

**Exhibit I**  
**Commercial Coastal Pelagic Species**  
**(CPS) Fisheries**

**Supplemental Public Correspondence**

**Public correspondence received**  
**as of June 10, 2016**



Oregon Department of Fish and Wildlife  
Marine Resources Program  
2040 SE Marine Science Drive  
Newport, OR 97365

June 10, 2016

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Dear Director Melcher and ODFW Commission,

RE: Commercial Coastal Pelagic Species (CPS) Fisheries & Market Squid Fishery  
Temporary Rule

Thank you for the opportunity to comment on the CPS Fisheries and developing market squid fishery. The Audubon Society of Portland is pleased that mackerel species are under consideration for addition to the list of Cape Perpetua Seabird Protection Area (CPSPA) prohibited species. We urge that you approve this measure. Over 7,000 seabirds of 11 different species typically nest in colonies on the periphery of the Cape Perpetua Marine Reserve/Marine Protected Area (MR/MPA) in the spring/summer<sup>1</sup>. In addition, the central coast supports the core of Oregon's Marbled Murrelet population<sup>2</sup>, a species listed as threatened under the Endangered Species act (ESA). Both murrelets and many of Oregon's colonial nesting seabirds focus their foraging activity in nearshore waters including those encompassed by the Cape Perpetua MR/MPA<sup>3</sup> as well as Oregon's other MR/MPAs. Seabird survival (and that of their young) depends on the forage fish prey and some of Oregon's breeding seabird species are known to prey on mackerel species<sup>4</sup>. This decision is important as growing evidence indicates forage fish can drive population trends in seabird species<sup>5</sup> and seabirds, as a group, are experiencing some of the most dramatic declines worldwide<sup>6</sup>.

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<sup>1</sup> Naughton, M., D.S. Pitkin, R.W. Lowe, K.J. So, and C.S. Strong. 2007. Catalog of Oregon Seabird Colonies. Biological Technical Publication BTP-R 1009-2007.

<sup>2</sup> Raphael, M.G., A.J. Shirk, G.A. Falxa, S.F. Pearson. 2015. Habitat associations of marbled murrelets during the nesting season in nearshore waters along the Washington to California coast. *Journal of Marine Systems* 143: 17-25.

<sup>3</sup> Poole, A. (Editor). 2005. *The Birds of North America*

Online: <http://bna.birds.cornell.edu/BNA/>. Cornell Laboratory of Ornithology, Ithaca, NY.

<sup>4</sup> Audubon Society of Portland. 2014. Oregon's Seabirds and the Role Forage Fish Play in their Diets – A literature review. Unpublished report by the Audubon Society of Portland for Pew Charitable Trusts, 17pp.

<sup>5</sup> Cury, P.M. et al. 2011. Global Seabird Response to Forage Fish Depletion – One-Third for the Birds. *Science* 334 : 1703-1706.

<sup>6</sup> Pałeczny M., E. Hammill, V. Karpouzi, and D. Pauly. 2015. Population Trend of the World's Monitored Seabirds, 1950-2010. *PLoS ONE* 10(6): e0129342.  
doi:10.1371/journal.pone.0129342

On a related note, we are deeply concerned about the recent decision by ODFW to adopt temporary rules regarding the market squid fishery, including an increase in the smelt (including eulachon) bycatch cap from 1% to 10% and allow for incidental catch of several forage/CPS species in the CPSPA (take that is currently prohibited) from June 3 to November 29, 2016. We take the opportunity here to express our concern as this decision was moved forward quickly with little opportunity for public comment.

We are deeply concerned about this decision for the reasons described below:

1. **Compromises rules and regulations as well as goals of ODFW's marine reserve program:** The temporary rule allows for forage fish take<sup>7</sup> in a Marine Protected Area where such activity has been, until this ruling, explicitly prohibited (with the exception of market squid).<sup>8</sup>

Allowing additional take of forage fish species in the CPSPA jeopardizes the mission and purpose of ODFW's marine reserve program and sets a troubling precedent. Specifically, allowing previously unplanned take in MR/MPAs could interfere with a core goal of the ODFW marine reserve program to assess marine reserve function by conducting ecological monitoring in MR/MPAs and nearby comparison areas. Extracting forage fish prey in MPAs could impact the research findings of both current and planned monitoring of predatory fish populations in the reserves.
2. **Increase take of ESA listed species:** This temporary rule is especially concerning in that it increases the bycatch cap for an ESA species (eulachon) from 1 to 10% in allowable catch – a ten-fold increase.
3. **Potential local population impacts:** Increase in bycatch allowances could jeopardize local populations of forage fish species. In particular, eulachon have been documented spawning in the both the Ten Mile Creek and Big Creek Basins adjacent to the Cape Perpetua Marine Reserve/MPA<sup>9</sup>. Current understanding of location, importance, and potential threats to forage fish spawning grounds in Oregon is poor. It is entirely possible that the local Ten Mile Creek and Big Creek cohorts of spawning eulachon could be placed in greater threat of extirpation based on the temporary rule decision.
4. **Importance to local seabird populations:** As mentioned previously, thousands of nesting seabirds (including the ESA listed Marbled Murrelet) forage in the Cape Perpetua MR/MPA and CPSPA. Increasing forage fish take permitted by this temporary rule could impact their survivorship.
5. **Potential conflict with Comprehensive Ecosystem-Based Amendment 1 (CEBA 1) regs:** By increasing the smelt bycatch cap up to 10% it is possible

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<sup>7</sup> Pacific herring, Pacific Sardine, smelt (including eulachon), and Pacific Sand lance

<sup>8</sup> <http://www.dfw.state.or.us/MRP/marinereserves.asp>

<sup>9</sup> Ten mile creek life cycle monitoring project (ODFW, Dr. Chris Lorion)

the catch could exceed the 10 metric ton per trip limit on unmanaged forage fish landings set by the CEBA-1 regulations<sup>10</sup>.

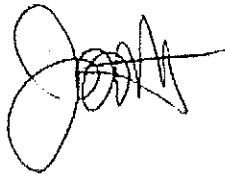
**We recommend the following:**

1. Moving forward, we strongly discourage temporary rules that allow increased fishing in MR/MPAs for the reasons elucidated above. The potential for climate change and other environmental factors to influence squid fishing could alter market squid movement patterns and spawning behavior. We strongly urge research effort that would allow a better analysis of market squid distribution in Oregon's nearshore waters.
2. Current understanding of location, importance, and potential threats to forage fish spawning grounds in Oregon is poor. We recommend engagement with the newly formed Oregon Ocean Science Trust and or other entities that will implement research/monitoring via the incipient Oregon Forage fish Management Plan and/or the Oregon Nearshore strategy that will help fill these glaring data gaps.
3. For the current temporary ruling, we recommend time area closures that would allow relief for both target species (market squid) and non-target forage fish species. For example, allowing squid to spawn uninterrupted by fishing efforts over weekends (method used in California) is one way to provide relief for this species and increase chances of successful spawning efforts.

Sincerely,

Joe Liebezeit, MS  
Avian Conservation Program Manager  
Audubon Society of Portland

Paul Engelmeyer  
Ten Mile Creek Sanctuary Manager  
Audubon Society of Portland



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<sup>10</sup> <http://www.pcouncil.org/wp-content/uploads/2016/04/2016-07516.pdf>