

Agenda Item Summary

BACKGROUND

State rules governing marine recreational and commercial groundfish fisheries are based on rules adopted federally. The Oregon Fish and Wildlife Commission (Commission) incorporates federal regulations as the basis for additional or more conservative regulations adopted through the state process. 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 generally set for two year intervals, and the Commission adopted 2015-2016 federal regulations in January 2015. Since that time, additional federal regulations have been promulgated which need to be incorporated into state regulations in order to remain concurrent.

In order to maintain total fishery harvest levels within federally specified limits, staff from the Oregon Department of Fish and Wildlife (Department) annually develop recommendations for recreational and nearshore commercial groundfish fisheries regulations, on which the Commission takes action. These regulations include but are not limited to annual limits, commercial trip limits, recreational bag limits, length limits, and adjustments to depth-based closures.

Changes to the species defined as groundfish, based on changes to the federal definition, and the addition of the newly recognized species Deacon Rockfish to state groundfish regulations are also proposed. Finally, this exhibit includes the annual commercial nearshore logbook report required by ORS 508.953.

The initial agenda item request for this exhibit had also included Coastal Pelagic Species (CPS) regulations. However, it has come to the attention of staff that new federal regulations and harvest specifications for several CPS will be promulgated next spring, therefore staff recommends delaying consideration of CPS regulations until a later Commission meeting.

PUBLIC INVOLVEMENT

Staff obtained input from recreational fishery constituents regarding proposed changes to the 2016 groundfish seasons and regulations through public meetings in Brookings (Oct 12), North Bend (Oct 13) and Newport (Oct 15). The Newport meeting was also webcast for those who could not make a meeting in person; this was the second time this public involvement tool has been offered in Oregon's groundfish regulation setting process. Thirty people attended the public meetings in person and one attended via webcast. Staff also convened a Sport Advisory Committee meeting on July 21, 2015 to discuss potential options.

Commercial nearshore groundfish annual limits, trip limits, and other management measures for 2016 were discussed at three public meetings, held in Pacific City (October 13th), Gold Beach (October 14th), and Port Orford (October 15th). A total of 16 commercial fishermen attended these

meetings.

ISSUE 1

2014 NEARSHORE LOGBOOK REPORT

ANALYSIS

There were 121 Black and Blue Rockfish Limited Entry permits issued in 2014, 69 of which also had the nearshore endorsement. Landings of nearshore species were made by 63 nearshore endorsed vessels and 44 permitted (but not endorsed) vessels. Fishing effort totaled 2,213 fishing days for these vessels. In addition, 49 non-permitted vessels landed incidental amounts of nearshore species and effort totaled 283 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 2,496 fishing days, of which 2,096 were received (84 percent compliance).

The quality of logbook data is dependent upon the active participation of nearshore fishers and Department staff engaging the fleet. Landings and logbook compliance rates have varied in recent years (Table 1). The compliance rate in 2014 fell 12% from 2013. This fall in compliance was likely due to an extended vacancy in the nearshore logbook staff position. Compliance improves as Department staff increase contact with fishers.

Table 1. Nearshore landings obtained from commercial fish tickets (Ticket Lbs.), number of trips requiring logs (Trips), and fleet compliance with the logbook submission requirement (Compliance).

Year	Tickets Lbs	Trips	Compliance
2014	460,886	2,496	84%
2013	501,787	2,644	96%
2012	469,317	2,418	95%
2011	456,013	2,478	95%
2010	406,904	2,037	83%
2009	606,832	1,920	64%
2008	466,153	1,790	69%
2007	443,699	1,697	71%
2006	406,659	1,949	80%
2004	432,724	2,264	84%

OPTIONS

1. NA

STAFF RECOMMENDATION

1. NA

ISSUE 2

2016 STATE NEARSHORE GROUND FISH REGULATIONS

ANALYSIS

HARVEST SPECIFICATIONS

The recreational and commercial nearshore fisheries are managed under sector-specific annual harvest guidelines restricting the amount of fish that can be impacted by each fishery. There are no changes from 2015 federal harvest limits for 2016, and staff is not recommending any changes to state-specified harvest guidelines.

GROUND FISH DEFINITION

In 2015, the PFMC added all species of grenadiers and skates that occur off Oregon, Washington, or California to the Groundfish Fishery Management Plan (FMP). Staff recommends updating the definition of groundfish to match the species included in the FMP and federal regulation.

SEABIRD AVOIDANCE MEASURES

On November 18, 2015, NMFS promulgated regulations implementing recommendations of the PFMC to require streamer lines during setting or retrieval of longline gear for vessels greater than 55 feet in length in order to reduce seabird bycatch, particularly of the endangered Short Tailed Albatross. Staff recommends adopting this federal rule in state regulation by reference.

DEACON ROCKFISH

Blue Rockfish have recently been recognized as two separate species, Blue Rockfish and the newly-described Deacon Rockfish (Frable et al. 2015). Because these two species have not historically been distinguished from each other for sampling or management, they have been managed as a complex by default. Staff recommends modifying regulations for both commercial and recreational fisheries to explicitly include Deacon Rockfish for all regulations applying to Blue Rockfish. This does not create any change from recent management or regulation, but clarifies that all regulations applying to Blue Rockfish apply to Blue Rockfish and Deacon Rockfish combined.

COMMERCIAL REGULATIONS

Cumulative trip limits govern the total amount (weight, in 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, cumulative trip limits currently apply to two-month

periods and are structured to allow for higher catches in the summer than in the winter in order to accommodate effort and market demand. For the past several years, the Department has made substantial in-season increases in limits for Black Rockfish (e.g., from 1,400 pounds to 2,100 pounds) during later periods as early-season catches have been lower than projected. Fishers and buyers generally prefer predictability and stability in limits, and in 2015 the Commission adopted modestly higher Black Rockfish trip limits in order to reduce the likelihood of large in-season adjustments. While in-season increases were still made in 2015, they were less drastic and the fishery is projected to achieve approximately 87% of the harvest guideline by the end of the year. Public input indicated that commercial fishers were generally satisfied with the 2015 Black Rockfish trip limits and staff recommends no change for 2016.

The federal Minor Nearshore Rockfish Complex includes Blue Rockfish (including Deacon Rockfish) and all of the species in the state-defined Other Nearshore Rockfish group (Black and Yellow, Blue, Brown, Calico, China, Copper, Gopher, Grass, Kelp, Olive, and Quillback Rockfishes, and Treefish). Beginning in 2015, federal harvest limits for the Minor Nearshore Rockfish Complex were sharply reduced. In response, the Commission lowered trip limits from 700 to 100 pounds per period for Other Nearshore Rockfish and established a new Blue Rockfish trip limit of 15 pounds per period. These levels were recommended by staff based on projections that assumed no changes in fisher behavior. By mid-year, it became clear that the new limits had changed behavior resulting in notably lower fishing effort targeting these species. Projections indicated that commercial harvest of the Minor Nearshore Rockfish complex was unlikely to be greater than 50% of the harvest guideline by the end of the year. Therefore, trip limits for periods 4 (Sep-Oct) and 5 (Nov-Dec) were increased to 300 pounds per period for Other Nearshore Rockfish and 50 pounds per period for Blue Rockfish. Even with these substantial increases, harvest is still projected to be well below the guideline. For 2016, public input was mixed but generally favored higher limits at the start of the season, combined with close monitoring and in-season adjustments if necessary, in order to achieve greater attainment of the harvest guideline and provide the associated economic benefits. Staff recommends setting 2016 trip limits at 200 pounds per period for Other Nearshore Rockfish and 30 pounds per period for Blue Rockfish at the outset of the season. Projections indicate that there is a moderate risk of exceeding the commercial fishery harvest guideline under these levels, however, that risk can be effectively mitigated by close monitoring and in-season adjustments as suggested by the public.

For Kelp Greenling the 2015 trip limit was set at 300 pounds per period and with projections indicating harvest would be well below the harvest guideline, the trip limit was increased to 400 pounds per period for periods 4 (Jul-Aug), 5 (Sep-Oct), and 6 (Nov-Dec). Public input favored higher limits for Kelp Greenling, and staff recommends setting 2016 trip limits at 400 pounds per period. Projections indicate this level is likely to achieve approximately 90% of the harvest guideline.

Similar to Kelp Greenling and Other Nearshore Rockfish, Cabezon harvest in 2015 was well below the harvest guideline under the status quo trip limit of 1,500 pounds per period. However, no in-season adjustments were made for Cabezon because landings data show that vessels very rarely achieve this limit, and most often are below 50% of the limit. Public input often attributed this to factors reducing long-line effort such as salmon fishing opportunities and the reduced limits for Other Nearshore Rockfish. Staff recommends no change to the Cabezon trip limit of 1,500 pounds per period for 2016.

RECREATIONAL REGULATIONS

Daily bag limits, length limits, seasonal closures, and seasonal depth 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 or Canary Rockfish, and no more than three of which may be Blue Rockfish. In addition, retention of China Rockfish, Copper Rockfish, Quillback Rockfish and Yelloweye Rockfish is prohibited. The restrictions on Blue Rockfish, China Rockfish, Copper Rockfish and Quillback Rockfish were adopted by the Commission for 2015 fisheries in response to the reduced federal harvest levels for the Minor Nearshore Rockfish Complex.

At the time of this report, projections indicate that recreational harvest for 2015 will come very close to, but likely not exceed, the recreational harvest guideline for Blue Rockfish and Other Nearshore Rockfish combined.

As in 2015, projections for 2016 indicate that under the current regulation some risk remains of exceeding the recreational harvest guideline; however, the likelihood of exceeding the guideline has not changed since the Commission adopted 2015 regulations. Therefore staff recommends no change to recreational regulations for 2016.

REFERENCES

Frale BW, Wagman DW, Frierson TN, Aguilar A, Sidlauskas BL (2015) A new species of *Sebastes* (Scorpaeniformes: Sebastidae) from the northeastern Pacific, with a redescription of the blue rockfish, *S. mystinus* (Jordan and Gilbert, 1881). *Fishery Bulletin* 113.

OPTIONS

1. Adopt staff recommendation to revise definition of groundfish.
2. Adopt federal seabird avoidance measures by reference.
3. Adopt staff recommendation to include Deacon Rockfish in all regulations that apply to Blue Rockfish.
4. Adopt staff recommendation for commercial nearshore cumulative trip limits for Other Nearshore Rockfish, Blue Rockfish, and Kelp

- Greenling.
5. Status Quo

**STAFF
RECOMMENDATION**

1. Options 1 through 4

DRAFT MOTION

I move to adopt the recommended recreational and commercial groundfish regulations as proposed by staff in Attachment 3.

EFFECTIVE DATE

Upon Filing