

Agenda Item Summary

BACKGROUND

GENERAL FEDERAL AND STATE GROUND FISH AND HALIBUT REGULATIONS

State rules governing marine commercial and sport groundfish fisheries are based on rules adopted federally. The Pacific Fishery Management Council (PFMC) conducts a significant public process when determining harvest level and regulatory recommendations, which are considered and implemented by the National Marine Fisheries Service (NMFS). Federal regulations are set for two year intervals, with in-season adjustments available at each PFMC meeting (March, April, June, September, and November). During most years, NMFS publishes regulations for the biennium on January 1. However, this year due to NMFS staffing shortages the regulations were published on March 6, 2009 (Federal Register, Vol. 74, No. 43).

Similarly, the International Pacific Halibut Commission (IPHC) conducts an annual public process when determining catch limit and regulatory recommendations, which are considered and implemented by NMFS.

The PFMC adopted proposed groundfish regulations for 2009 at their June 2008 meeting. In November 2008, the PFMC adopted proposed changes for the 2009 Pacific halibut fishery Catch Sharing Plan (CSP) and made adjustments to proposed rules for groundfish fisheries. In January 2009 the IPHC adopted proposed changes to the CSP, catch limits and other regulations for the 2009 fishery. NMFS published the groundfish regulations on March 6, 2009.

ADDITIONAL STATE GROUND FISH REGULATIONS

The Oregon Fish and Wildlife Commission (Commission) incorporates federal regulations annually as the basis for additional or more conservative regulations adopted through the state process; the state has the authority to adopt concurrent or more conservative regulations, but not more liberal.

Through separate public processes, Oregon Department of Fish and Wildlife (department) staff develops recommendations for nearshore commercial and sport groundfish fisheries on which the Commission takes action. These regulations involve annual limits, sport bag limits, commercial trip limits, size limits, etc.

The department collects data necessary for conducting stock assessments on nearshore species; however several of the groundfish stocks are unassessed. As such, stock status and appropriate harvest rates are difficult to determine. In response to this uncertainty and the emerging commercial nearshore "live fish" groundfish fishery, the Commission implemented Oregon state landing caps in 2003 which were set at levels equivalent to landings in 2000. The landing caps were a precautionary

measure used to prevent increased harvest of nearshore species in the absence of information on sustainable harvest levels.

State landing caps were developed for both the commercial and sport fishery and most apply only to landed catch in the ocean boat fishery. Landing caps were set for four specie/species complexes: Other Nearshore Rockfish (ONSR), greenling, cabezon, and combined black rockfish and blue rockfish. Black rockfish are managed under a harvest cap which includes both landed catch and all other estimated fishery-related mortality (primarily due to discard), in order to be consistent with federal management of black rockfish.

Landing caps equivalent to the 2000 landings for ONSR were set in 2003; 22.3 metric tons (mt) for the commercial fisheries and 11.3 mt for the sport fisheries. Since 2005, the commercial limit has been reduced to 12.0 mt, while the sport limit has remained at 11.3 mt.

Black rockfish are the dominant species in the nearshore groundfish fishery and a recent stock assessment indicates the allowable harvest of this species is significantly higher in 2009. Because ONSR are harvested incidentally in the black rockfish fishery, staff is recommending a modest increase of ONSR harvest for both commercial and sport fisheries. The recommended ONSR increase is within the original combined landing limit set by the Commission in 2003 (i.e., 2000 landing levels) and will allow for increased harvest of black rockfish.

2007 COMMERCIAL GROUND FISH LOGBOOK REPORT

A limited entry permit system for the commercial black rockfish, blue rockfish and nearshore fishery was established by House Bill 3108 (HB3108) in 2003. The law requires fishers to keep a logbook and the department to report on the fishery and logbook program to the Commission each year. Information to be entered in logbooks includes the amount of each species of fish caught, fish released, location, specific gear type, etc. This information assists staff in understanding impacts of management decisions, fishery dynamics and areas of fishing activity

MODIFYING COMMERCIAL STURGEON LENGTH LIMITS

This is a housekeeping measure for consistency among fisheries. The Columbia River Compact recently adopted fork length as the measurement standard for Columbia River commercial fisheries effective January 1, 2009. Similarly the treaty tribes also decided to convert to a fork length standard in January 2009. This rule makes size measurement standards for marine fisheries consistent with those in other state waters.

PUBLIC INVOLVEMENT

A significant public process was held during the development of federal groundfish and halibut regulations and allowable harvest levels for 2009-2010. In addition to multiple PFMC meeting discussions, the department held five public meetings on groundfish during April/May 2008:

- Astoria: April 28, 2008
- Newport: May 2, 2008
- Brookings: May 5, 2008
- Port Orford: May 6, 2008
- Coos Bay: May 6, 2008

The goal of these meetings was to discuss harvest levels and management measure alternatives with both sport and commercial constituents. Reports detailing the input received were submitted to PFMC for use in decision making during the June 2008 PFMC meeting.

Additional meetings garnering input on the 2009 federal regulations included two Sport Advisory Committee meetings. The first occurred on May 28, 2008 to solicit input prior to the June 2008 PFMC meeting. A second Sport Advisory Committee meeting was held on January 8, 2009 to discuss possible changes to the 2009 state sport fishery regulations.

Staff held a series of public meetings to discuss the 2009 commercial groundfish nearshore trip limits September 29-30 and October 2, 2008 in Port Orford, Brookings and Pacific City, respectively.

A significant public process was also held during the development of federal Pacific halibut regulations for 2009. In addition to two PFMC meetings and one IPHC meeting, the department held five public halibut meetings during August, and October 2008 and January 2009:

- Astoria: August 27 and October 8, 2008
- Newport: August 28 and October 7, 2008; January 22, 2009

The goal of these meetings was to discuss proposed changes to the CSP and open dates for the spring all-depth sport fishery off Central Oregon.

ISSUE 1

2009 SPORT GROUND FISH FISHERY REGULATIONS: Adopt management measures for the 2009 sport fishery including daily bag limits and harvest limits.

ANALYSIS

The Commission adopted rules for Oregon's 2009 sport groundfish fishery at the September 2008 meeting as part of the 2009 Oregon Sportfishing Regulations exhibit. These rules reflect 2008 rules extended into 2009, due to a delay of the Federal Regulations until March of 2009. The current exhibit presents options for modifying the existing 2009 regulations.

The following discussion presents information and/or options in 3 areas:

1. Sport groundfish daily bag limits, area restrictions and minimum lengths;

2. Sport groundfish annual harvest limits; and
3. Brief informational updates on other sport groundfish issues.

1) SPORT GROUND FISH BAG LIMITS, AREA RESTRICTIONS, AND MINIMUM LENGTHS

Federal groundfish sport regulations for both 2009 and 2010 were proposed by the PFMC in 2008 and set by NMFS on March 6, 2009 as part of the two-year federal fisheries management cycle. The adopted federal management measures include (changes from 2008 federal regulations are in bold):

- Daily bag limits:
 - **Ten** marine fish including rockfish, greenling, cabezon, and other species, *not including* salmon and steelhead species, lingcod, Pacific halibut, perch species, sturgeon, flatfish, striped bass, offshore pelagic species, and bait fish (herring, smelt, anchovies and sardines). In 2008, the marine daily bag limit was 8 fish in federal rule (6 in state rule except for 5 fish during July and August).
 - 25 flatfish, including all flatfish (soles, flounders, sanddab, etc.) *except* Pacific halibut.
 - No retention of yelloweye rockfish and canary rockfish, considered overfished species.
 - **Three** lingcod. In 2008, the lingcod bag limit was 2 fish in federal and state rules.

- Area Restrictions:
 - Possession of groundfish is prohibited in waters deeper than the 40-fathom curve from April 1 through September 30, *with the following exceptions*: When Pacific halibut is onboard the vessel, the following are allowed: (1) retention of sablefish and Pacific cod between the WA/OR border and Cape Falcon, OR, and (2) retention of sablefish and **Pacific cod** between Cape Falcon, OR, and Humbug Mountain, OR.
 - Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA): Fishing for groundfish and Pacific halibut is prohibited at all times in the Stonewall Bank YRCA in order to further reduce impacts to yelloweye rockfish.

- Minimum lengths:
 - Lingcod – 22 inches
 - Cabezon – 16 inches
 - Greenling species – 10 inches

The following table highlights the differences between existing 2009 state sport groundfish regulations (permanent rules already adopted by the Commission in September, 2008) and federal regulations:

<i>2009 Federal Regulations</i>	<i>Existing 2009 Permanent Oregon Administrative Rules</i>
Marine fish daily bag limit: 10 fish	Marine fish daily bag limit: 6 fish
Lingcod daily bag limit: 3 fish	Lingcod daily bag limit: 2 fish
When Pacific halibut is onboard the vessel, the following are allowed; retention of sablefish and Pacific cod between Cape Falcon, OR and Humbug Mountain, OR	When Pacific halibut is onboard the vessel, the following are allowed: the retention of sablefish between Cape Falcon, OR and Humbug Mountain, OR

The federal rules were developed with substantial public and department staff input, and with exception of the marine fish and lingcod daily bag limits (see below), staff is recommending that the Commission adopt permanent rules that mirror the federal rules for 2009. (Proposed OAR 635-039-0090(6)) No public opposition is anticipated.

MARINE FISH AND LINGCOD DAILY BAG LIMIT

The state sets daily bag limits in order to slow the harvest rate and extend the season through a desired duration. The majority of comments received at public meetings were supportive of a full 12-month season in 2009.

The current marine fish bag limit includes rockfish, cabezon, greenling, and other species not listed separately in the annual sportfishing regulations booklet. It does not include salmon, steelhead, Pacific halibut, offshore pelagic species, surfperch, flatfish, lingcod, sturgeon, striped bass or bait fish (herring, anchovy, smelt, and sardine).

The federal prohibition of retention of canary rockfish and yelloweye rockfish, two overfished species, will remain status quo.

In order to provide a sufficient level of certainty that the 2009 groundfish sport fishery will not close before the end of the year, a marine daily bag limit lower than the 10 fish adopted by PFMC is advised. For 2008, the Commission adopted a 6-fish marine daily bag limit. To slow the pace of the fishery, the bag limit was reduced inseason through temporary rule to 5 fish during July and August. The fishery remained open through the whole year.

For 2009, staff recommends a marine daily bag limit of 7 fish and a lingcod daily bag limit of 2 fish. (Proposed OAR 635-039-0090(6)(a),(b))

At its January 8, 2009 meeting the Sport Advisory Committee (SAC) supported increasing the marine fish daily bag limit, with the majority favoring 8 fish. The SAC also expressed interest in maintaining the flexibility for the department to raise the bag limit via temporary rule if staff determines that this would not cause any annual harvest limits to be exceeded prior to the end of the season, or otherwise adversely affect other fishing opportunities.

A few SAC members favored a three fish lingcod bag limit during periods when there was not a depth closure (prior to April and after September). The option for a three fish bag limit proposed by PFMC reflected concern that the IPHC might reduce the Pacific halibut catch limit by approximately 50 percent from the 2008 level, which did not happen for 2009 (see Issue 5). Yelloweye rockfish are caught incidentally when targeting both halibut and lingcod. It was thought the yelloweye rockfish impacts from the halibut fishery would be available for a three daily bag lingcod fishery, if reductions in halibut opportunity occurred. If the IPHC reduces the halibut catch limit further in 2010, staff recommends reconsidering a 3 fish lingcod daily bag limit.

GROUND FISH RETENTION IN SPORT HALIBUT FISHERY

The PFMC included Pacific cod, in addition to sablefish, as groundfish species allowed for retention in Cape Falcon to Humbug Mt. all-depth Pacific halibut sport fisheries for consistency with regulations off Oregon north of Cape Falcon.

2) SPORT GROUND FISH HARVEST LIMITS

The sport groundfish fishery is managed under annual harvest limits restricting the amount of fish that can be landed and/or impacted. Federal or state harvest limits are set for seven groundfish species/groups: (1) black rockfish, (2) black rockfish and blue rockfish, (3) yelloweye rockfish, (4) canary rockfish, (5) cabezon, (6) greenling, and (7) a composite of other nearshore rockfish species (ONSR).

FEDERAL HARVEST SPECIFICATIONS

Since 2005, the PFMC has implemented regional management in west coast sport fisheries for canary rockfish and yelloweye rockfish (overfished species), so that high harvest rates in one region would not close fishing coastwide. Harvest guidelines (which include both landed catch and discard mortality) are specified north and south of the California-Oregon border; the northern harvest guideline is shared by Oregon and Washington fisheries.

The 2009 sport harvest guidelines for yelloweye and canary rockfish are as follows:

<i>Yelloweye rockfish</i>	OR-WA: 5.2 mt	CA: 2.8 mt
<i>Canary rockfish</i>	OR-WA: 20.9 mt	CA: 22.9 mt

The PFMC determines state shares (“harvest targets”) of the regional harvest guidelines listed above. Oregon’s sport harvest targets are:

Yelloweye rockfish 2.5 mt (this is 0.8 mt lower than adopted for 2008)
Canary rockfish 16.0 mt (this is 9.4 mt higher than adopted for 2008)

If a sport harvest target for yelloweye rockfish or canary rockfish is projected to be exceeded, the department may consult with the Washington Department of Fish and Wildlife and the harvest targets may be revised as long as no regional harvest guideline is projected to be exceeded.

Staff recommends the Commission adopt the federal sport harvest targets described above for yelloweye rockfish and canary rockfish in Oregon. (Proposed OAR 635-039-0090(2)(a)(A),(B))

STATE HARVEST SPECIFICATIONS

For 2009, the PFMC adopted a harvest guideline of 580 mt for black rockfish in Oregon (sport and commercial fisheries combined; includes both landed catch and discards). Since 2003, the Commission has allocated black rockfish approximately 76 percent to the sport fishery and 24 percent to the commercial fishery. Continuing this sharing arrangement would yield a state sport harvest cap of 440.8 mt, an increase of 122.8 mt from 2008. (Proposed OAR 635-039-0090(3)(a))

The state sport landing cap for the ONSR (black-and-yellow, brown, calico, China, copper, gopher, grass, kelp, olive, and quillback rockfish and treefish) has been 11.3 mt since 2003. For the 2009 sport fishery, the SAC supports an increased landing cap for other nearshore rockfish, but were nearly equally split between recommending 13.5 mt and 15.0 mt. Staff recommends setting the state sport landing cap for ONSR at 13.6 mt. (Proposed OAR 635-039-0090(5)(b)) This modest increase is expected to accommodate the increased marine fish bag limit (7 fish) and increase access to the new black rockfish harvest guideline.

Staff recommends status quo for state landing caps for cabezon (15.8 mt) and greenling (5.2 mt). (Proposed AOR 635-039-0090(5)(c),(d)) A stock assessment for cabezon will occur during 2009, which may provide information as to the appropriateness of the present cabezon landing cap.

3) SPORT GROUND FISH INFORMATIONAL UPDATES

The following practices will remain status quo in the 2009 sport groundfish fishery:

- A year-round fishery for shore-based anglers will be retained in the event of a boat-based fishery closure. The shore-based fishery has relatively small impact on black rockfish and little to no impact on the remaining species with federal harvest limits. The

shore-based fishery requires a set-aside of approximately 8-10 mt of black rockfish

- Progress toward annual harvest limits will be posted on the department sport groundfish website for all species with sport harvest limitations
- The department will consult with the SAC on inseason actions

Inseason sport regulation changes during 2008 are detailed in attachment 6.

OPTIONS

2009 SPORT GROUND FISH FISHERY REGULATION RECOMMENDATIONS

1. **Daily Bag Limits:** Adopt a 7 marine fish daily bag limit.
2. **Groundfish Retention in Sport Halibut Fishery:** Allow the retention of Pacific cod in the Cape Falcon to Humbug Mt. all-depth Pacific halibut fishery.
3. **Harvest Specifications:** Adopt the following harvest limits:
 - a. *Canary rockfish:* 16.0 mt (federal harvest target)
 - b. *Yelloweye rockfish:* 2.5 mt (federal harvest target)
 - c. *Black rockfish:* 440.8 mt (state sport harvest cap)
 - d. *Black and blue rockfish combined:* 481.8 mt (state sport landing cap)
 - e. *Other nearshore rockfish:* 13.6 mt (state sport landing cap)
 - f. *Cabezon:* 15.8 mt (state sport landing cap)
 - g. *Greenling:* 5.2 mt (state sport landing cap)
4. Consider other sport groundfish regulations for 2009.

STAFF RECOMMENDATION

Adopt recommendations 1 through 3.

ISSUE 2

2009 COMMERCIAL GROUND FISH FISHERY REGULATIONS AND HARVEST SPECIFICATIONS (FEDERAL AND NEARSHORE): Adopt federal commercial regulations. Adopt harvest specifications and cumulative period limits for black rockfish, black/blue rockfish combined, other nearshore rockfish, cabezon, and greenling.

ANALYSIS

Implementation of federal regulations governing 2009 commercial groundfish fisheries were published by NOAA Fisheries in March 6, 2009.

The Commission is generally responsible for management of commercial nearshore groundfish fishery within the constraints of the federal regulations.

FEDERAL GROUND FISH MANAGEMENT

For 2009, the existing management structure, including but not limited to rockfish conservation areas, cumulative trip limits, and gear restrictions for trawl, pot and line gear fisheries will be continued.

Staff recommends the Commission adopt the 2009 federal groundfish fishery management regulations by reference to the final rule that was published in March 6, 2009 (reference information and copies of the final rule will be provided at the April OFWC hearing).

STATE HARVEST SPECIFICATIONS

The commercial groundfish fishery is managed under annual harvest limits restricting the amount of fish that can be landed and/or impacted. State harvest limits are set for five groundfish species/groups: (1) black rockfish, (2) black rockfish and blue rockfish, (3) cabezon, (4) greenling, and (5) a composite of other nearshore rockfish species (ONSR).

For 2009, the PFMC adopted a harvest guideline of 580 mt for black rockfish in Oregon (sport and commercial fisheries combined; includes both landed catch and discards). Since 2003, the Commission has allocated black rockfish approximately 76 percent to the sport fishery and 24 percent to the commercial fishery. Continuing this sharing arrangement would yield a state commercial harvest cap of 139.2 mt, an increase of 38.6 mt from the 2008 harvest cap.

Since 2004 Oregon's commercial nearshore fishery has operated using a harvest cap for black rockfish (includes landings and discards), but other species have been managed using a landing cap (landed fish only). For 2009, Oregon recommends using a landing cap in the commercial nearshore fishery for black rockfish which equals 137.9 mt. This takes into account the allocation to the commercial fishery (139.2 mt) minus the estimated discard mortality of black rockfish (1.3 mt). (Proposed OAR 635-004-0033(3))

Staff recommends continuing with a combined black and blue rockfish landing cap and setting it at 141.9 mt for 2009. Staff also recommends status quo for state landing caps for cabezon (31.3 mt) and greenling (23.4 mt). (Proposed OAR 635-004-0033(4)(a),(d) and (e))

In 2003, the state commercial landing cap for the ONSR (black-and-yellow, brown, calico, China, copper, gopher, grass, kelp, olive, and quillback rockfish and treefish) was 22.3 mt. The landing cap was reduced in 2004 and again in 2005 for a total of a 47% reduction since the inception of the limit. The cap has remained at 12.0 mt since 2005. For the 2009 commercial fishery, staff recommends setting the ONSR commercial cap at 14.3 mt. (Proposed OAR 635-004-0033(4)(c)) This modest increase is expected to accommodate the increased black rockfish landing cap.

Inseason commercial regulation changes during 2008 are detailed in Attachment 7.

COMMERCIAL NEARSHORE CUMULATIVE TRIP LIMITS

Cumulative trip limits are designed to distribute the commercial nearshore harvest through a desired season length with advice from the public and industry. Staff recommends maintaining a 12 month season for the commercial nearshore fishery, structured to allow for higher catch of black and blue rockfish in the summer than in the winter in order to accommodate effort and market demand. Industry supports consistent period limits throughout the year for the other nearshore species. Staff recommends status quo structure of two-month cumulative trip limit periods for all species.

Landing data for black rockfish, black rockfish and blue rockfish combined, ONSR, cabezon, and greenling indicate that 99, 97, 92, 80, and 94 percent of the landing cap was reached, respectively, in 2008. With the increase in black rockfish allowable catch and harvest cap, a modest increase in the cumulative trip limits for black and blue rockfish combined can be afforded in 2009 and allow opportunity for a 12 month fishing season.

Staff recommends, and industry supports, adopting the following two-month cumulative trip limits for the commercial nearshore fishery starting May 1, 2009 (Proposed OAR 635-004-0033(6)):

- (A) Black and Blue Rockfish combined (black/blue rockfish permit needed--with or without a nearshore endorsement)
 - 1,600 pounds for May-June
 - 1,600 pounds for July-August
 - 1,200 pounds for September- October
 - 1,000 pounds for November-December
- (B) Other Nearshore Rockfish (nearshore endorsement needed)
 - 700 pounds per period
- (C) Cabezon (nearshore endorsement needed)
 - 2,500 pounds per period
- (D) Greenling (nearshore endorsement needed)
 - 250 pounds per period

OPTIONS

2009 COMMERCIAL GROUND FISH FISHERY REGULATION RECOMMENDATIONS

1. **Federal commercial groundfish management:** Adopt the 2009 federal commercial groundfish regulations by reference to the final federal rule published in March 2009.

2. **Commercial groundfish harvest specifications:** Adopt the following commercial groundfish harvest specification landing caps:
 - (A) Black rockfish: 137.9 mt
 - (B) Black rockfish and blue rockfish (combined): 141.9 mt
 - (C) Other nearshore rockfish: 14.3 mt
 - (D) Cabezon: 31.3 mt
 - (E) Greenling: 23.4 mt

3. **Cumulative trip limits:** Adopt the following two-month cumulative trip limits starting May 1, 2009:
 - (A) Black and Blue Rockfish Combined (all vessels with a Black and Blue Rockfish Limited Entry permit):
 - 1,600 pounds for May-June
 - 1,600 pounds for July-August
 - 1,200 pounds for September-October
 - 1,000 pounds for November-December
 - (B) Other Nearshore Rockfish (Nearshore endorsed vessels only):
 - 700 pounds per period
 - (C) Cabezon (Nearshore endorsed vessels only):
 - 2,500 pounds per period
 - (D) Greenling (Nearshore endorsed vessels only):
 - 250 pounds per period

4. Consider adopting other commercial groundfish management measures.

**STAFF
RECOMMENDATION**

Adopt recommendations 1 through 3.

ISSUE 3

**REVIEW OF THE 2007 COMMERCIAL NEARSHORE
LOGBOOK DATA**

ANALYSIS

2007 EFFORT AND CATCH

There were 60 black and blue rockfish permits (BB) plus 71 additional black and blue rockfish permits with nearshore endorsements (NS) active in the 2007 season. In addition, vessels without Oregon permits (BB & NS) that are fishing under the federal open access program made a total of 191 trips in the nearshore. Combined, all vessels participating in the fishery made a total of 2,393 fishing trips during the 2007 season.

2007 total landings in this fishery were:

Species	Pounds Landed	Percent of Cap
Black & blue rockfish	231,677	100
Other nearshore rockfish	18,477	70
Greenling	40,426	78
Cabezon	48,189	70

LOGBOOK COMPLIANCE

A total of 2,076 logbook entries were recorded with 1,686 of the entries accounting for individual fishing trips which includes both BB and NS permitted vessels and vessels harvesting without Oregon nearshore permits. These entries accounted for 70.5 percent of all nearshore landings.

Logbook compliance for 2007 for vessels operating with Oregon Nearshore permits, both BB and NS, was 75.2 percent. This represents a decrease of approximately 13 percent from 2006. Vessel compliance within the individual permit classes were 83 percent for black and blue permits and 72.5 percent for nearshore endorsements. Vessels fishing without nearshore permits were in compliance with the logbook requirements on less than 16 percent of their trips in 2007.

IMPROVEMENTS FOR 2008 AND BEYOND

Nearshore logbook workshops will be conducted each spring to educate new permit holders, improve data collection through industry input and inform the industry how this information is utilized to manage the commercial nearshore fishery.

A Nearshore Logbook Data Analyst was hired and is now focusing on improving the Nearshore Logbook program and compliance throughout the fishery. Although overall compliance was down in 2007, many vessel operators and owners still participated fully in the program and continue to assist department staff in improving the Nearshore Logbook program, including providing accurate release data.

An annual report for the nearshore commercial fishery, which will include general logbook analyses, is currently being written. This annual report will provide the industry and the interested public with general fishery information, current research topics and management actions that occur each year.

OPTIONS

This is an informational report; no Commission action is required.

STAFF RECOMMENDATION

N/A.

ISSUE 4

MODIFY RULE LANGUAGE DESCRIBING THE LEGAL LENGTH MEASUREMENT FOR STURGEON IN COMMERCIAL MARINE FISHERIES

ANALYSIS

Research has shown that fork length is a more precise method for measuring sturgeon. Both Oregon and Washington have adopted this method in permanent rule as the new statewide measurement standard for sturgeon caught in sport fisheries effective January 1, 2009. For consistency between fisheries, the Columbia River Compact recently adopted fork length as the measurement standard for Columbia River commercial fisheries effective January 1, 2009. Similarly the Columbia River treaty tribes also decided to convert to a fork length standard in January 2009. A temporary rule (OAR 635-004-0090 Temp Rule ef. 1-1-09 thru 6-29-09) was adopted on December 30, 2008, establishing the fork length standard for commercial marine fisheries. Staff recommends that for consistency in all locations that the temporary rule be made permanent.

OPTIONS

2009 COMMERCIAL STURGEON LENGTH RESTRICTION RECOMMENDATIONS

1. Adopt the fork length standard set forth as a temporary rule OAR 635-004-0090 Temp Rule ef. 1-1-09 thru 6-29-09 as a permanent rule.

STAFF RECOMMENDATION

Adopt recommendation 1.

ISSUE 5

2009 SPORT AND COMMERCIAL HALIBUT FISHERY REGULATIONS: Consider adopting management measures for the sport and commercial halibut fisheries for 2009.

ANALYSIS

The PFMC and IPHC adopted changes to the Pacific Halibut Catch Sharing Plan that affect the 2009 sport fishery off Oregon. There were two changes to the sport fishery regulations: allow retention of Pacific cod when fishing for Pacific halibut in the Central Oregon Coast Subarea (this was discussed under Issue 1) and change the Columbia River spring fishery to 3-days per week (Thursday through Saturday) instead of 7-days per week. Minor housekeeping changes with minimal anticipated impact were made to the commercial fishery. The directed commercial fishery was proposed to open Wednesday, June 24 under 10-hour openings and continue every other Wednesday until the catch limit for this fishery is taken or September 30, 2009, whichever occurs first. The catch limit for the 2009 fishery was proposed in January by the IPHC. The entire 2A catch limit of 950,000 pounds was proposed, down 22 percent from 2008. The final rule, including annual management measures for the Pacific halibut fishery and approval of the 2009 Catch Sharing Plan, will be published in the Federal Register. The proposed seasons and catch limits for the sport fishery are detailed on Attachment 9.

OPTIONS

2009 PACIFIC HALIBUT REGULATIONS

1. Adopt rules consistent with federal regulations for the 2009 Pacific halibut fisheries by reference to Federal Amendments to Title 50 of the Code of Federal Regulations, Part 300, Subpart E 61FR35550, July 5, 1996 (Volume, Number to be provided at the April 17 meeting), and as amended by Federal Regulations.
 2. Consider adopting more conservative regulations for the 2009 Pacific halibut fisheries.
- Adopt Option 1.

**STAFF
RECOMMENDATION**

DRAFT MOTION	I move to adopt the recommended 2009 sport and commercial groundfish, Pacific halibut, and commercial sturgeon regulations as proposed by staff in Attachment 5.
EFFECTIVE DATE	May 1, 2009.