



AGENDA ITEM SUMMARY

BACKGROUND

The Oregon Fish and Wildlife Commission (Commission) considers an annual groundfish agenda item which includes a report on the commercial nearshore fishery’s logbook program, and rulemaking for commercial and recreational fisheries. This summary presents information and recommendations on those two items (Issue 1, 2019 Logbook Report, and Issue 2, 2021 fishery regulations) from the Department’s Marine Resources Program.

Oregon’s commercial nearshore fishery consists of a limited number of small vessels that use hook & line gear on rocky reefs in state waters to target nearshore groundfish, including black rockfish and 23 other species. Annual limits on total commercial catch keep the fishing-related mortality of each species to sustainable levels. Vessels are subject to cumulative landing limits (“trip limits”) per two-month period for each species or species group, in order to moderate progress toward overall annual limits and keep the fishery open year-round. All landed catch is sorted, weighed on certified scales, and reported to the Department. Vessels must have a permit under a system established by the Oregon Legislature in 2004, which also included a requirement for vessel captains to keep a logbook and the Department to report annually to the Commission on the logbook program (Issue 1). Additional detailed statistics on this fishery can be found in annual reports at <https://www.dfw.state.or.us/MRP/publications/>.

The recreational groundfish, or bottomfish, fishery consists of anglers using hook and line jig gear to catch rockfish, lingcod, cabezon, greenling, and other groundfish species. Anglers fish from private, charter or guide boats; or to a lesser degree, from shore. Management tools include daily bag limits, time/area closures, gear requirements, and minimum size limits. In recent years, approximately 100,000 angler-trips per year have targeted groundfish, with black rockfish making up roughly 70% of the total catch. Most effort occurs in the summer, but year-round opportunity is important to many anglers, businesses, and coastal communities. The second annual Sport Groundfish Newsletter is available at <https://myodfw.com/sport-bottomfish-seasons>.

Regulations for these fisheries are based on federal rules developed by the Pacific Fishery Management Council, with Department participation. A proposed federal rule for 2021-2022 groundfish harvest specifications and management measures was published on October 2, 2020 (Attachment 4). A final federal rule, which staff recommend adopting by reference when available, is expected by the end of December, 2020. The Commission adopts additional measures in state rule, and proposed changes for 2021 are presented here (Issue 2).

PUBLIC INVOLVEMENT

Commercial nearshore groundfish annual limits, trip limits, and other management measures for 2021 were discussed during a public meeting via webinar on September 23rd (originally

scheduled for September 9th but postponed due to fires). Eight commercial fishermen and members of the public attended this virtual meeting.

Staff obtained input on recreational groundfish seasons and regulations for 2021 at a virtual public meeting in August, with approximately 25 participants. Staff also communicated with the Marine Sportfishing Advisory Committee to discuss the 2020 fishery, potential in-season adjustments, and preliminary management ideas for the 2021 season.

In addition, staff received input on both fisheries in person and via email and phone.

ISSUE 1 - 2019 NEARSHORE LOGBOOK REPORT

ORS 508.953 requires the Department to present an annual report to the Commission on the nearshore logbook program. This report is for 2019.

ANALYSIS

Black and Blue Rockfish Limited Entry permit holders are required to complete and submit Department-issued commercial nearshore logbooks, which provide detailed information on effort (e.g., time fished, number of hooks used), locations fished, and estimated catch and discard by species or species group. This information is primarily used to evaluate catch rates for stock assessment (catch per hook over time), for marine spatial planning, and to verify or validate other information such as observer data. This report provides background information on the fishery in 2019 and describes the logbook data.

Two levels of the permit exist: Black and Blue Rockfish Limited Entry Permits alone, and with an additional Nearshore Endorsement. The Nearshore Endorsement allows vessels to land specified amounts of fish defined as “nearshore species” such as nearshore rockfish, greenling, and cabezon. All other hook and line vessels (including those with Black and Blue Rockfish permits without an endorsement, as well as non-permitted vessels) are limited to an incidental amount of 15 pounds per day of all these species combined. Permits must be renewed annually, with a landings requirement for renewal.

In 2019, there were 111 Black and Blue Rockfish Limited Entry permits renewed from the prior year; 67 with the Nearshore Endorsement and 44 without. One non-endorsed permit did not renew for 2019 (this level of attrition is typical). Landings of nearshore species were made by 106 permitted vessels (66 endorsed and 40 not endorsed), for 95% permit participation. Fishing effort totaled 2,270 fishing days for these vessels.

Non-permitted vessels that catch groundfish with hook and line gear (for example, those targeting lingcod or other species not covered by Oregon’s permitted nearshore fishery) are also required to complete and submit nearshore logbooks. In 2019, 60 non-permitted vessels landed hook and line caught groundfish, and that effort totaled 382 boat days.

The total number of trips requiring nearshore logbook submissions from all permitted and non-permitted vessels was 2,652, of which 2,420 were received (91% compliance).

Compliance with logbook requirements is required, and the quality of logbook information is dependent upon nearshore fishermen providing accurate and detailed information. Department staff engagement with fishermen helps ensure compliance and good quality information. Logbook data quality has improved over time as fishers have gained familiarity. Consistent monitoring and outreach will continue to improve and refine logbook data quality. Compliance for 2019 was comparable to past years, but declined slightly from 2018 (Table 1). Staff work collaboratively with the Oregon State Police to identify and address compliance issues with individual permit holders.

Table 1. Nearshore landings from commercial fish tickets (Ticket lbs.), number of trips submitting logs (Submissions), and fleet compliance with the logbook requirement (Compliance).

Year	Tickets lbs.	Submissions	Compliance
2019	632,648	2,420	91%
2018	621,925	2,524	94%
2017	625,806	2,443	93%
2016	461,934	2,070	83%
2015	571,413	2,575	90%
2014	489,575	2,141	84%
2013	502,643	2,644	96%
2012	471,522	2,418	95%
2011	456,776	2,478	95%
2010	401,980	2,037	83%
2009	529,385	1,920	64%
2008	459,658	1,790	69%
2007	419,654	1,697	71%
2006	388,162	1,949	80%

OPTIONS

N/A

ISSUE 2 - 2021 GROUND FISH FISHERY REGULATIONS

This issue includes three topics: (1) state harvest guidelines for the commercial and recreational sectors, (2) commercial nearshore fishery management measures, and (3) recreational fishery management measures.

ANALYSIS

STATE HARVEST GUIDELINES

State harvest guidelines (HGs) are annual harvest objectives (in weight of each species or management group) for commercial and recreational fisheries (sectors) in Oregon. Management measures are designed to attain, but not exceed, each HG. When cumulative sector catch is projected to reach an HG, the Department will determine whether action is needed to avoid exceeding an Annual Catch Limit (ACL) or negatively impacting the other sector.

The Commission establishes HGs by allocating federal ACLs or other specifications for Oregon stocks to each sector. Since the early 2000's when HGs were first established in state rule, the proportions have been based on historical landings and have not changed, except for housekeeping adjustments.

Table 2 shows the 2021 recreational and commercial HGs by species/management group that result from applying the status quo allocation proportions for each sector, with three prior years for context. **Staff recommend adopting these sector HGs for 2021.**

Table 2. State harvest guidelines for commercial and recreational groundfish management groups, in metric tons.

Management Group	2018	2019	2020	2021 (proposed)
Black Rockfish				
Commercial HG (24.0%)	124.7	123.8	122.9	122.9
Recreational HG (76.0%)	394.7	392.2	389.1	389.1
Blue and Deacon Rockf.				
Commercial HG (18.6%)	NA	18.9	18.3	16.8
Recreational HG (81.4%)	NA	82.6	80.1	73.7
Nearshore Rockfish (without Blue & Deacon)				
Commercial HG (51.3%)	NA	12.3	12.2	11.3
Recreational HG (48.7%)	NA	11.7	11.6	10.8
Cabazon				
Commercial HG (64.3%)	30.2	30.2	30.2	35.0
Recreational HG (35.7%)	16.8	16.8	16.8	19.4

Greenling					
Commercial HG (75.1%)	144.3	128.5	118.3		108.1
Recreational HG (24.9%)	47.9	42.6	39.2		35.8

COMMERCIAL GROUND FISH FISHERY MANAGEMENT MEASURES

Staff Recommendations in Brief (changes from status quo in bold)

- Black rockfish trip limits:
 - Period 1 - 1,500 lbs
 - **Period 2 - 1,800 lbs**
 - **Period 3 & 4 - 2,100 lbs**
 - **Period 5 - 1,800 lbs**
 - Period 6 - 1,500 lbs
- Other nearshore rockfish trip limits: **350 pounds**
- Cabezon trip limits: **1,500 pounds**
- Blue and deacon rockfish trip limits: 1,500 pounds
- Greenling trip limits: 1,000 pounds
- Housekeeping – **clarify that landing requirements for permit transfer only apply to permits with a Nearshore Endorsement**

2020 Commercial Nearshore Season Recap

In 2020, commercial nearshore fishing effort and landings are at historic lows, likely due to COVID-related reduction in market demand. Landings of black rockfish, the main target of the fishery, are down, as are cabezon landings. Industry members indicated that on the south coast, low market demand is driving low landings. Only the other nearshore rockfish species are in demand on the south coast, driving high overall season landings of that group. In other ports, demand for black rockfish is up this year.

Black rockfish trip limits were raised in-season twice in 2020 (July 5 and September 1), with an increase of 300 pounds for period 4 and 600 pounds for periods 5 and 6 (P4=2,400; P5=2,700; P6=2,700). The fishery has seen solid catch per unit effort, but low effort, in 2020 and is currently projected to attain about 87% of the HG after these adjustments.

Cabezon trip limits were also raised from 1,000 to 2,000 pounds on September 1. To slow other nearshore rockfish landings and extend harvest opportunity throughout the season, a daily trip limit of 15 pounds was implemented on October 23 and the period 6 trip limit was reduced to 45 pounds to remain under the commercial HG.

2021 Commercial Nearshore Trip Limits

This year, most public input focused on the black rockfish trip limit structure. Black rockfish trip limits are set higher in the summer in recognition of greater effort and market demand at that time of year. As noted above, in 2020 inseason increases were made in the mid and late summer. Most input favored planning for higher black rockfish trip limits in earlier periods. Based on this input and the pattern of relatively lower effort and attainment this year, **staff recommend**

increasing black rockfish trip limits, for periods 2 through 5, by 300 pounds from initial 2020 trip limits (i.e. P1=1,500 pounds; P2=1,800; P3=2,100; P4=2,100; P5=1,800; P6=1,500).

For **Other Nearshore Rockfish**, staff recommend **trip limits of 350 pounds per period for all periods** in 2021. This is a decrease of 100 pounds per period from 2020, necessary to accommodate the 0.9 mt drop in the commercial HG from 12.2 to 11.3 mt (Table 2).

Cabezon attainment in 2020 is projected to be 71%, with low landings driven by weak markets this year. Cabezon trip limits were originally 1,000 pounds per period, but were raised to 2,000 pounds on September 1. The commercial HG for cabezon will go up from 30.2 to 35.0 mt in 2021. Fishermen support an increase from 1,000 to 1,500 pounds per period in 2021. Based on modeled projections and industry's feeling that next year will again be slow for cabezon, **staff recommend trip limits of 1,500 pounds per period for all periods in 2021.**

For blue and deacon rockfish and for greenling in 2021, staff recommend status quo trip limits. Market demand for these species is low, as is HG attainment, and the trip limits have not limited individual vessels.

Staff will monitor attainment for all species/management groups and adjust trip limits up or down in-season via temporary rules as necessary.

Housekeeping

ORS 508.957 requires that to transfer a Black Rockfish and Blue Rockfish Permit with a Nearshore Endorsement, the vessel must have made five landings containing at least 15 pounds of black rockfish, blue rockfish, or nearshore fish in the previous calendar year. Due to a challenge to the interpretation of the statute, in 2017 Department staff sought to clarify that a vessel must make five landing with 15 pounds of these species *in each landing* to be eligible for transfer. However, the rules recommended by the Department and adopted by the Commission at that time did not clearly distinguish that this requirement only applies to vessels fishing under permits with a Nearshore Endorsement, and not to all Black Rockfish and Blue Rockfish permits. Staff recommend clarifying that distinction as shown in Attachment 3 (OAR 635-004-0330).

RECREATIONAL GROUND FISH MANAGEMENT MEASURES

Staff Recommendations in Brief (changes from status quo in bold)

- General marine fish bag limit: **6 fish**
- **Allow longleader fishing on all-depth halibut trips when retention of most groundfish is not otherwise allowed on such trips**
- One fish sub-bag limit for China, copper, and quillback rockfish
- One fish sub-bag limit for cabezon; opens on July 1
- Seasonal depth restriction (40 fathoms) in effect from June 1 through August 31

2020 Recreational Groundfish Season Recap

In 2020, the daily bag limit for the 'Marine Fish' group was five fish, with sub-bag limits of one China, copper, or quillback rockfish and one cabezon. Fishing was restricted to inshore of the 40 fathom management line from June 1 through August 31, except that fishing with longleader

gear was allowed outside of 40 fathoms all year, with a separate bag limit of ten midwater rockfish species.

Recreational groundfish effort was relatively high overall in 2020, although COVID-19 restrictions limited access in some areas for several months (primarily on the central and north coast) and is continuing to limit the number of fishermen on many charter vessels. There were 93,419 angler-trips targeting bottomfish through September this year. The 5-year average is just over 97,000 angler-trips per year (for a full year).

Several inseason changes were made in 2020: retention of copper, quillback, and China rockfishes was prohibited beginning July 20, and cabezon was prohibited beginning August 14. Both of these restrictions applied only when fishing from a boat; shore-based catch of these species is much lower, and is accounted for separately. Catch of black rockfish and several other species was tracking low, and the general marine bag limit was raised from five to seven fish on July 20, allowing additional opportunity for those species.

2020 was the third full year the longleader fishery has been allowed. This gear is configured with lures and hooks at least 30' above the bottom to reduce catch of yelloweye rockfish. Longleader trips accounted for 2.5% of all groundfish angler-trips in 2020, compared to 2.2% in 2019. This opportunity is significant for certain ports, such as Winchester Bay, which does not have much nearshore rocky reef in the area open to fishing during the summer depth restriction.

Table 3 shows total recreational impacts for all quota-managed species/groups through September (the most recent data available at the time of writing), as well as 2020 year-end projections. These figures include estimates for shore and estuary catch and account for all groundfish mortality (including post-release mortality) due to recreational fishing in Oregon¹.

Table 3. 2020 Recreational groundfish impacts through September 30, projected through the full year, and 2020 HGs, in metric tons.

	Impacts thru 9/30	Projected year-end impacts (% of HG)	2020 Rec. HG
Black Rockfish	297.1	345.3 (89 %)	389.1
Blue and Deacon Rockfish	15.3	19.0 (24 %)	80.1
Cabezon	13.4	14.4 (86 %)	16.8
Canary Rockfish	41.6	45.6 (68%)	66.7
Greenling	16.7	17.2 (44%)	39.2
Minor Nearshore Rockfish	12.1	12.4 (107 %)	11.6
Yelloweye Rockfish	5.1	5.6 (77 %)	7.2

2021 Recreational Management Measures

The daily bag limit is the key tool used to moderate recreational catch to ensure a 12-month season, while staying under HGs. Because black rockfish are so commonly encountered in this fishery (~70% of total coastwide catch), this species is the primary driver of the general marine

¹ Some values in Table 3 differ slightly from the values shown on the Sport Groundfish Estimates webpage, https://www.dfw.state.or.us/MRP/finfish/groundfish_sport/estimates.asp, which shows only the ocean-boat catch targets and estimates.

bag limit. In 2018, 2019, and 2020, the fishery started with a five fish bag limit. In 2018, it was briefly lowered to four fish inseason and then returned to five; the year-end black rockfish mortality was 100 metric tons under the recreational HG. In 2019, with no inseason changes to the five fish bag limit, year-end impacts were 71 metric tons below the HG. And in 2020, with the July increase to a seven fish bag, current projections suggest that total year-end impacts on black rockfish will be approximately 43 metric tons under the HG. Based on this recent fishery performance, **staff recommend a 6 fish marine bag limit in 2021**. This is expected to provide a stable bag limit throughout the year, although inseason adjustments may be made via temporary rule if there is a need to reduce black rockfish catch, or opportunity to increase it.

Staff also recommend allowing longleader gear fishing on all-depth Pacific halibut trips during periods when all-depth halibut cannot be combined with groundfish fishing (i.e., when the seasonal bottomfish depth restriction is in effect). Currently, these trip types cannot be combined when the recreational groundfish fishery is not open at all depths. Fishermen have requested a rule change to allow the longleader opportunity on offshore halibut trips, with little risk of increasing yelloweye rockfish bycatch. Staff consulted with the Oregon State Police Fish and Wildlife Division to develop sideboards intended to reduce confusion around which species can be retained and which bag limits apply when, and improve enforceability; these include a requirement that halibut fishing must be completed before longleader fishing begins, and the combination is not allowed when the bottomfish fishery is already open at all depths.

For all other recreational groundfish management measures in 2021, staff recommend no change.

OPTIONS

1. Staff recommendations, as reflected in draft OAR's:

Adopt updated federal groundfish rules by reference.

Harvest guidelines for 2021 (in metric tons):

- Black rockfish – Commercial: 122.9; Recreational: 389.1
- Blue and Deacon rockfish – Commercial: 16.8; Recreational: 73.7
- Nearshore Rockfish – Commercial: 11.3; Recreational: 10.8
- Cabezon – Commercial: 35.0; Recreational: 19.4
- Greenling – Commercial: 108.1; Recreational: 35.8

Commercial nearshore bimonthly limits for 2021:

- Black rockfish: 1500 pounds in period 1; 1800 pounds in P2; 2100 pounds in P3; 2100 pounds in P4; 1800 pounds in P5; 1500 pounds in P6
- Blue rockfish and deacon rockfish combined: 1500 pounds in each period
- Other nearshore rockfish combined: 350 pounds in each period
- Cabezon: 1,500 pounds in each period
- Greenling species: 1,000 pounds in each period

Commercial housekeeping:

Clarify that the landing requirement to qualify for permit transfer only applies to Black Rockfish and Blue Rockfish permits with a Nearshore Endorsement.

Recreational bag limits and management measures for 2021:

- General marine fish bag limit: 6 fish
 - Allow longleader gear fishing and all-depth halibut fishing on the same trip when all-depth halibut and bottomfish are not otherwise allowed at the same time.
 - All other rules status quo
2. Modify staff proposal for one or more items.
 3. Status quo

STAFF RECOMMENDATION

1. Option 1

DRAFT MOTION

I move to adopt amend OAR Chapter 635 Divisions 004 and 039 as proposed by staff in Attachment 3.

EFFECTIVE DATE: January 1, 2021