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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
02/23/2026 9:58 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2026 Commercial and Recreational Pacific Halibut Fishery Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/24/2026 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: Linda Spansel
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4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Linda Spansel
Rules Coordinator

HEARING(S)

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

DATE: 04/24/2026
TIME: 8:00 AM - 5:00 PM
OFFICER: Michelle Tate

IN-PERSON HEARING DETAILS

ADDRESS: Lincoln City Cultural Center, 540 NE Hwy 101, Lincoln City, OR 97367

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 rules are needed to establish Oregon's 2026 commercial and recreational halibut seasons and quotas based upon most recent population estimates.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 04/24/2026, including the presentation and all provided materials.

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 Linda Spansel at 503-947-6233 or linda.d.spansel@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:

The rules are expected to result in minimal fiscal and economic 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).

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

1A. The state agencies that would be affected by adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). ODFW monitors, samples, and manages recreational halibut fisheries, and OSP enforces fishery regulations. The season timing and duration determine the amount and scheduling of each agency's resources related to those responsibilities. Overall, the 2026 regulations are expected to be similar to the 2025 regulations and therefore no significant change from current operating levels or expenditures is expected as a result of the adoption of these rule amendments.

1B. Local governments (e.g., port authorities) may be indirectly impacted by the timing of fishing seasons established by these rules. Port Authorities may derive revenues from the provision of moorage for recreational and commercial fishing and from the provision of facilities for the unloading of catches. We do not have precise information on how much the 2026 harvests and fishing activity will affect the units of local government in a fiscal sense. We are not able to project the magnitude of the fiscal effects, because the data required to link allowable harvests and local government revenues and expenditures are not available. However, no significant changes from the status quo are expected as a result of the adoption of these amendments.

1C. The public could be affected by the adoption of these rule amendments. These rules provide for orderly fisheries that offer the opportunity to harvest up to the established quotas, but not exceed them, ensuring long-term conservation of the halibut resource and social and economic benefits from fisheries. In 2025, 60 commercial vessels landed Pacific halibut in any quantity, while 49 commercial vessels recorded total Pacific halibut landings greater than 100 pounds for the season. 2025 Pacific halibut landings generated approximately \$1.88 million in total ex vessel value for commercial fishers. At the time of writing this statement, we expect 2026 halibut quotas and regulations to be very similar to the 2025 quotas/regulations. Thus, no significant impacts to the public are expected as a result of the rule amendments.

Although rules related to regulations can be viewed as reducing positive economic impacts in the short run, conservation through the regulation of seasons and other factors are intended to perpetuate Oregon's halibut resources at optimal levels in the long run. The proposed regulations attempt to strike a balance between present fishing opportunities and future benefits. Therefore, the proposed regulations attempt to provide the best possible fishing opportunities in the present consistent with the requirement to sustain fish population levels and to provide future harvest opportunities for both recreational and commercial fishers.

2a. Fishing charters and commercial operations that fish for Pacific halibut will be subject to the rule. In 2025, 60 commercial vessels recorded pacific halibut landings resulting in ex vessel value. Other small businesses that provide goods and services to commercial and recreational halibut fishers, such as gas stations, tackle shops, food stores, and lodging facilities have the potential to be indirectly affected. The number of those businesses that have fewer than 50 employees cannot be determined with the data available to the Department.

2b. There are no projected reporting, recordkeeping, or other administrative activities required for compliance with these amendments.

2c. There are no equipment, supplies, labor, or increased administration required for compliance with these amendments.

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

The proposed rule amendments for concurrence with federal regulations in commercial and recreational Pacific halibut fisheries were developed through the Pacific Fishery Management Council's public process, which involves advisory committees and public comment. Representatives of small businesses participated in that process. Department staff also conducted public meetings to solicit input on proposed changes to both federal and state halibut fishery regulations, and accepted comments via phone, email, and webinar. Representatives of small businesses participated in these public comment opportunities.

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

No. The proposed rule amendments for commercial and recreational Pacific halibut fisheries were developed through the Pacific Fishery Management Council process, which involves advisory committees and public comment.

Department staff also conducted public meetings to discuss proposed changes to halibut regulations. The department has solicited input on whether the proposed rule will have a fiscal impact on small businesses or local communities, the extent of the fiscal impact, and whether the rule will have a significant adverse impact on underrepresented communities or small businesses.

At the April Commission hearing, public correspondence and testimony will be accepted into the record as part of the rulemaking process.

RULES PROPOSED:

635-004-0585, 635-039-0085

AMEND: 635-004-0585

RULE SUMMARY: The proposed rule amendments regulate the 2026 commercial and recreational Pacific halibut fisheries, including establishing the seasons and quotas for Oregon state-water fisheries, ensuring and promoting consistency with federally-adopted regulations, and incorporating housekeeping and technical corrections.

The Commission may decide to adopt staff recommended proposed rule amendments or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-004-0585

Scope, Inclusion, and Modification of Pacific Halibut Fishery Rules ¶

(1) The commercial Pacific halibut fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon, the federal government, and the International Pacific Halibut Commission (IPHC). The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking Pacific halibut. However, additional federal 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) Title 50 of the Code of Federal Regulations, Part 660, Subpart E, (October 1, January 22, 2024 ed.), as amended;¶

(b) Federal Register Vol. 90, No. 54, dated Friday, March 21, 2025; and¶

(c) Federal Register Vol. 90, No. 62, dated Wednesday, April 2, 2025.¶

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable Pacific halibut fishing requirements. The area that federal regulations apply to is hereby extended to the area 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.¶

(4) It is unlawful to take Pacific halibut for commercial purposes except as set by federal regulations and the IPHC and in accordance with a valid permit issued by the IPHC.

Statutory/Other Authority: ORS 496.138, ORS 496.162, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 496.012

AMEND: 635-039-0085

RULE SUMMARY: The proposed rule amendments regulate the 2026 commercial and recreational Pacific halibut fisheries, including establishing the seasons and quotas for Oregon state-water fisheries, ensuring and promoting consistency with federally-adopted regulations, and incorporating housekeeping and technical corrections.

The Commission may decide to adopt staff recommended proposed rule amendments or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-039-0085

Halibut Seasons ¶¶

(1) The Pacific halibut sport fishery in Oregon is regulated by the federal government and the International Pacific Halibut Commission (IPHC). OAR Chapter 635, Division 039 incorporates into Oregon Administrative Rules, by reference:¶¶

(a) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (~~October 1~~January 22, 2024~~6~~ ed.), as amended;¶¶

(b) Federal Register Vol. 90, No. 54, dated Friday, March 21, 2025; and¶¶

(c) Federal Register Vol. 90, No. 62, dated Wednesday, April 2, 2025.¶¶

(2) Therefore, persons must consult all publications referenced in this rule in addition to Division 039 to determine applicable halibut fishing seasons.

Statutory/Other Authority: ORS 496.138, ORS 496.162, ORS 506.119, ORS 506.129

Statutes/Other Implemented: ORS 506.109, ORS 496.012