

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



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
10/21/2024 9:46 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2025 Commercial and Recreational Groundfish Fishery Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/13/2024 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: Steven Emerson
503-947-6233
Steven.C.Emerson@odfw.oregon.gov

4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Steven Emerson
Rules Coordinator

HEARING(S)

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

DATE: 12/13/2024

TIME: 8:00 AM - 5:00 PM

OFFICER: Steven Emerson

IN-PERSON HEARING DETAILS

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

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

These rule amendments are needed to implement the Pacific Coast Groundfish Fishery Management Plan (FMP), including federal harvest levels established by the Pacific Fishery Management Council. The FMP describes current resource management goals, harvest policy, and management measures for commercial and recreational fisheries.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/13/2024.

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 Steve Emerson at 503-947-6233 or Steven.C.Emerson@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. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

Minimal fiscal and economic impacts are expected from these rule changes.

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) The proposed rules are expected to affect state agencies, units of local government, and the public, as discussed below:

A. The state agencies that could be affected by the adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). No significant changes in costs to ODFW or to OSP are expected from these rule changes. There is potential for changes in recreational groundfish regulations to affect enforcement costs (OSP), but the potential changes are likely to be small relative to statewide enforcement costs. The rules would reduce the recreational bag limits for black rockfish from 5 to 4 in January-June, increasing to 5 starting July 1st. For canary rockfish, the federal allocation to the sport fishery is being reduced by approximately 55%. As a result, the recreational bag limit would be 1 fish, with non-retention likely to be implemented at some point in the year. At the same time, a new opportunity would be opened to recreational anglers in the form of a stand-alone 10 fish bag limit for sablefish (black cod). These recreational fishery changes are likely to have offsetting effects, with the overall impact on license sales uncertain though likely to be very minor relative to ODFW's total angling license revenues. There is potential for slight changes in ODFW's Ad Valorem (AV) revenues from changes to commercial nearshore period limits. The rules include a 35% reduction in commercial harvest guidelines for black rockfish, which contributed \$27,431 in AV revenues to ODFW in 2023. A 35% reduction in these AV revenues, amounting to approximately \$9,601 annually, can be anticipated as a result.

B. Economic impacts to local governments are expected to be minor. There may be potential for some Oregon port districts to be impacted, but significant impacts are not anticipated. A more detailed consideration of impacts is not possible because of data constraints.

C. The public is affected by rules relating to angling regulations. These rule changes are unlikely to translate into significant changes in angler trips. Some of the proposed rule changes could result in decreased angler trips due to harvest restrictions, while other proposed rule changes may lead to an increase in trips through the offering of new recreational opportunities for sablefish. The cumulative magnitude of this effect cannot be forecast with any precision because a variety of factors, such as ocean conditions, weather, gas prices, etc. determine the number of angler trips in any given year. Overall, these regulation changes are not expected to result in significant changes in license sales or angler trips in the next year.

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 bag limits and other factors is intended to perpetuate Oregon's fishery resources at optimal levels in the long run. Failure to restrict harvests of fish would result in severe adverse economic impacts in the future. The proposed regulations attempt to strike a balance, which will

provide optimal angling opportunities subject to the need to sustain fish population levels and to maintain future benefits.

(2)(a) The main types of small business subject to the rules are commercial harvesters landing nearshore groundfish and businesses that provide goods and services to commercial and recreational groundfish harvesters.

In 2023 there were 42 Black/Blue Rockfish permits and 68 Nearshore-endorsed Black/Blue Rockfish permits sold, two separate permit types that exist for the limited-entry commercial nearshore fishery. Wholesale dealers who buy nearshore groundfish will also be affected and there were 33 in 2023 who bought \$500 or more worth of nearshore species.

Other small businesses that have the potential to be affected include gas stations, tackle shops, charter boat owners, restaurants/cafes/bars, food stores, and places of lodging (hotels, campgrounds, etc.). Information is not available to estimate accurately the number of those types of small businesses affected.

(b) No significant changes in these costs are expected for the small businesses subject to the rule.

(c) No significant changes in these costs are expected for the small businesses subject to the rule.

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

The department held 4 meetings focused on recreational fishing that were open to the public and 2 meetings focused on commercial fishing that were open to the public in late summer of 2024. These meetings were conducted to allow impacted parties to individually provide their feedback on the proposed rules. One of the recreational and one of the commercial meetings were conducted with a hybrid format allowing for interested parties to attend both in-person and online, allowing for more individual feedback. ODFW hosted a Marine Sportfishing Advisory Committee meeting in September to discuss regulations needed to stay within the reduced harvest guideline. The Marine Sportfishing Advisory Committee is a 13-member group consisting of recreational anglers, charter boat captains, port officials, and fishing tackle suppliers. ODFW also held 2 meetings in April and June with the Commercial Nearshore Advisory Panel to discuss reductions in the 2025/2026 harvest guidelines. This 10-member panel consists of commercial harvesters, processors, and dealers.

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

The alternatives for federal groundfish regulations and harvest limits were developed through the Pacific Fishery Management Council process, which involves advisory committees and public comment. As described above, Department staff hosted several meetings that were open to the public to hear from individuals to inform the agency's development of proposed changes to state regulations that are in addition to federal regulations. The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

RULES PROPOSED:

635-004-0275, 635-004-0350, 635-004-0355, 635-039-0080, 635-039-0090

AMEND: 635-004-0275

RULE SUMMARY: These proposed rule amendments will modify annual groundfish management measures and harvest limits for 2025 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (bag limits, length limits, and seasons), and nearshore commercial regulations (bi-monthly period vessel limits). Housekeeping and technical corrections to the regulations may also occur to ensure rule consistency including, but not limited to, eliminating a duplicate prohibition of the take of

abalone set forth in OAR 635-039-0090(4)(j) as well as OAR 635-039-0080(2)(a) and the addition of language clarifying how long-leader fishing trips must be separated from any other fishing trips. The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

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, 2023~~4~~ ed.) as amended; and¶¶

(b) Federal Register Vol. 88, no. 228, dated November 29, 2023 (88 FR 83354); and¶¶

(c) Federal Register Vol. 88, no. 230, dated December 1, 2023 (88 FR 83830) [Insert Reference 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

AMEND: 635-004-0350

RULE SUMMARY: These proposed rule amendments will modify annual groundfish management measures and harvest limits for 2025 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (bag limits, length limits, and seasons), and nearshore commercial regulations (bi-monthly period vessel limits). Housekeeping and technical corrections to the regulations may also occur to ensure rule consistency including, but not limited to, eliminating a duplicate prohibition of the take of abalone set forth in OAR 635-039-0090(4)(j) as well as OAR 635-039-0080(2)(a) and the addition of language clarifying how long-leader fishing trips must be separated from any other fishing trips. The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

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: ~~1282.94~~ metric tons;¶¶

(b) Blue rockfish and deacon rockfish combined: ~~15.24.8~~ metric tons;¶¶

(c) Other Nearshore Rockfish combined: ~~16.15.4~~ metric tons;¶¶

(d) Cabezon: ~~31.60~~ metric tons; and¶¶

(e) Greenling: ~~98.46.6~~ metric tons.

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-004-0355

RULE SUMMARY: These proposed rule amendments will modify annual groundfish management measures and harvest limits for 2025 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (bag limits, length limits, and seasons), and nearshore commercial regulations (bi-monthly period vessel limits). Housekeeping and technical corrections to the regulations may also occur to ensure rule consistency including, but not limited to, eliminating a duplicate prohibition of the take of abalone set forth in OAR 635-039-0090(4)(j) as well as OAR 635-039-0080(2)(a) and the addition of language clarifying how long-leader fishing trips must be separated from any other fishing trips. The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

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) ~~18~~200 pounds in period 1;¶¶

(B) ~~21~~200 pounds in period 2;¶¶

(C) ~~24~~1600 pounds in period 3;¶¶

(D) ~~24~~1600 pounds in period 4;¶¶

(E) ~~21~~200 pounds in period 5;¶¶

(F) ~~18~~200 pounds in period 6; and¶¶

(b) 1500 pounds of blue rockfish and deacon rockfish combined in each period.¶¶

(3) For all other nearshore species with a Black Rockfish/ Blue Rockfish/ Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip limits:¶¶

(a) 450 pounds of other nearshore rockfish combined in each period;¶¶

(b) 1500 pounds of cabezon in each period; and¶¶

(c) 1200 pounds of greenling species in each period.¶¶

(4) It is unlawful to retain or land quillback rockfish for commercial purposes, except by vessels participating in the federal Pacific coast groundfish limited entry trawl fishery.

Statutory/Other Authority: ORS 506.119

Statutes/Other Implemented: ORS 506.109, ORS 506.129

AMEND: 635-039-0080

RULE SUMMARY: These proposed rule amendments will modify annual groundfish management measures and harvest limits for 2025 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (bag limits, length limits, and seasons), and nearshore commercial regulations (bi-monthly period vessel limits). Housekeeping and technical corrections to the regulations may also occur to ensure rule consistency including, but not limited to, eliminating a duplicate prohibition of the take of abalone set forth in OAR 635-039-0090(4)(j) as well as OAR 635-039-0080(2)(a) and the addition of language clarifying how long-leader fishing trips must be separated from any other fishing trips. The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

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 current annual Oregon Sport Fishing Regulations;¶¶

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2023~~4~~ ed.), as amended; ~~and~~¶¶

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 2023~~4~~ ed.), as amended; ~~and~~¶¶

(d) [Insert Reference When Available].¶¶

(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.

Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162

RULE SUMMARY: These proposed rule amendments will modify annual groundfish management measures and harvest limits for 2025 commercial and recreational groundfish fisheries, including but not limited to, state Harvest Guidelines for commercial and recreational fisheries, recreational regulations (bag limits, length limits, and seasons), and nearshore commercial regulations (bi-monthly period vessel limits). Housekeeping and technical corrections to the regulations may also occur to ensure rule consistency including, but not limited to, eliminating a duplicate prohibition of the take of abalone set forth in OAR 635-039-0090(4)(j) as well as OAR 635-039-0080(2)(a) and the addition of language clarifying how long-leader fishing trips must be separated from any other fishing trips. The Commission may decide to adopt staff recommended proposed rules and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-039-0090

Inclusions and Modifications ¶

(1) The current annual 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 current annual 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~~; 261.1 metric tons;¶

(b) Blue rockfish and deacon rockfish combined: ~~66.74~~.9 metric tons;¶

(c) Other Nearshore Rockfish combined: ~~15.24~~.7 metric tons;¶

(d) Cabezon: ~~17.62~~ metric tons; and¶

(e) Greenling: ~~32.60~~ 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 current annual Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:¶

(a) Lingcod (including green colored lingcod): ~~2~~two fish daily bag limit.¶

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species except sablefish not listed in the current annual Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: ~~5~~¶

(A) January 1 through June 30: four fish daily bag limit in aggregate (total sum or number), of which no more than one may be a canary rockfish.¶

(B) July 1 through December 31: five fish daily bag limit in aggregate (total sum or number), of which no more than one may be a canary rockfish, and of which no more than one may be a cabezon, when retention of cabezon is allowed.¶

(C) 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 long-leader 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). A 20-fathom, 25-fathom, 30-fathom, or 40-fathom curve, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line for depth-based inseason modifications as necessary. 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 120 fish in aggregate for the species listed in section (4)(h)(A), of which no more than one may be a canary rockfish;¶

(C) A long-leader fishing trip must be separated from any other fishing trip for everyone on the vessel 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.¶

~~(i) Take of abalone is prohibited.¶~~

~~(j) It is unlawful to use recreational trap, pot, or ring gear that has on any part of the gear line marks or multi-colored line required for any state or federal fishery operating in the U.S. West Coast EEZ or in the state waters of Washington, Oregon, or California, other than the fishery the gear is being used in Sablefish: 10 fish daily bag limit.~~

Statutory/Other Authority: ORS 496.138, ORS 496.146

Statutes/Other Implemented: ORS 496.162