



AGENDA ITEM SUMMARY

BACKGROUND

Nearshore groundfish species such as rockfish and lingcod are important components of Oregon's nearshore ecosystem and support fisheries that are economically and culturally significant to coastal communities, businesses, and visitors. Permanent rules have been established by the Oregon Fish and Wildlife Commission (Commission) to achieve conservation and fishery objectives, and the Commission annually considers amendments in light of new information and stakeholder input.

Groundfish fisheries are subject to joint state and federal management and are required to meet a number of accountability measures, including quotas and harvest guidelines, and vessel monitoring, logbooks, and creel sampling to document fishing activity, catch, and release or discard of fish at sea. The Oregon Department of Fish and Wildlife (Department) collaborates with National Oceanic and Atmospheric Administration (NOAA) Fisheries, the Pacific Fishery Management Council (PFMC), and others on research, monitoring, and regulation development in a science-based public process. The Department's management is guided by the Native Fish Conservation Policy (OAR 635-007-0502 through -0509), the Food Fish Management Policy (ORS 506.109), the Wildlife Policy (ORS 496.012), the Climate and Ocean Change Policy (OAR 635-900-0001 through -0020), and public input. The primary goals are to prevent the serious depletion of native species, to maintain and restore groundfish stocks in order to provide substantial ecological, economic, and cultural benefits for present and future generations, and to provide equitable fishery opportunities within the conservation sideboards. Federal regulations must be consistent with the Magnuson Stevens Act (MSA), which has overarching conservation and utilization goals, in alignment with state management goals. The MSA explicitly includes protection of the marine ecosystem, recognition of evolutionary and ecosystem processes, and a requirement to take uncertainty and changing environmental conditions into account.

The Commission usually adopts federal groundfish rules by reference, and may adopt additional measures to achieve objectives for Oregon's commercial nearshore and recreational fisheries such as allocation to user groups within the state or season duration.

Brief descriptions of the fisheries and management approach are provided below. Additional detail can be found in [the Oregon Nearshore Strategy](#) and the federal [Pacific Coast Groundfish Fishery Management Plan](#).

PUBLIC INVOLVEMENT

Marine Resources Program staff regularly engage with persons interested in groundfish management via frequent individual contact and annual or semiannual public meetings.

Two public meetings were held to discuss and seek input on commercial nearshore groundfish management measures: a meeting in Port Orford on September 13 (with both virtual and in person options) and a meeting in Pacific City on September 14 (in-person only). About 19 commercial fishermen and members of the public attended these two meetings.

Input on recreational groundfish seasons and regulations for 2023 was obtained at a series of in-person public meetings in late July (~20 participants total; one meeting was webcast) and on October 5 (~30 public participants in hybrid meeting; supplemented with an online survey with 24 respondents). Staff also communicated monthly with the Marine Sportfishing Advisory Committee (SAC) to discuss the 2022 fishery landings attainment and activity as the season progressed, and to discuss potential rule changes for the 2023 season.

Additional input on both fisheries was received via email and phone.

ISSUE 1

2021 Commercial Nearshore Logbook Report

ANALYSIS

The Oregon Legislature established a management system for the commercial nearshore fishery in 2003, which includes a logbook requirement. ORS 508.953 directs the Department to report to the Commission on the logbook program each year. Issue 1 provides this report for calendar year 2021 and includes background information on the fishery as well as a description of logbook data for that year.

A Black and Blue Rockfish Limited Entry Permit (Black/Blue Permit) is required to participate in Oregon's commercial nearshore fishery. The basic permit provides access to black, blue, and deacon rockfish. Some permits have a Nearshore Endorsement, which also allows harvest of nearshore rockfish, greenling, and cabezon; vessels fishing under non-endorsed permits are limited to 15 pounds per day of those species combined. Black/Blue Permits must be renewed annually, and renewals require a minimum of five commercial fish landings of any species during the prior year.

All permit holders must complete and submit Department-issued commercial nearshore logbooks with detailed information on effort (e.g., time fished, number of hooks used), location, and estimated catch, and discard. This information may be used for purposes such as stock assessment, marine spatial planning, and validation of overlapping data sources such as federal observer data.

In 2021, 107 Black/Blue Permits were issued, 67 of which had a Nearshore Endorsement. Landings of nearshore species were made by 104 permitted vessels (63 nearshore endorsed), for 97% permit participation. Fishing effort by these vessels totaled 1,787 fishing days. Three non-endorsed permits did not renew in 2021; this level of attrition is typical.

Non-permitted vessels that catch groundfish with hook and line gear (for example, targeting lingcod or other species not covered by the Black/Blue/Nearshore Permit) are also required to complete and submit nearshore logbooks. In 2021, 41 non-permitted vessels made hook-and-line groundfish landings over 318 boat-days.

The total number of trips requiring nearshore logbook submissions was 2,105, which represented 559,196 pounds of fish landed. Logbooks were received for 1,891 of those trips, for a compliance rate of 90%, a slight decline from 2020 (92%).

The quality of logbook information depends on the provision of accurate and detailed information by fishermen. Staff work collaboratively with the Oregon State Police to identify and address compliance issues with individual permit holders. Department staff engage with fishermen to help ensure compliance and sound information. Logbook data quality has improved over time.

ISSUE 2

Groundfish Fishery Regulations

ANALYSIS

In Oregon’s commercial nearshore sector, harvesters use small vessels and hook and line gear to target nearshore groundfish, including black rockfish and other species, generally in state waters. A restricted participation system and annual sector catch limits keep fishing-related mortality of nearshore groundfish species to sustainable levels. Bi-monthly vessel landing limits moderate the pace of the fishery so that it remains open year-round. All landed catch is fully accounted for, with requirements that buyers report all catch by species or management group to the Department. Department staff sample commercial landings, and at-sea discards are estimated by NOAA Fisheries’ West Coast Groundfish Observer Program. Detailed statistics on this fishery can be found in annual publications available online at <https://www.dfw.state.or.us/MRP/publications/>.

In the recreational groundfish sector, anglers fish for rockfish, lingcod, cabezon, and other groundfish species (often referred to as “bottomfish” in this sector) with rod and reel. Roughly half of the overall effort occurs from private boats and the other half from charter or guide boats. Few anglers fish for groundfish from shore. Catch controls include annual sector limits, daily bag limits, time/area closures, gear restrictions, and minimum size limits. In recent years, anglers have taken approximately 100,000 trips per year for groundfish, with black rockfish making up approximately 70% of the total catch. Effort is highest in the summer months, but year-round opportunity is important to many anglers, businesses, and coastal communities. The Marine Resources Program collects data on effort and catch in the ocean with a coastwide sampling program. An annual Sport Groundfish Newsletter is available online at <https://myodfw.com/sport-bottomfish-seasons>.

Options, analysis, and recommendations presented below are grouped into four sub-topics: (1) federal regulations (2) state harvest guidelines for the commercial and recreational sectors, (3)

commercial nearshore groundfish management measures, and (4) recreational groundfish management measures.

(1) FEDERAL REGULATIONS

Federal harvest specifications and management measures for west coast groundfish stocks are determined by the PFMC in a biennial cycle that relies on stock assessments, scientific advice, consideration of uncertainty and risk including changing environmental conditions, fishery impact analysis, and public input. Federal harvest specifications for 2023 and 2024 will be published in late 2022 and adopted by the Commission.

(2) STATE HARVEST GUIDELINES

State harvest guidelines (HGs) are annual amounts (in weight) of each species or management group allocated to the commercial and recreational fishery sectors in Oregon. HGs are the overall harvest objectives, and management measures such as trip limits or bag limits are designed to enable each sector to attain but not exceed its HGs. When cumulative sector catch is projected to reach an HG before the end of the year, staff will determine whether in season rule changes are needed to avoid exceeding an annual catch limit or negatively impacting the other sector.

The Commission establishes HGs by distributing federal catch limits for Oregon stocks to each sector. The proportions allocated to each sector, first applied in the early 2000s based on recent and historic landings by each sector, have not changed since except to align with changes in stock groupings (i.e., there has been no policy change in the share allocated to each sector).

Table 1 shows the recreational and commercial HGs that would result from applying the status quo allocation proportions for each species/management group to the 2023 federal allocations to Oregon fisheries. Recent years are included for reference. **Staff recommend adopting the proposed 2023 sector HGs in Table 1.**

Table 1. State harvest guidelines for commercial and recreational groundfish management groups, in metric tons.

Management Group	2018	2019	2020	2021	2022	2023 proposed
Sector (status quo proportion)						
Black Rockfish						
Commercial HG (24.0%)	124.8	123.8	122.9	122.9	122.9	122.9
Recreational HG (76.0%)	395.2	392.2	389.1	389.1	389.1	389.1
Blue and Deacon Rockfish						
Commercial HG (18.6%)	NA	18.9	18.3	16.8	16.3	15.7
Recreational HG (81.4%)	NA	82.6	80.1	73.7	71.2	68.8
Nearshore Rockfish						
Commercial HG (51.3%)	NA	12.3	12.2	11.3	11.1	16.6
Recreational HG (48.7%)	NA	11.7	11.6	10.8	10.5	15.8
Cabazon						
Commercial HG (64.3%)	30.2	30.2	30.2	35.0	33.5	32.4
Recreational HG (35.7%)	16.8	16.8	16.8	19.4	18.6	18.0
Greenling						
Commercial HG (75.1%)	144.3	128.5	118.3	108.1	103.8	100.7
Recreational HG (24.9%)	47.9	42.6	39.2	35.8	34.4	33.4

(3) COMMERCIAL NEARSHORE GROUND FISH FISHERY MANAGEMENT MEASURES

The primary objective for the commercial nearshore fishery is to provide opportunity to attain but not exceed the full commercial harvest guidelines. A secondary objective is to provide a 12-month season with more opportunity in the summer to meet stronger market demand at that time of year. Input from many south coast commercial nearshore harvesters and buyers has favored a 12-month season due to a relatively strong year-round market, whereas input from north coast participants has indicated a much more seasonal pattern of market demand, varying from very strong in the summer to much lower in the winter.

2022 Commercial Nearshore Season Recap

Commercial nearshore fishing effort has rebounded from historic lows in 2020 and 2021 to near the long-term average for 2022. Landings of black rockfish, the main target of the fishery, have tracked about 12% higher than average throughout the year. Landings of other nearshore rockfish, cabazon, and kelp greenling were higher than normal early in the year, but then slowed

and are close to average. Blue and deacon rockfish landings (combined) are at a record high and about 1.5 times higher than average. However, the most recent assessment indicates this is an underexploited stock with an estimated sustainable yield that is much higher than recent harvest, including 2022. Demand for black rockfish tends to drive markets on the north coast, while the south coast markets are more dependent on other nearshore rockfish and cabezon.

Black rockfish landings were projected to exceed the commercial HG before the end of the year under the planned 1,800 pound bi-monthly vessel limit for Period 6 (November-December). This limit was therefore reduced to 200 pounds with the goal of keeping the fishery open for other species through the end of the year.

On the other hand, landings of cabezon and greenling were projected to be well below the commercial HG at the end of the year, and bi-monthly vessel limits were raised from 1,500 pounds to 2,000 pounds for cabezon and from 1,000 pounds to 1,200 pounds for greenling in Period 5 (September-October) and Period 6 (November-December).

The 2022 harvest guidelines, impacts through October 21, and projected impacts through the end of the year, accounting for in season changes, are shown in Table 2. Impacts include landed catch and estimated discard mortality.

Table 2. 2022 Commercial Nearshore Fishery Harvest Guidelines, Impacts, and Projected HG Attainment

	Commercial HG (2022)	Impacts through 10/21/2022 (mt)	Projected impacts through 12/31/2022 (mt) (% HG)
Black Rockfish	122.9	113.5	121.9 (99%)
Blue and Deacon Rockfish	16.3	8.2	12.9 (79%)
Cabezon	33.5	20.1	25.2 (75%)
Greenling	103.8	16.1	18.2 (18%)
Other Nearshore Rockfish	11.1	7.9	9.9 (89%)

2022 Commercial Nearshore Management Measures

Vessel Limits

This year, most public input focused on the bi-monthly vessel limits for black rockfish and other nearshore rockfish. Black rockfish trip limits are set higher in the summer in recognition of greater effort and market demand at that time of year. Input largely supported maintaining the 2022 limits for 2023, which featured this same pattern but with less dramatic changes than many prior years. Based on this input and projected attainment of a very high proportion of the HG, **staff recommend no change to black rockfish vessel limits for 2023.**

Other nearshore rockfish limits are set at a constant level throughout the year as the vast majority are landed on the South Coast and enter the live fish market, which has less seasonality in demand than the fresh fish market. The recommended HG for 2023 is a substantial increase over the 2022 HG, primarily due to a new stock assessment for one species in this management group, copper rockfish. However, in the nearshore commercial fishery, landings of other nearshore rockfish are dominated by China rockfish and copper rockfish is a minor component. In addition, quillback rockfish is a component of the other nearshore rockfish group. Like copper rockfish, quillback rockfish is not a primary target of the commercial fishery, but in 2022 retention of quillback rockfish was prohibited due to results of a new stock assessment that indicated a healthy, but quite small, stock off Oregon. In fact, the sustainable yield of quillback rockfish as determined in this new stock assessment is estimated to be so small that mortality from incidentally caught and discarded quillback rockfish may exceed sustainable harvest levels by itself. Increasing other nearshore rockfish limits substantially could increase effort for other species in the group, which is likely to also increase incidental quillback rockfish mortality. Public input indicated that in 2022, some vessels reached their other nearshore rockfish limit early in some periods, which caused them to discard any other nearshore rockfish incidentally caught as they continued to fish for other species such as black rockfish, greenling and cabezon. Therefore, **staff recommend a modest increase in other nearshore rockfish vessel limits from 350 pounds to 450 pounds per period for 2023.**

Greenling limits are also set at a constant catch level throughout the year for the same reasons as for other nearshore rockfish. The most recent stock assessment for kelp greenling (the vast majority of greenling landings) estimated a sustainable harvest level far above historical landings in the fishery. The bi-monthly vessel limit has been kept in place as a safeguard against attracting excessive effort in the fishery and increased incrementally over time. In 2022, a few vessels achieved the 1,000 pound limit in some periods, and there is virtually no risk of exceeding the HG if limits are increased. Public input also supported an increase for greenling. Therefore, **staff recommend another incremental increase in greenling vessel limits from 1,000 pounds to 1,200 pounds per period for 2023.**

Based on patterns of effort and attainment in 2022, anticipated HGs for 2023, and public input **staff recommend maintaining status quo vessel limits per period for cabezon and blue and deacon rockfish for 2023.**

Table 3. 2023 Projected Commercial Nearshore Fishery Impacts and Harvest Guideline Attainment, in metric tons

	Commercial HG (2023)	Projected impacts through 12/31/2023 (% HG)
Black Rockfish	122.9	103.4 (84%)
Blue and Deacon Rockfish	15.7	6.2 (39%)
Cabezon	32.4	27.6 (85%)
Greenling	100.7	10.2 (10%)
Other Nearshore Rockfish	16.6	9.5 (57%)

Black Rockfish Management Areas

In four areas off the Oregon coast, there are limits on the amount of black rockfish that can be landed from each individual fishing trip (300 pounds in March-October and 500 pounds in November-February), in addition to the cumulative bimonthly limits. These Black Rockfish Management Areas (BRMAs) and associated limits were adopted in 1995 to address concerns about the rapidly developing commercial nearshore fishery in areas important to the recreational sector. At that time, there was no other state limitation on commercial nearshore groundfish fishing; however, in 2003-2004 the current management structure was established, with a suite of effort and catch controls including permits, sector-specific harvest guidelines, and bimonthly vessel limits. Due to these changes and comprehensive state and federal regulation, BRMAs are no longer the primary tool used to limit commercial black rockfish harvest and may not be needed to avoid inter-sector conflict.

In response to a request from commercial nearshore stakeholders and in consideration of the information just described, the Commission raised the BRMA trip limits for November through February (periods 6 and 1) beginning in 2020. However, on the north-central coast market demand is significantly higher in the summer and low or non-existent in the winter timeframe in which the daily limits were increased, so the change provided little practical benefit. The additional regulatory layer of BRMA limits continued to create inefficiencies for commercial harvesters who must take more trips than otherwise necessary to attain their bimonthly vessel limits, and for 2022 the Commission suspended these limits for one year and asked staff to evaluate impacts of the change for consideration of extending the suspension or making it permanent. Staff conducted an evaluation in fall of 2022 with the data available which include a partial year of landings data and no logbook data due to data processing and entry lag. The evaluation showed little change in distribution of landings among ports or inside versus outside of BRMAs, and that some vessels benefited from the change by landing more black rockfish per trip. While the results were as expected and indicate that BRMAs trip limits may no longer be

necessary to achieve management objectives, these conclusions are based on limited data. Therefore, **staff recommend suspending the per-trip limits in BRMAs for an additional three years, 2023-2025, and reevaluating the impacts in the fall of 2025.** This will allow a full three years of landings data and at least two years of logbook data to be included in the evaluation. The bimonthly vessel limits for black rockfish will still apply. As an ancillary benefit, allowing participants to harvest their bi-monthly vessel limits more efficiently may result in a modest reduction in fuel use and greenhouse gas emissions from the fishery.

(4) RECREATIONAL GROUND FISH MANAGEMENT MEASURES

The primary objectives for the recreational fishery are to keep total mortality within the recreational HGs and to keep the season open year-round. Opportunity (number of open days and a bag limit high enough to entice anglers to go fishing) is the primary benefit to coastal communities, rather than the total amount of fish harvested as in the commercial sector. Public input has consistently emphasized the importance of a full 12-month season that anglers and businesses can count on to not close early.

2022 Recreational Groundfish Season Recap

At the start of 2022, the daily bag limit for the ‘Marine Fish’ group was five fish, with sub-bag limits of one China or copper rockfishes and one cabezon (with cabezon closed by regulation until July 1). Retention of quillback rockfish was prohibited beginning January 1, 2022. To limit bycatch of the rebuilding yelloweye rockfish in deeper waters, fishing with traditional groundfish gear was restricted to inshore of the 40-fathom management line between July 1st and August 31st, when fishing effort is high. Fishing with longleader gear was allowed offshore of the 40-fathom line all year, with a separate bag limit of ten midwater rockfish species; longleader gear is designed to avoid yelloweye rockfish bycatch (yelloweye rockfish status and measures are further discussed below).

Recreational groundfish effort was high overall in 2022. There were 106,297 angler-trips targeting bottomfish through September this year. The 5-year average is just over 103,000 angler-trips per year (for a full year). Effort and catches in all months except May were higher than projected. Even with high fuel prices and a decent coho salmon season, effort for bottomfish continued to be high into early October. Unseasonably nice ocean conditions through September and into early October contributed to the high effort and catches.

Several inseason changes were made via temporary rule in 2022. Based on high effort and catches through late-August, the general marine bag limit was reduced from five to four fish on September 6. Also as of September 6, retention of China and copper rockfishes and cabezon was prohibited (in addition to quillback rockfish, which were prohibited during all of 2022). These changes were necessary to reduce the risk of exceeding HGs before the end of the year. Even with those inseason changes, the state-specified HGs for black rockfish and nearshore rockfish species were exceeded. Even though inseason action was taken, excellent weather in September

and early October provided ample opportunity for anglers to target bottomfish. Effort and catches from mid-October through the end of the year are relatively minor, therefore any inseason action taken mid-October or later would have resulted in very little savings to the total annual mortality. Table 2 shows recreational impacts (estimated fishing mortality) in 2022 for all quota-managed species/groups through September and projected through the end of the year. These figures include estimates for shore and estuary catch and account for all groundfish mortality (including post-release mortality) due to recreational fishing in Oregon^[1].

Table 4. 2022 Recreational Nearshore Fishery Harvest Guidelines, Impacts, and Projected HG Attainment, in metric tons

	2022 Recreational Harvest Guideline	2022 Impacts through 10/2/2022	Projected impacts through 12/31/2022 (% of HG)
Black Rockfish	389.1	377.8	411.1 (106 %)
Blue and Deacon Rockfish	71.2	20.9	22.0 (31 %)
Cabezon	18.6	17.7	17.9 (96 %)
Canary Rockfish (federal HG)	63.6	50.53	53.1 (83 %)
Greenling	34.4	22.8	23.0 (67 %)
Other Nearshore Rockfish	10.5	13.5	13.8 (131 %)
Yelloweye Rockfish (federal HG)	7.1	4.8	5.2 (73 %)

2023 Recreational Management Measures

The daily bag limit is the primary tool used to achieve a 12-month season by moderating overall recreational catch. Based on recent fishery performance and the high and variable effort, **staff recommend a 5 fish marine bag limit in 2023**. This is expected to provide a stable bag limit throughout the year, with a low risk that it would need to be reduced below 5 fish inseason. Due to an increase in the federal limit for the nearshore rockfish complex, the Oregon recreational HG will be increasing in 2023. Most anglers do not target these species, with an average catch rate of less than 0.2 fish per trip for China and copper rockfishes combined. Therefore, **staff recommend removing the 1-fish sub-bag limit for China and copper rockfishes**. This should have minimal risk to the HG and reduce regulations.

As described previously in the commercial section, a new stock assessment for quillback rockfish in 2021 in Oregon indicates that fishery impacts should be reduced to be sustainable over the long term. **Staff recommend continuing to prohibit retention of quillback rockfish**. This is not expected to impact overall recreational fishing opportunity.

Finally, **staff recommend removing the 40-fathom seasonal depth restriction.** The seasonal depth restriction has been used for many years to protect yelloweye rockfish while the stock rebuilds from overfished status. Because yelloweye rockfish are less common inshore of 40 fathoms and post-release survival is higher in shallower water, restricting the bottomfish fishery to inshore of 40 fathoms, especially during high-effort periods, has reduced fishing-related mortality. The Department has been slowly easing restrictions related to yelloweye rockfish in recent years as stock status has improved and the federal allocation to Oregon’s recreational fishery has increased and removing the final two months of the depth restriction is the next step in that direction.

Adding July and August to the period open for all-depth groundfish fishing could also provide an ancillary benefit for nearshore stocks (such as quillback rockfish) by allowing the fleet to spread out over a larger area for additional months, potentially reducing the concentration of effort on nearshore reefs. In addition, it provides opportunity for all-depth halibut anglers to keep bottomfish and halibut on the same trip all season, simplifying regulations and increasing overall opportunity.

Staff recommend no change to all other recreational groundfish regulations for 2023. Close monitoring of effort and catch will continue and inseason adjustments may be made if necessary.

Projected impacts in 2023 under all recommended measures are shown in Table 5.

Table 5. Projected recreational groundfish impacts in 2023, in metric tons.

	Recommended 2023 Recreational HG	Projected 2023 impacts (% of HG)
Black Rockfish	389.1	342.0 (88 %)
Blue and Deacon Rockfish	68.8	21.2 (31 %)
Cabazon	18.0	21.3 (118 %)
Canary Rockfish	62.4 (federal)	51.9 (83 %)
Greenling	33.4	22.4 (67 %)
Other Nearshore Rockfish	15.8	10.9 (69 %)
Yelloweye Rockfish	9.2 (federal)	5.5 (60 %)

¹¹ Some values in Table 4 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.

OPTIONS

1. Staff recommendations, as reflected in draft OARs:

Adopt updated federal groundfish regulations by reference.

Adopt revised harvest guidelines for 2023:

Management Group	Commercial HG (mt)	Recreational HG (mt)
Black Rockfish	122.9	389.1
Blue and Deacon Rockfish	15.7	68.8
Nearshore Rockfish	16.6	15.8
Cabezon	32.5	18.0
Greenling	100.7	33.4

Adopt revised commercial management measures for 2023:

- Bimonthly vessel limits for other nearshore rockfish: 450 pounds per period;
- Bimonthly vessel limits for greenling: 1,200 pounds per period;
- Suspend black rockfish daily trip limits in Commercial Black Rockfish Management Areas for 2023-2025.

Adopt revised recreational management measures for 2023:

- General marine bag limit: 5 fish;
- Remove the 40-fathom depth restriction to July 1 – Aug. 31

All other rules – no change.

2. Modify staff proposal for one or more items.
3. Status quo

STAFF RECOMMENDATION

1. Option 1

DRAFT MOTION

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

EFFECTIVE DATE: January 1, 2023