



Division 4

COMMERCIAL FISHERIES OTHER THAN SALMON OR SHELLFISH

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, and E (October 1, ~~[2021]~~2022 ed.) as amended; and

(b) ~~[Federal Register Vol. 86, no. 207, dated October 29, 2021 (86 FR 59876);~~

~~(c) Federal Register Vol. 86 no. 235, dated December 10, 2021 (86 FR 70413); and]~~INSERT

CITATION WHEN AVAILABLE.

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004- 0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish regulations.

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.109 & ORS 506.129

635-004-0350

Harvest Guidelines and Landing Caps

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

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

(a) Black rockfish: 122.9 metric tons;

(b) Blue rockfish and deacon rockfish combined: ~~[46.3]~~15.7 metric tons;

(c) Other Nearshore Rockfish combined: ~~[44.4]~~16.6 metric tons;

(d) Cabezon: ~~[33.5]~~32.4 metric tons; and

(e) Greenling: ~~[103.8]~~100.7 metric tons.

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.109 & ORS 506.129

635-004-0355

Trip Limits

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.

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

(a) Black rockfish:

(A) 1800 pounds in period 1;



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- 53 (B) 1800 pounds in period 2;
 54 (C) 2400 pounds in period 3;
 55 (D) 2400 pounds in period 4;
 56 (E) 1800 pounds in period 5;
 57 (F) 1800 pounds in period 6; and
 58 (b) 1500 pounds of blue rockfish and deacon rockfish combined in each period.
 59 (3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery
 60 Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip
 61 limits:
 62 (a) ~~350~~**450** pounds of other nearshore rockfish combined in each period;
 63 (b) 1500 pounds of cabezon in each period; and
 64 (c) ~~4000~~**1200** pounds of greenling species in each period.
 65 (4) It is unlawful to retain or land quillback rockfish for commercial purposes, except by vessels
 66 participating in the federal Pacific coast groundfish limited entry trawl fishery.
 67 **Statutory/Other Authority:** ORS 506.119
 68 **Statutes/Other Implemented:** ORS 506.109 & ORS 506.129
 69

635-004-0365

Black Rockfish Management Areas

72 In addition to catch restrictions set forth in the Code of Federal Regulations, Title 50 Part 660, OAR 635-
 73 004-0355 and OAR 635-004-0360, the following trip limit applies to black rockfish taken with all
 74 commercial gears except trawl:

- 75 (1) It is unlawful to take, retain, possess, or land more than the following trip limit of black rockfish per
 76 vessel from a single fishing trip when fishing occurs for any species of fish within one of the Black
 77 Rockfish Management Areas defined in section (2) of this rule:
 78 (a) 500 pounds from November 1 of any year through February 28 of the following year; and
 79 (b) 300 pounds from March 1 through October 31.
 80 (2) Black Rockfish Management Areas are defined as:
 81 (a) Tillamook Head (45°56'45" N latitude) to Cape Lookout (45°20'15" N latitude);
 82 (b) Cascade Head (45°03'50" N latitude) to Cape Perpetua (44°18' N latitude);
 83 (c) From a point (43°30' N latitude), approximately 8 1/2 nautical miles north of the Coos Bay north jetty,
 84 to a point (43°03' N latitude) adjacent to the mouth of Four-mile Creek;
 85 (d) Mack Arch (42°13'40" N latitude) to the Oregon-California border (42°00' N latitude).
 86 (3) Notwithstanding any other part of this rule, trip limits described in section (1) of this rule are
 87 suspended from January 1, **2023** through December 31, ~~[2022]~~**2025**. Therefore, vessels may land up to
 88 the period trip limit for black rockfish described in OAR 635-004-0355(2)(a) from a single fishing trip
 89 during that time.
 90 **Statutory/Other Authority:** ORS 506.119
 91 **Statutes/Other Implemented:** ORS 506.109 & ORS 506.129
 92

Division 39

MARINE ZONE FISH, SHELLFISH AND MARINE INVERTEBRATES SPORT REGULATIONS

635-039-0080

Purpose and Scope

- 97 (1) The purpose of Division 039 is to provide for management of sport fisheries for marine fish, shellfish,
 98 and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has
 99 jurisdiction.
 100 (2) Division 039 incorporates into Oregon Administrative Rules, by reference:
 101 (a) The sport fishing regulations of the State, included in the document entitled **2023 Oregon**
 102 **Sport Fishing Regulations;**
 103 (b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, ~~[2024]~~**2022** ed.),
 104 as amended[; and]



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105 (c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, [2021]**2022** ed.),
 106 as amended; **and**
 107 **(d) INSERT CITATION WHEN AVAILABLE.**

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

111 **Statutory/Other Authority:** ORS 496.138 & ORS 496.146

112 **Statutes/Other Implemented:** ORS 496.162

113

114 **635-039-0090**

115 **Inclusions and Modifications**

116 (1) The **2023 Oregon Sport Fishing Regulations** provide requirements for sport fisheries for marine
 117 fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly
 118 referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from
 119 time to time and to the extent of any inconsistency, they supersede the **2023 Oregon Sport Fishing**
 120 **Regulations.**

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

127 (a) Black rockfish, 389.1 metric tons;

128 (b) Blue rockfish and deacon rockfish combined: [74.2]**68.8** metric tons;

129 (c) Other Nearshore Rockfish combined: [40.5]**15.8** metric tons;

130 (d) Cabezon, [48.6]**18.0** metric tons; and

131 (e) Greenling, [34.4]**33.4** metric tons.

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

136 (4) In addition to the regulations for Marine Fish in the **2023 Oregon Sport Fishing Regulations**, the
 137 following apply for the sport fishery in the Marine Zone:

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

139 (b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine
 140 fish species not listed in the **2023 Oregon Sport Fishing Regulations** in the Marine Zone,
 141 located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in
 142 aggregate (total sum or number), of which ~~[no more than one may be a China rockfish or copper~~
 143 ~~rockfish in aggregate, and]~~ no more than one may be a cabezon, when retention of cabezon is
 144 allowed. Retention of the following species is prohibited:

145 (A) Yelloweye rockfish;

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

147 (C) Quillback rockfish.

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

150 (d) Except as specified in subsection (4)(d)(A), retention of all marine fish listed under the
 151 category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish,
 152 herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species
 153 (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the
 154 vessel during open days for the all-depth sport fishery for Pacific halibut when the sport fishery for
 155 general marine species (other than flatfish species) is closed outside of the 40 fathom curve as
 156 specified in subsection (4)(f).



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- 157 (A) Persons must also consult all publications referenced in OAR 635-039-0080 to
 158 determine all rules applicable to the taking of Pacific halibut.
- 159 (B) When the all-depth sport fishery for Pacific halibut is open and the sport fishery for
 160 general marine species (other than flatfish species) is closed outside of the 40-fathom
 161 curve as specified in subsection (4)(f), fishing with long-leader gear is allowed on the
 162 same trip as all-depth halibut fishing as follows:
- 163 (i) When rockfish are onboard the vessel, anglers are only allowed to retain the species
 164 listed under subsection (4)(h)(A) and must use longleader gear as defined in subsection
 165 (4)(e)(F);
- 166 (ii) Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass,
 167 hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin
 168 shark) may be retained while all-depth halibut fishing, prior to retaining any
 169 rockfish species;
- 170 (iii) It is not required to separate all-depth halibut fishing from long-leader fishing by
 171 returning to the dock and offloading fish. A long-leader fishing trip must be
 172 separated from any other fishing trip where groundfish are retained by returning to
 173 the dock and offloading fish; and
- 174 (iv) All other requirements and prohibitions contained within subsection (4)(h)
 175 apply.
- 176 (e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and
 177 (4)(c) including the following:
- 178 (A) Minimum length for lingcod, 22 inches.
- 179 (B) Minimum length for cabezon, 16 inches.
- 180 (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and
 181 herring jigs.
- 182 (D) Mutilating the fish so the size or species cannot be determined prior to landing or
 183 transporting mutilated fish across state waters is prohibited.
- 184 (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in
 185 possession of groundfish or Pacific halibut, all watercraft shall have a functional
 186 descending device on board and shall use a descending device when releasing any
 187 rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in
 188 Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending
 189 device shall be presented for inspection by any person authorized to enforce the wildlife
 190 laws or a representative of the Department. In this subsection, "descending device"
 191 means a device capable of returning a rockfish back to a depth of at least 100 feet to
 192 assist the fish in recompression and to improve the fish's chance of survival.
- 193 (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with
 194 a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between
 195 the sinker and the lowest hook, and a non-compressible float attached to the line above
 196 the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or
 197 rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length
 198 and/or artificial flies. Natural bait may not be used.
- 199 (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark
 200 and soupfin shark are open January 1 through December 31, twenty-four hours per day, except
 201 as provided in subsections 4(b) and (4)(d). ~~[Ocean waters are closed for these species, with the~~
 202 ~~exception of flatfish species, during July 1 through August 31, outside of the 40 fathom curve~~
 203 ~~(defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660~~
 204 ~~Section 71, except as provided in subsection 4(d) or when fishing with long leader gear during~~
 205 ~~such times and in such areas as allowed in federal rule.] A 20-fathom, 25-fathom, [or] 30-fathom,~~
 206 **or 40-fathom curve**, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may
 207 be implemented as the management line ~~[as]~~ **for depth-based** inseason modifications
 208 ~~[necessitate]~~ **as necessary**. In addition, the following management lines may be used to set area-



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- 209 specific regulations for inseason action only:
210 (A) Cape Lookout (45°20'30" N latitude); and
211 (B) Cape Blanco (42°50'20" N latitude).
- 212 (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates
213 specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2018 ed.).
214 Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b)
215 and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing
216 gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any
217 species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and
218 Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a),
219 (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the
220 YRCA without fishing gear in the water.
- 221 (h) On any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F))
222 occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50
223 Code of Federal Regulations Part 660 Section 71, the following apply:
- 224 (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail
225 rockfish (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*),
226 deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*),
227 greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S.*
228 *paucispinis*), or silvergray rockfish (*S. brevispinis*);
- 229 (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);
- 230 (C) A long-leader fishing trip must be separated from any other fishing trip where
231 groundfish are retained by returning to the dock and offloading fish, except as specified in
232 subsection (4)(d)(B)(iii);
- 233 (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more
234 than 10 fish in aggregate of the species listed in subsection (4)(b) in the same day;
- 235 (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in
236 subsection (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader
237 gear as defined in subsection (4)(e)(F); and
- 238 (F) Federal rules governing the long-leader fishery will supersede these rules to the extent
239 of any inconsistency, including the definition of long-leader gear.
- 240 (5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2024.
241 **Statutory/Other Authority:** ORS 496.138 & ORS 496.146
242 **Statutes/Other Implemented:** ORS 496.162