.11938~~, ORS ~~496.11846~~

Statutes/Other Implemented: ORS ~~50496.1629~~, ORS ~~507.030~~

AMEND: 635-023-0125

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0125

Spring Sport Fishery ¶

The ~~2022~~ Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River 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 ~~2022~~ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~

AMEND: 635-023-0128

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0128

Summer Sport Fishery ¶

The ~~2022~~2023 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River 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 ~~2022~~2023 Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~

AMEND: 635-023-0130

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0130

Fall Sport Fishery ¶

The ~~2022~~2023 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River 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 ~~2022~~2023 Oregon Sport Fishing Regulations.

Statutory/Other Authority: ~~ORS 496.146, ORS 496.138, ORS 506.119~~38, ORS 4976.12146

Statutes/Other Implemented: ORS 496.162, ~~ORS 496.004, ORS 506.129~~

AMEND: 635-023-0134

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0134

Snake River Fishery ¶

The ~~2022~~ Oregon Sport Fishing Regulations provide requirements for the Snake River 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 ~~2022~~ Oregon Sport Fishing Regulations.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~

AMEND: 635-023-0140

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-023-0140

Youngs Bay Control Zone ¶¶

(1) The ~~2022~~2023 Oregon Sport Fishing Regulations provide requirements for the Columbia River 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 ~~2022~~2023 Oregon Sport Fishing Regulations.¶¶

(2) The Youngs Bay Control Zone is closed to recreational angling from August 1 through September 15.¶¶

(a) The Youngs Bay Control Zone is defined as those waters southerly of a line originating on the Oregon shore at the east end of the seawall at the Warrenton Fiber log yard (approximately river mile 10.1) northeasterly through green navigation buoys 29, 31, 33, and 35A to the center of the Astoria-Megler Bridge abutment adjacent to, and north of the ship channel, and continuing southerly in line with the center of the Megler Bridge span to the Oregon shore.¶¶

(b) The Youngs Bay Control Zone includes all waters from the line defined in section (2)(a) above south to the Highway 101 Bridge.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ~~ORS 506.119~~

Statutes/Other Implemented: ORS 496.162, ~~ORS 506.129~~, SB 830 (2013)

AMEND: 635-039-0080

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

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 20223 Oregon Sport Fishing Regulations;¶¶

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 20219 ed.), as amended; and¶¶

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 20219 ed.), as amended.¶¶

(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.~~

~~Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119~~

~~Statutes/Other Implemented: ORS 496.162, ORS 506.129~~

AMEND: 635-039-0090

RULE SUMMARY: Includes references to 2023 sport fishing regulations and revisions to season length, bag limits, allowable gear, location, and technical corrections.

CHANGES TO RULE:

635-039-0090

Inclusions and Modifications ¶¶

(1) The 2022~~3~~ 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 2022~~3~~ Oregon Sport Fishing Regulations.¶¶

(2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives. The following sport harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport fishery in a single calendar year:¶¶

(a) Black rockfish, 389.1 metric tons;¶¶

(b) Blue rockfish and deacon rockfish combined: 71.2 metric tons;¶¶

(c) Other Nearshore Rockfish combined: 10.5 metric tons;¶¶

(d) Cabezon, 18.6 metric tons; and¶¶

(e) Greenling, 34.4 metric tons.¶¶

(3) 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. rastrelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).¶¶

(4) In addition to the regulations for Marine Fish in the 2022~~3~~ Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:¶¶

(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 2022~~3~~ Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total sum or number), of which no more than one may be a China rockfish or copper rockfish in aggregate, and no more than one may be a cabezon, when retention of cabezon is allowed. Retention of the following species is prohibited:¶¶

(A) Yelloweye rockfish;¶¶

(B) Cabezon from January 1 through June 30; and¶¶

(C) Quillback rockfish.¶¶

(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) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, 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 when the sport fishery for general marine species (other than flatfish species) is closed outside of the 40 fathom curve as specified in subsection (4)(f).¶¶

(A) Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.¶¶

(B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for general marine species (other than flatfish species) is closed outside of the 40-fathom curve as specified in subsection (4)(f), fishing with long-leader gear is allowed on the same trip as all-depth halibut fishing as follows:¶¶

(i) When rockfish are onboard the vessel, anglers are only allowed to retain the species listed under subsection (4)(h)(A) and must use longleader gear as defined in subsection (4)(e)(F);¶¶

(ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark) may be retained while all-depth halibut fishing, prior to retaining any rockfish species;¶¶

(iii) It is not required to separate all-depth halibut fishing from long-leader fishing by returning to the dock and offloading fish. A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish; and¶¶

- (iv) All other requirements and prohibitions contained within subsection (4)(h) apply.¶
- (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c) including the following:¶
- (A) Minimum length for lingcod, 22 inches.¶
- (B) Minimum length for cabezon, 16 inches.¶
- (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.¶
- (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.¶
- (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the Department. In this subsection, "descending device" means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve the fish's chance of survival.¶
- (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.¶
- (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish species, during July 1 through August 31, outside of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line as inseason modifications necessitate. In addition, the following management lines may be used to set area-specific regulations for inseason action only:¶
- (A) Cape Lookout (45°20'30" N latitude); and¶
- (B) Cape Blanco (42°50'20" N latitude).¶
- (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2018 ed.). Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.¶
- (h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, the following apply:¶
- (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*);¶
- (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);¶
- (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish, except as specified in subsection (4)(d)(B)(iii);¶
- (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in aggregate of the species listed in subsection (4)(b) in the same day;¶
- (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in subsection (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in subsection (4)(e)(F); and¶
- (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any inconsistency, including the definition of long-leader gear.¶
- (5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2024.¶
- ~~(6) Take of all species of seastars is prohibited.¶~~
- ~~(7) The daily limit for European Green Crab is 35 per day.~~
- Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ~~ORS 497.121, ORS 496.146, ORS 496.004, ORS 496.009, ORS 496.162, ORS 496.012, ORS 497.016, ORS 497.026.162~~