

Agenda Item Summary

BACKGROUND

GENERAL FEDERAL AND STATE REGULATIONS

State rules governing the Pacific sardine and Pacific halibut fisheries are based on rules adopted federally. The Pacific Fishery Management Council (Council) conducts a significant public process when determining the Harvest Guideline (HG) and regulatory recommendations, which are considered and implemented (occasionally with adjustments) by the National Marine Fisheries Service (NMFS). 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 latitude to adopt concurrent or more conservative regulations, not more liberal).

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.

Three issues are set forth here for the Commission to consider: 1) adopting concurrent harvest limits for 2010 Pacific sardine fisheries; 2) adopting concurrent management measures for 2010 Pacific halibut fisheries; and 3) prohibiting retention of green sturgeon in recreational fisheries.

PUBLIC INVOLVEMENT

A significant public process was conducted by the Council in development of the harvest specifications for Pacific sardine fisheries. A significant public process was also held during the development of federal Pacific halibut regulations for 2010. In addition to two Council meetings and one IPHC meeting, the department held three public meetings during August 2009 and February 2010:

- Astoria: August 17, 2009
- Newport: August 19, 2009 and February 9, 2010

The goal of these meetings was to discuss proposed changes to the Halibut Catch Sharing Plan and open dates for the spring all-depth sport fishery off Central Oregon. A news release was also published asking for input on proposed changes.

ISSUE 1

ANNUAL HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES FOR THE SARDINE FISHERY

ANALYSIS

The recommended federal HG for the 2010 Pacific sardine fishery off Oregon, Washington and California was adopted by the Council at the November 2009 meeting (Attachment 3) and are expected to be published in the Federal Register in February. The coastwide maximum HG for the sardine fishery in 2010 was set at 72,039 metric tons (mt) which is slightly higher than in 2009. The Council set aside 5,000 mt for industry sponsored research to be considered in the spring of 2010. The initial

directed fishery harvest was set at 60,039 mt, with a set aside for incidental catch in other fisheries of 3,000 mt. A management uncertainty buffer of 4,000 mt was set to be available during the third period. These amounts were allocated among three pre-set fishing periods off the west coast as shown in the following table:

	Period 1	Period 2	Period 3
	Jan 1 - Jun 30	Jul 1 – Sep 15	Sep 15- Dec 31
Incidental Set Aside (mt)	1,000	1,000	1,000
Directed Fishery Allocation (mt)	23,463	26,861	16,760
Management Uncertainty Buffer (mt)			4,000

The NMFS will take automatic in-season actions to adjust allocations in a subsequent period resulting from actual harvests over or under the allowed harvest during a fishing period.

OPTIONS

1. Adopt concurrent rules for Pacific sardine fisheries as shown in Attachment 5 (OAR 635-004-0016)
2. Adopt more conservative measures.

STAFF RECOMMENDATION

Option 1.

ISSUE 2

ANNUAL MANAGEMENT MEASURES FOR PACIFIC HALIBUT

ANALYSIS

The Council and IPHC adopted one change to the Pacific Halibut Catch Sharing Plan that affects the 2010 sport fishery off Oregon (Attachment 3, top of page 7): adjust the number of open days in the Central Oregon summer all-depth fishery from three days (Friday, Saturday, and Sunday) per week to two days (Friday and Saturday) per week.

The catch limit for the 2010 fishery was proposed in January by the IPHC (Attachment 4, page 2). The entire 2A catch limit of 810,000 pounds was proposed, which is a reduction of approximately 15 percent from 2009. The final rule, including annual management measures for the Pacific halibut fishery and approval of the 2010 Catch Sharing Plan, will be published in the Federal Register. The proposed seasons and catch limits for the sport fishery are detailed in Attachment 5.

OPTIONS

1. Adopt concurrent rules for Pacific halibut fisheries as shown in Attachment 6 (OARs 635-004-0005, 635-004-0009, 635-039-0080, and 635-039-0085)
2. Adopt more conservative measures.

**STAFF
RECOMMENDATION**

Option 1.

ISSUE 3

GREEN STURGEON RETENTION IN SPORT FISHERIES

ANALYSIS

As discussed in December 2009, the Southern Distinct Population Segment (DPS) of North American green sturgeon was listed as Threatened on April 7, 2006 under the US Endangered Species Act. The northern segment is listed as a Species of Concern. This Threatened Southern DPS of green sturgeon migrates throughout Oregon coastal waters along with the Northern DPS of green sturgeon. It is only possible to distinguish between the Northern and Southern DPS using genetic analysis.

Washington, California, and Canada already prohibit the retention of green sturgeon by all fisheries in all waters. At the December 2009 meeting, the Commission took action to prohibit retention of green sturgeon in commercial fisheries. To further ensure that Oregon fisheries do not impact the Threatened Southern DPS of green sturgeon and provide consistency between fisheries, staff recommends adopting regulations to prohibit the retention of sport-caught green sturgeon in all Oregon waters.

OPTIONS

1. Prohibit retention of green sturgeon in sport fisheries statewide as shown in Attachment 6 (OAR 635-011-0170).
2. Status Quo.

**STAFF
RECOMMENDATION**

Option 1.

DRAFT MOTION

I move to adopt the recommendations for 2010 Pacific sardine and Pacific halibut fisheries and prohibit retention of green sturgeon in sport fisheries as proposed in Attachment 6.

EFFECTIVE DATE

Upon filing.