

Agenda Item Summary

BACKGROUND

State rules governing marine commercial groundfish fisheries are based on rules adopted federally. The Pacific Fishery Management Council (PFMC) conducts a significant public process when determining harvest levels 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 as needed at each PFMC meeting (March, April, June, September, and November).

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. Formal adoption of concurrent regulations is not necessary for 2010 fisheries, as the reference for federal regulations has not changed from what was adopted last year. Through separate public processes, Oregon Department of Fish and Wildlife (department) staff develops recommendations for nearshore commercial groundfish fisheries on which the Commission takes action. These regulations involve annual limits, commercial trip limits, etc.

PUBLIC INVOLVEMENT

Staff held a series of three public meetings to discuss the 2010 commercial groundfish nearshore trip limits and other management measures on the following dates:

- Tillamook: September 28, 2009
- Brookings: September 30, 2009
- Port Orford: October 1, 2009

The goal of these meetings was to discuss harvest levels and management measure alternatives with commercial constituents. Additionally, staff talked with constituents during phone calls following these meetings.

The Sport Advisory Committee was contacted via e-mail for their input regarding potential changes to daily trip limits in the black rockfish management areas, as the sport community was instrumental in development of these areas.

ISSUE 1

2010 COMMERCIAL NEARSHORE FISHERY REGULATIONS

ANALYSIS

STATE HARVEST SPECIFICATIONS

The commercial nearshore fishery is managed under annual harvest limits restricting the amount of fish that can be landed and/or impacted. State landing caps are set for five groundfish species and/or species groups: as follows:

- (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

Landing caps are specific to landings only and do not account for mortality attributed to discarded fish. Black rockfish is additionally managed under a harvest cap that includes both landings and discard mortality. This harvest cap was set at 139.2 mt for 2009. No changes to harvest levels are proposed for 2010.

COMMERCIAL NEARSHORE CUMULATIVE TRIP LIMITS

Cumulative trip limits are designed to distribute the commercial nearshore harvest through a desired season length. 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.

In-season commercial regulation changes during 2009 are detailed in Attachment 4. Increased fishing effort in 2009 as well as a stretch of very nice weather in January were factors that contributed to the need for in-season changes during the year. There has also been a shift to more use of longline gear in some ports. Staff has taken these factors into account to allow opportunity for a 12 month fishing season with fewer in-season changes in the recommended two-month cumulative trip limits. Staff are projecting the 2009 fishery will meet the landing caps for black rockfish, black rockfish and blue rockfish combined, and cabezon, and nearly meet (> 80 percent) landing caps for other nearshore rockfish and greenling.

Staff recommends, and the industry supports, adopting the following two-month cumulative trip limits for the commercial nearshore fishery starting January 1, 2010 (Proposed OAR 635-004-0033(6)):

- (A) Black and Blue Rockfish combined (black/blue rockfish permit needed--with or without a nearshore endorsement)
 - 800 pounds for January-February
 - 1,000 pounds for March-April
 - 1,400 pounds for May-June
 - 1,400 pounds for July-August
 - 1,000 pounds for September- October
 - 800 pounds for November-December
- (B) Other Nearshore Rockfish (nearshore endorsement needed)
 - 700 pounds per period
- (C) Cabezon (nearshore endorsement needed)
 - 1,500 pounds per period

(D) Greenling (nearshore endorsement needed)
250 pounds per period

OPTIONS

1. **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):

800 pounds for January-February

1,000 pounds for March-April

1,400 pounds for May-June

1,400 pounds for July-August

1,000 pounds for September-October

800 pounds for November-December

(B) Other Nearshore Rockfish (Nearshore endorsed vessels only):
700 pounds per period (no change from 2009 limits)

(C) Cabezon (Nearshore endorsed vessels only):
1,500 pounds per period

(D) Greenling (Nearshore endorsed vessels only):
250 pounds per period

2. Consider adopting other commercial groundfish management measures.

STAFF RECOMMENDATION

Option 1.

ISSUE 2

BLACK ROCKFISH MANAGEMENT AREAS

ANALYSIS

Four black rockfish management areas were developed and implemented in 1995 for a multitude of reasons. A stock assessment for black rockfish in Oregon was completed in 1993 and the results were not as optimistic as expected. At the same time, black rockfish were becoming more important to both sport and commercial fisheries. Limited entry had recently been completed for the trawl fishery and there was concern that the individuals who were not successful in that process would become active in nearshore fisheries that were beginning to increase in popularity. In response to these many issues, special zones were developed in areas that were predominately sport oriented and limited commercial fishing. The goals of these areas was to provide an ad hoc allocation of black rockfish between sport and commercial fisheries, limit the harvest of black rockfish in these areas by the commercial fleet, provide a disincentive to commercially fish in these areas thus reducing fishery conflicts, and promote traditionally commercial ports such as Pacific City and Port Orford by not applying restrictions in those areas.

These areas are described in rule (OAR 635-004-0036) as: 1) Tillamook Head to Cape Lookout, 2) Cascade Head to Cape Perpetua, 3) from a point approximately 8 ½ nautical miles north of the Coos Bay north jetty

to a point adjacent to the mouth of Four-mile Creek, and 4) Mack Arch to the Oregon-California border. These four areas encompass the ports of Garibaldi, Depoe Bay, Newport, Charleston, Bandon, and Brookings. The regulations for these zones allow each vessel to harvest 200 pounds of black rockfish or 65 fish, whichever is greater, in a single trip. The trip limit applies to all commercial gears except trawl.

Since the implementation of these areas, measures have been implemented that support many of the original goals these areas were intended for. Through legislative action, the commercial nearshore fishery has been capped by a limited entry program. Allocation to sport and commercial fisheries of not only black rockfish, but also other nearshore rockfish, black and blue rockfish combined, cabezon, and greenling has been formalized through Commission action. These allocations, known as harvest caps and landing caps limit harvest of important nearshore species/species groups for each fishery. Within the commercial allocation of black rockfish, cumulative period trip limits are adopted annually by the Commission and monitored in-season to ensure harvest limits are not exceeded. Individuals fishing within the black rockfish management areas are not allowed to exceed these cumulative period limits. All of these measures factor in to the reduced need for area-based daily trip limits; however, there are no other measures in place as disincentives for effort shifting from traditionally commercial ports to those traditionally sport oriented.

The price of fuel has increased substantially since the time these restrictions were initially put in place. Also, the cost of limited entry vessel permit renewal for black and blue rockfish with or without a nearshore endorsement will increase from \$75 to \$100 effective January 1, 2010. At the recent public meetings commercial fishers noted that the increased costs in fuel and permit fees were not being offset by regulations that limited the quantity of fish caught on a single trip. It was also noted that it requires extremely and/or prohibitively long travel distances to fish outside of these management areas for fishers based in the ports of Brookings, Newport, and Garibaldi. Meeting participants requested consideration of increasing the daily trip limit in the areas to offset the increased costs of fishing.

Because commercial landings for this fishery are recorded in pounds not the number of fish, enforcement personnel have stated that the current wording of the regulation limiting catch of black rockfish in these management areas is problematic because it uses disparate methods of quantifying the trip limit (i.e. 200 pounds or 65 fish, whichever is greater).

As a result of the various measures (limited entry, harvest caps, bimonthly trip limits) that have been put in place since the inception of the black rockfish management areas in 1995, staff believes an increase in the black rockfish management area daily trip limits is warranted.

Staff recommends modifying the daily trip limit specific to the black rockfish management areas to 300 pounds, while eliminating the language specifying a number of fish.

OPTIONS

1. Adopt a 300 pound trip limit for black rockfish taken by all commercial gear except trawl in the black rockfish management areas currently defined.
2. Status quo.

**STAFF
RECOMMENDATION**

Option 1.

ISSUE 3

SAMPLING DATA AND TAG RECOVERY

ANALYSIS

The rule as written causes confusion when staff request to sample data or recover tags. The confusion seems to be due to the perceived emphasis on salmon in the first sentence. The proposed changes to the rule are intended to make the rule clear.

OPTIONS

1. Adopt the proposed language changes to the rule as shown in Attachment 3 (635-001-0035).
2. Status Quo.

**STAFF
RECOMMENDATION**

Option 1.

ISSUE 4

GREEN STURGEON PROHIBITION

ANALYSIS

Oregon commercial regulations currently allow the retention of North American green sturgeon (*Acipenser medirostris*) in all state waters outside of the Columbia River. The Southern Distinct Population Segment (DPS) of this species, which spawns in the Sacramento River system was listed as threatened on April 7, 2006 under the US Endangered Species Act. This threatened DPS of green sturgeon migrates throughout Oregon coastal waters along with the Northern DPS of green sturgeon. The Northern DPS spawns in the Rogue and Klamath river systems and is listed as a Species of Concern. It is only possible to distinguish between the Northern and Southern DPS using genetic analysis (Israel 2006). Hence, to ensure that Oregon fisheries do not impact the threatened Southern DPS of green sturgeon, staff recommends adopting regulations to prohibit the retention of green sturgeon in all Oregon waters. Washington, California, and Canada already prohibit the retention of green sturgeon by all fisheries in all waters.

OPTIONS

- 1. Prohibit retention of green sturgeon in commercial fisheries (see Attachment 3, OAR 635-004-0080).
- 2. Status Quo.

STAFF RECOMMENDATION

Option 1.

ISSUE 5

REVIEW OF THE 2008 COMMERCIAL NEARSHORE LOGBOOK DATA

ANALYSIS

2008 EFFORT AND CATCH

There were 126 Black and Blue Rockfish Limited Entry permits issued in 2008 of which 70 had a nearshore endorsement (NS). 69 NS vessels and 51 permitted vessels without the nearshore endorsement (BB) made landings of black rockfish, blue rockfish, or nearshore species in 2008 with a total of 2,430 fishing days. In addition, 55 vessels fishing under the federal open access program without a Black and Blue Rockfish Limited Entry permit (NP) made a total 176 trips. These vessels were also required to return nearshore logbooks. Combined, all vessels' landings which required a nearshore logbook totaled 2,606 fishing days.

2008 Landings

Species	Pounds Landed	Percent of Cap
Black & blue rockfish	223,401	97%
Other nearshore rockfish	24,440	92%
Cabazon	55,263	80%
Greenling	48,408	94%

NEARSHORE LOGBOOKS RECEIVED

A total of 2,269 logbook entries were received in 2008 from 91 vessels. These included logbooks from BB, NS and NP vessels and accounts for a total of 1,752 fishing days or 67.2 percent of all landings requiring nearshore logbooks.

Logbooks returned by vessels operating under Oregon Black and Blue Rockfish Limited Entry permits, both BB and NS, was slightly higher at 70.2 percent. This represents a decrease of approximately four percent from the 2007 season. Logbooks returned from vessels within individual permit classes, was 79.3 percent for BB and 66.8 percent for NS. Vessels fishing under open access returned logbooks for 39.8 percent of their trips, an increase of more than 20 percent from 2007.

IMPROVEMENTS FOR 2009 AND BEYOND

A Nearshore Logbook Data Analyst is focusing on improving the Nearshore Logbook program. Although overall compliance was down in 2008, 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.

**STAFF
RECOMMENDATION**

N/A.

DRAFT MOTION	I move to adopt the recommended 2010 commercial groundfish, regulations as proposed by staff in Attachment 3.
EFFECTIVE DATE	January 1, 2010.