

Agenda Item Summary

BACKGROUND

COMMERCIAL AND RECREATIONAL GROUND FISH REGULATIONS

State rules governing marine sport and commercial 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) in federal rule. Federal rules are set for two year intervals, with in-season adjustments available at each PFMC meeting (March, April, June, September, and November). The PFMC has determined the harvest level and regulatory recommendations to govern the 2015-2016 biennial cycle, but the final NMFS federal rule implementing them is not expected to be published until March 2015.

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

The Oregon Department of Fish and Wildlife (Department) staff has developed recommendations for recreational and nearshore commercial groundfish fisheries management measures based on public input, for Commission consideration and action. Minor revisions to commercial fishery regulations in Divisions 004 and 006 are also proposed.

PUBLIC INVOLVEMENT

Staff held a joint meeting of the Marine Resource Program's Commercial Nearshore Fishery Advisory Panel (CNFAP) and Sport Advisory Committee (SAC) on March 25, 2014 to discuss upcoming changes to federal harvest specifications for 2015-2016 with industry participants.

Staff obtained input from recreational fishery constituents regarding proposed changes to the 2015 groundfish seasons and regulations through an on-line survey and public meetings in Astoria (October 6th), Newport (October 7th), Coos Bay (August 13th), and Brookings (October 8th). The Newport meeting was also webcast for those who could not make a meeting in person; this was the first time this public involvement tool has been offered in Oregon's groundfish regulation setting process. Fifty-eight people attended the public meetings in person, three attended via webcast, and 182 people took the online survey. Staff also convened a second SAC meeting on October 14, 2014 to discuss final recommendations.

Staff held a series of three public meetings to discuss 2015 nearshore commercial groundfish annual limits, trip limits, and other management measures in Brookings (September 29th), Port Orford (September 30th), and Pacific City (October 2nd). A total of 39 commercial fishermen and

buyers and 5 other interested members of the public attended these meetings. In addition, staff convened a second CNFAP meeting on October 20, 2014 to discuss final recommendations.

ISSUE 1

2013 NEARSHORE LOGBOOK REPORT

ANALYSIS

There were 122 Black and Blue Rockfish Limited Entry permits issued in 2013, 70 of which also had the nearshore endorsement. In 2013, 65 nearshore endorsed vessels and 48 permitted (but not endorsed) vessels made landings of nearshore species. Fishing effort totaled 2,560 fishing days for these vessels. In addition, 68 non-permitted vessels landed incidental amounts of nearshore species and effort totaled 201 boat days. Non-permitted vessels are required to submit nearshore logbooks if landing nearshore species. Combined, the number of trips requiring nearshore logbook submissions totaled 2,761 fishing days, of which 2,644 were received (96 percent compliance).

The quality of logbook data is dependent upon the active participation of nearshore fishermen. Landings and logbook compliance rates have varied in recent years (Table 1). Compliance rates are generally high and improve as Department staff increase contact with fishermen.

Table 1. Comparison of nearshore landings obtained from commercial fish tickets (Ticket Lbs.) and landings obtained from fisherman estimated weights in nearshore logbooks (Hail Lbs).

	2005	2006	2007	2008	2009	2010	2011	2012	2013
Ticket Lbs.	432,724	406,659	443,699	466,153	606,832	406,904	456,013	469,317	501,787
Hail Lbs.	356,351	315,610	311,219	307,846	272,344	321,903	419,806	435,295	473,409
Trip Logs	2,264	1,949	1,697	1,790	1,920	2,037	2,478	2,418	2,644
Hrs. Fished	13,036	10,523	9,379	9,398	8,905	11,556	14,311	14,315	15,866
Compliance	84%	80%	71%	69%	64%	83%	95%	95%	96%

OPTIONS

NA

STAFF RECOMMENDATION

NA

ISSUE 2

ADOPTION OF 2015-2016 FEDERAL GROUND FISH REGULATIONS

ANALYSIS

The Oregon Fish and Wildlife Commission (Commission) incorporates federal regulations as the basis for regulations adopted through the state process; the state has the authority to adopt concurrent or more conservative regulations, but not more liberal. To remain concurrent with federal regulations in 2015, the Commission must adopt federal regulations into Oregon Administrative Rule (OAR) by reference. The federal regulations are currently behind schedule and not expected to be

published before March 2015. Staff recommends that the Commission move to adopt the federal regulations by reference at this meeting, with OARs to be filed upon publication of the federal regulations.

Federal groundfish regulations for 2015-2016 are largely consistent with 2013-2014 regulations. Federal harvest specifications (e.g., Overfishing Limits, Annual Catch Limits) will change relative to 2014 for many groundfish species, primarily affecting fisheries for which the Commission does not typically adopt additional regulations. Proposed changes to federal groundfish regulations and harvest specifications, as well as biological and socio-economic analyses of their impacts, have been released as a NOAA Draft Environmental Impact Statement available at

<http://www.westcoast.fisheries.noaa.gov/publications/nepa/groundfish/1516spexdeis.pdf>.

There are three major changes at the federal level that impact the commercial nearshore and recreational groundfish fisheries for which the Commission typically adopts additional regulations. Impacting both fisheries and discussed in detail under Issue 3, the federal Annual Catch Limit (ACL) for the Minor Nearshore Rockfish species group will be reduced by about 27% for all fisheries north of Cape Mendocino, CA. Impacting only the commercial fishery, Limited Entry Fixed Gear and Open Access cumulative trip limits (i.e., period limits) for Lingcod will be increased for all periods, and include retention during the winter months which had previously been closed for these sectors. Impacting only the recreational fishery, federal regulations will allow retention of up to one canary rockfish per angler, which has been prohibited since 2003.

Staff recommends adopting one provision of the 2015-2016 federal regulations in state rule prior to the publication of federal regulation, which is a commercial sorting requirement for Rougheye/Blackspotted Rockfish (two cryptic species) and Shortraker Rockfish, requiring buyers to record Rougheye/Blackspotted Rockfish and Shortraker Rockfish separately from other slope rockfish on fish receiving tickets. This change is intended to provide better catch accounting and tracking, and is desired as soon as possible by industry to assess the effectiveness of voluntary efforts by industry to reduce catch of these species.

OPTIONS

1. Adopt federal regulations and harvest specifications by reference as shown in Attachment 3.
2. Adopt sorting requirements for Rougheye/Blackspotted Rockfish and Shortraker Rockfish as shown in Attachment 3.
3. Status quo.

STAFF RECOMMENDATION

Options 1 and 2.

ANALYSIS

HARVEST SPECIFICATIONS

The commercial and recreational fisheries for nearshore groundfish species are currently managed under annual harvest caps and landing caps restricting the amount of fish that can be impacted or landed, respectively. For 2015 and beyond, staff recommends converting the current harvest and landing caps to “harvest guidelines” and modifying the species or species groups to which they apply (Tables 1 and 2). A harvest guideline is defined in Oregon Administrative Rule (OAR) as “a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery.” The intent of these changes is to provide managers greater in-season management flexibility and to better align state and federal harvest specifications.

Staff recommends specifying in OAR that “upon attainment of a commercial or recreational groundfish harvest guideline, the Department shall initiate consultations to determine if additional regulatory actions are necessary to achieve management objectives”. In this case, the primary management objective is to maintain total fishery mortality below the federal ACL for each species or species group. Parties to consultation would include commercial and recreational fishery managers within the Department, and representatives of the Washington Department of Fish and Wildlife, the California Department of Fish and Wildlife, and the National Marine Fisheries Service, as necessary. This approach gives the Department the flexibility to allow a fishery that is approaching a sector and/or area specific harvest guideline to continue without modification if, through the process of consultation, it is determined that the overall harvest limit is not likely to be exceeded

Federal “data-moderate” stock assessments were conducted in 2014 for China Rockfish and Copper Rockfish, components of the Minor Nearshore Rockfish complex. The Minor Nearshore Rockfish complex includes Black and Yellow, Blue, Brown, Calico, China, Copper, Gopher, Grass, Kelp, Olive, and Quillback Rockfishes, and Treefish. The results indicated that China Rockfish in the area north of Cape Mendocino (i.e., Washington, Oregon, and Northern California) were on the low side of healthy. Copper Rockfish, assessed for the entire West Coast were determined to be quite healthy. A method was employed to determine the appropriate amount of the stock thought to be living either north or south of Cape Mendocino. This resulted in a shift of fish from the northern area to the southern area. Additionally, a precautionary buffer was implemented for the Blue Rockfish stock in Northern California, as that stock is determined to be below the healthy level. This adjustment resulted in lower allowable harvest.

For 2015-2016, the federal Annual Catch Limit (ACL) for Minor Nearshore Rockfish north of Cape Mendocino, CA will be reduced by approximately 27% from 94 metric tons to 69 metric tons. This includes

the information from the new stock assessments and the apportionment of Copper Rockfish. Staff recommends aligning state and federal regulations by eliminating state harvest specifications for the combined Black Rockfish and Blue Rockfish group and the Other Nearshore Rockfish group (includes the Minor Nearshore Rockfish except Blue Rockfish), creating instead a harvest specification for a combined Blue Rockfish and Other Nearshore Rockfish species group. Harvest specifications for Black Rockfish as an individual species already exist in state regulation. This alignment of state and federal species groups is necessary for the Department to effectively manage fisheries to the lower federal limit.

For Black Rockfish and Cabezon, staff recommends setting harvest guidelines equal to the existing harvest caps, which include all sources of fishery mortality and are based on federally approved “full” assessments of population status and sustainable harvest levels. There is no federally approved “full” assessment for any species of Greenling, and staff recommends setting Greenling harvest guidelines equal to the existing landing caps, which include only landings from the commercial fishery and the recreational ocean boat fishery. For the new species group of Blue Rockfish and Other Nearshore Rockfish combined there are no existing state harvest or landing caps. Staff recommends setting harvest guidelines for this group at 70% of 2008-2013 average harvest for both commercial and recreational fisheries in order to achieve harvest levels that are unlikely to exceed the federal ACL (Table 2).

Table 1. Status quo harvest and landing caps

Harvest Caps	Commercial	Recreational
Black Rockfish	139.2	440.8
Cabezon	30.2	16.8
Landing Caps		
Black Rockfish	137.9	NA
Black and Blue Rockfish	141.9	481.8
Other Nearshore Rockfish	14.3	13.6
Cabezon	30.0	NA
Greenling	23.4	5.2

Table 2. Proposed harvest guidelines.

Harvest Guidelines	Commercial	Recreational
Black Rockfish	139.2	440.8
Blue and Other Nearshore Rockfish	10.4	26.0
Cabezon	30.2	16.8
Greenling*	23.4	5.2

*Greenling harvest guidelines include only landings in the commercial and recreational ocean boat fisheries.

COMMERCIAL REGULATIONS

Cumulative trip limits govern the total amount (pounds) of a species or

species group that may be landed by a permitted vessel within a defined period of time, and are designed to distribute the commercial nearshore harvest through a 12-month season without exceeding state or federal harvest limits. Consistent with previous years, the majority of public input indicated a strong desire to maintain the 12-month season for all target species and a risk-averse approach to setting cumulative trip limits in order to achieve this goal.

For Black Rockfish and Blue Rockfish, cumulative trip limits currently apply to landings of both species combined and are structured to allow for higher catches in the summer than in the winter in order to accommodate effort and market demand. Staff recommends setting separate species specific cumulative trip limits for Black Rockfish and Blue Rockfish for 2015 to be consistent with recommended changes in harvest specifications discussed above. Blue Rockfish are of relatively low importance to most participants in the commercial fishery and staff recommends setting a flat, conservative cumulative trip limit across all periods for Blue Rockfish (Table 3) as part of the strategy to maintain harvest of Minor Nearshore Rockfish within the recommended guidelines discussed above.

For Black Rockfish, which make up over 93% of the combined landings, staff recommends basing cumulative trip limits on the existing limits for Black Rockfish and Blue Rockfish combined with some modification. For the past several years, the Department has made substantial in-season increases in limits for Black Rockfish and Blue Rockfish combined (e.g., from 1400 pounds to 2100 pounds) during later periods as early season catches have tracked below projections. Fishers and buyers generally prefer predictability and stability in limits, and staff recommends modest increases in cumulative trip limits for Black Rockfish for some periods relative to the current limits for Black Rockfish and Blue Rockfish combined (Table 3) in order reduce the likelihood of large in-season increases. Projections indicate that the recommended limits are likely to keep total Black Rockfish harvest within guidelines.

Table 3. Current and staff recommended cumulative trip limits (pounds) for Black Rockfish and Blue Rockfish.

Period	Current Limit	Staff Recommended Limit	
	Black Rockfish and Blue Rockfish	Black Rockfish	Blue Rockfish
1 (Jan-Feb)	1,000	1,200	15
2 (Mar-Apr)	1,200	1,400	15
3 (May-Jun)	1,700	1,700	15
4 (Jul-Aug)	1,600	1,600	15
5 (Sep-Oct)	1,200	1,400	15
6 (Nov-Dec)	1,000	1,000	15

In the commercial fishery, Other Nearshore Rockfish species make up the majority of catch within the federal Minor Nearshore Rockfish group, and

are generally preferred over Blue Rockfish due to the high price fetched for these species in live markets. In order to maintain harvest within the recommended guidelines discussed above, staff recommends reducing cumulative trip limits for Other Nearshore rockfish from the current 700 pounds per period to 100 pounds per period. A much steeper reduction in the cumulative trip limit is necessary to achieve targeted 30% reduction in total harvest because very few vessels have historically landed 700 pounds in any period. In fact, active vessels with permit endorsements for these species have landed fewer than 100 pounds in a period 75% of the time from 2008-2013, even though regulations have allowed up to 700 pounds per period over that time.

For Cabezon and Greenling cumulative trip limits, public input indicated a preference for no change from the current limits, with in-season adjustments made as necessary. Staff recommends maintaining the 300 pounds per period limit for Greenling and the 1,500 pounds per period limit for Cabezon.

RECREATIONAL REGULATIONS

Daily bag limits, length limits, and season restrictions are the primary management tools used to achieve appropriate harvest of target species in the recreational groundfish fishery. The current regulation specifies a seven fish daily bag limit for all 'Marine Fish' (rockfish, greenling, and cabezon), no more than one of which may be a cabezon. Blue Rockfish and Other Nearshore Rockfish species are included in this Marine Fish bag limit. In order to maintain recreational catches within the recommended harvest guideline discussed above, staff recommends limiting Blue Rockfish retention to no more than one of the seven Marine Fish bag limit, and prohibiting retention of China Rockfish, Copper Rockfish and Quillback Rockfish. Staff also recommends allowing retention of one Canary Rockfish within the Marine Fish bag limit, however, this provision cannot be implemented until after the federal regulations are published (expected in March 2015).

A variety of management tools were analyzed and discussed at public meetings including length limits, season restrictions, and bag limit composition. Anglers attending the meetings expressed a wide variety of opinion regarding the pros and cons of each of these tools, but many emphasized the importance of maintaining angling opportunities for the primary groundfish target species (e.g., Black Rockfish and Lingcod) as close to status quo as possible, and reducing the risk of exceeding the harvest guideline to the extent possible. While the staff recommended regulations are likely to increase discard rates and discard mortality for some species, most are captured in shallow waters where discard mortality is relatively low. Discard mortality is estimated by the Department and counted against the harvest guideline and federal ACL, and under the recommended regulations total mortality (catch + discard mortality) is unlikely to exceed federal harvest limits.

In this fishery, Blue Rockfish and Other Nearshore Rockfish are primarily

caught incidentally by anglers targeting Black Rockfish or Lingcod, and comprise 5% of the total recreational groundfish harvest. Blue Rockfish make up the majority of catch within the federal Minor Nearshore Rockfish group, and total annual recreational harvest is highly variable, ranging from 15.9 to 26.1 metric tons from 2008-2013. Under current regulations, Blue Rockfish harvest alone may exceed the new recommended harvest guideline in some years. Given the variability in Blue Rockfish harvest, allowing retention of more than one Blue Rockfish substantially increases the risk of exceeding the harvest guideline. An additional consideration in recreational fisheries is the ability of anglers to correctly identify species. Blue Rockfish are commonly misidentified as Black Rockfish, and allowing one Blue Rockfish (as opposed to prohibiting) will give anglers some regulatory room for error in species identification.

Catch rates for Other Nearshore Rockfish rarely exceed one per angler, therefore allowing retention of these species would have little impact on total harvest relative to status quo regulations. The bulk of Other Nearshore Rockfish catch in the recreational fishery is composed of China Rockfish, Copper Rockfish, and Quillback Rockfish. Staff recommends prohibiting only these more easily-identified species to avoid complicating regulations with a lengthy list of prohibited species, many of which are rarely encountered and would therefore have little effect on the overall harvest.

Many alternatives were considered but the staff believes this recommendation strikes the best balance to stay within harvest guidelines, provide angling opportunities, minimize regulatory complexity, and maximize compliance.

OPTIONS

1. Adopt harvest guidelines and regulations for commercial nearshore and recreational groundfish fisheries as shown in Attachment 3.
2. Status quo.

STAFF RECOMMENDATION

Option 1

ISSUE 4

MINOR REGULATORY UPDATES: CONVERSION FACTORS AND SCIENTIFIC NAME CORRECTION

ANALYSIS

In 2012 (effective January 1, 2013), the Commission expanded the number of groundfish species allowed to be dressed at sea in commercial fisheries by adopting additional weight conversion factors in OARs. Conversion factors are applied to landed weights of dressed fish to convert them to round (whole) weight for biological and fiscal accounting purposes. At the time, rockfish conversion factors were only adopted for the headed-and-gutted product form. Participants in the fishery have recently requested adoption of a conversion factor for gilled-and-gutted (head-on) rockfish as this is the preferred product form for these species. Current conversion factors are largely based on the Alaska Sea Grant

publication Recoveries and Yields for Pacific Fish and Shellfish (Crapo, 2004), which also contains information for gilled-and-gutted rockfish. Staff recommends adopting a conversion factor of 1.14 for gilled-and-gutted rockfish. Because there is no equivalent conversion factor in the federal rules of the Trawl Individual Quota program, participants in that fishery would not be able to land gilled-and-gutted rockfish unless and until federal regulations are changed.

Staff recommends correcting the scientific name for Grass Rockfish in OAR (Attachment 3), which is currently in error.

OPTIONS

1. Adopt a gilled-and-gutted conversion factor for rockfish species as shown in Attachment 3.
2. Adopt the correct scientific name for Grass Rockfish as shown in Attachment 3.
3. Status quo.

**STAFF
RECOMMENDATION**

Options 1 and 2.

DRAFT MOTION	I move to adopt the recommended commercial groundfish and recreational groundfish regulations as proposed by staff in Attachment 3.
EFFECTIVE DATE	Upon filing.