

Excerpts from December 1999 OFWC Exhibit

This staff report discusses recommendations for rule making to address immediate concerns with the nearshore fishery including:

1. Create area restrictions for nearshore fisheries;
2. Establish minimum size limits for rockfish, cabezon, and greenling;
3. Allow fishers to use the wholesale fish dealers license as well as the limited fish sellers permit to sell fish from their vessels;
4. Require a logbook for all commercial non-trawl gears except for the Dungeness crab fishery.

SHORT-TERM ACTIONS NEEDED FOR COMMERCIAL FISHERY

Action 1. Prohibition of Commercial Fishing in Estuaries and Adjacent Jetties and Coastal Shorelines

Oregon's live fish fishery is now ready to explore and exploit the next close and available fishing area open to them-Oregon coastal bays. Some larger bays and the extensive jetties and associated rocky areas are potential new fishing grounds. Charleston staff have received numerous inquires from both current commercial fishers and new entrants asking how they can get started. Some exploration has already taken place.

We currently have commercial food fish fishing exclusion zones off the Rogue River (one-mile radius), in Curry County bay/lower river waters, and in Nestucca Bay. No area closures exist in any other coastal bays. No prohibition exists for the fishery to expand into any other coastal bay/estuary location under current statute or OARs.

Option 1.1 Prohibit commercial fishing in estuaries and adjacent to jetties (preferred with 1.2).

Staff recommends preventing expansion of commercial fishing in Oregon bays, including the Oregon side of the Columbia River, before it begins. A new fishery in bays and off jetties has several biological concerns and impacts for multiple species as well as immediate and strong commercial/recreational user conflict. Staff proposes to make it unlawful for commercial fishers to harvest any species of groundfish, as defined under the Federal Pacific Coast Groundfish Regulations or defined as "ocean food

fish" under OAR 635-004-0020 from Oregon's coastal bays, from the Oregon estuary waters of the Columbia River, from man-made structures (jetties) extended from bays, or within 200 yards on the ocean side of such extension and jetties, unless provided for under current rule.

The proposed rule would not affect small volume dealers who, under the Oregon Fish Bait Dealer License, sell or use food fish or shellfish for bait, scientific or educational purposes, or live public display. It also would not affect the take or commercial sale of other species of marine food fish or shellfish specifically provided for under current rules.

The difficulty with this option is principally with enforcement. Oregon State Police have limited staff with which to enforce a prohibition on commercial fishing in all of Oregon's bays and estuaries. In addition, many of the boats fishing commercially in nearshore commercial fisheries are difficult to distinguish from recreational boats fishing the same areas.

Option 1.2 Prohibit commercial fishing for surfperch from August 1 through September 30 (preferred with 1.1).

Staff recommends establishing an August 1 through September 30 closure for commercial fishing for surfperch to protect them during their spawning period but to allow a traditional small commercial fishery to continue at other times.¹

At the November Commission meeting, staff proposed a closure of Oregon's beaches and rocky shores to commercial fishing out to 200 yards, and a season for the traditional surfperch fishery. After consultation with Oregon State Police, we feel it would be difficult to enforce a general commercial closure out to 200 yards along the open ocean shoreline. Staff and State Police feel a two-month commercial closure for surfperch would be enforceable and will provide protection for the surfperch resource, especially during their spawning period.

¹ Note: Other species of surfperch spawn May through July. California Department of Fish and Game (CDFG) closes its surfperch fishery May 1 through July 15. CDFG also has an area closure for surfperch, that is, south of Point Arguello, barred, redbait and calico surfperch may not be taken.

Fiscal and Economic Impact Statement for the December 17, 1999 Hearing
in the Matter of Rules Relating to Nearshore Commercial Fisheries

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

A. The only state agency which should be affected by adoption of these rules is the Oregon Department of Fish and Wildlife. No significant changes from the current levels of the department's operations or expenditures are expected as a result of the adoption of these rules.

B. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the adoption of these rules.

C. The public could be affected by the adoption of these rules: Staff is recommending several rule amendments that could reduce revenues or increase costs for commercial fish harvesters and processors. The specific issues that the staff recommendations concern are:

- Prohibition of commercial fishing for groundfish in estuaries, adjacent jetties and coastal shorelines.
- Minimum size limits for selected species.
- Licensing and reporting requirements
- Logbook requirement

The proposal to prohibit commercial fishing for groundfish in estuaries, adjacent jetties and coastal shorelines (rocky shores and beaches out to 200 yards) is intended to prevent the extension of the live fish fishery for groundfish into Oregon bays, including the Oregon side of the Columbia River. This has not occurred yet, but staff has biological concerns about the prospect, and concerns about commercial/recreational user conflicts should extension take place. The proposed rule would not affect the take or commercial sale of other species of saltwater food fish or shellfish specifically provided for in current rules. An exception to the coastal shoreline area closure would allow commercial fishing for redtail surf perch from October 1 through July.

The minimum size limits for rockfish, greenling and cabezon is proposed to protect most juvenile fish and first time spawners. Most Oregon wholesale fish buyers now have a 12 inch minimum in place on rockfish and greenling (14 inches on cabezon), so adoption of this rule is not expected to have a significant effect on the harvests and revenues of existing harvesters.

Staff proposes to require all fish from a trip be offloaded at one site. This would prohibit the landing of live fish to one plant and fresh dead fish to another plant from the same fishing trip. The impact of this proposal could be to reduce harvester revenues by requiring the sale of all fish from a trip at one dealer. Alternatively, by making it necessary for a vessel to focus on either live fish or dead fish on a particular trip, harvester costs may increase if harvesters need to increase the number of trips required to land a given quantity of fish or attain a given level of revenue or



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

COMMERCIAL FISHERIES

DIVISION 004

COMMERCIAL FISHERIES OTHER
THAN SALMON OR SHELLFISH

Ocean Food Fish Fishery

635-004-0021

Catch Restrictions

The minimum length limit for rockfish, greenling, and cabezon that is taken for commercial purposes by means of non-trawl fishing gear is 12 inches for rockfish and greenling, and 14 inches for cabezon.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: Adopted 12-17-99, ef. 1-1-00

635-004-0025

Closed Season

There is no closed season for the taking of ocean food fish for commercial purposes except:

(1) [as] As provided in these rules and in the Code of Federal Regulations, Title 50 [Parts 660 and 663.] Part 660, subpart G;

(2) It is unlawful at all times to take groundfish species for commercial purposes from Oregon coastal bays, the Oregon estuary waters of the Columbia River, from man-made structures, including jetties, that extend

from coastal bays, and within 200 yards seaward of any jetty, river, or bay. This closure does not apply to:

(a) Marine food fish or shellfish other than those defined as groundfish in CFR 50, Part 660, or as ocean food fish in OAR 635-004-0020;

(b) Marine fish or shellfish taken in specific fisheries established by rule in this Division 004 and Division 005; or to

(c) Ocean food fish taken to be sold or used for bait, scientific or educational purposes, or for live public display;

(3) It is unlawful to take surfperch for commercial purposes from August 1 through September 30.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.129

Hist.: Adopted 12-17-99, ef. 1-1-00

635-004-0050

Logbook Required

(1) The Department of Fish and Wildlife will provide a logbook to each licensed commercial fishing boat from which groundfish or squid are taken regardless of gear used, and from which all other ocean food fish, [other than] except Dungeness Crab, are taken by means of a trawl net (including a shrimp trawl net), longline, or pot. [In addition, a logbook shall be provided to each licensed commercial fishing boat taking squid regardless of gear.]

The skipper of such boat shall be responsible for

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