

Agenda Item Summary

BACKGROUND

COMMERCIAL AND RECREATIONAL GROUND FISH REGULATIONS

Staff from the Oregon Department of Fish and Wildlife (Department) develops recommendations for recreational and nearshore commercial groundfish fisheries on which the Oregon Fish and Wildlife Commission (Commission) takes action. These regulations involve annual limits, commercial trip limits, recreational bag limits, length limits, adjustments to depth-based closures, etc. These regulations are specified in rule on an annual basis, with Commission action required to update the regulations each year whether or not changes are made to harvest specifications and/or management measures.

Landings in state and federal commercial fisheries are tracked through the use of state fish receiving tickets. Some fisheries manage harvest limits at the permit level (i.e., permits are assigned a specific amount of harvest that may be taken throughout a specified timeframe). Information required on the fish ticket is instrumental in tracking landings individually and for the fishery as a whole.

Minor housekeeping revisions to commercial fishery regulations in Divisions 004, 006 and 039 are also proposed.

PUBLIC INVOLVEMENT

Staff obtained input from recreational fishery constituents regarding proposed changes to the 2014 groundfish seasons and regulations via e-mail exchange with members of the Sport Advisory Committee and public meetings in Tillamook (August 6th), Newport (August 7th), North Bend (August 13th), and Brookings (August 12th). Thirty-five people attended the public meetings.

Staff held a series of three public meetings to discuss 2014 nearshore commercial groundfish annual limits, trip limits, and other management measures in Gold Beach (August 19th), Port Orford (August 20th), and Pacific City (August 22nd). A total of 13 commercial fishermen attended these meetings. In addition, staff convened a phone conference with the Commercial Nearshore Fishery Advisory Panel in Newport on September 5, 2013.

ISSUE 1

STATE COMMERCIAL NEARSHORE GROUND FISH REGULATIONS

ANALYSIS

The commercial nearshore fishery is managed under annual harvest caps and landing caps restricting the amount of fish that can be impacted and/or landed. Cumulative trip limits are designed to distribute the commercial nearshore harvest through a 12-month season. While overall landings are relatively low in 2013 for nearly all species, the majority of public comment indicated industry's desire to maintain consistency in regulations in 2014.

No changes are proposed to commercial nearshore harvest specifications

or management measures. However, the current regulations set the harvest specifications and trip limits for this fishery for only one year. Action must be taken to either apply the regulations to 2014, or to remove the annual condition in the regulations. While annual specification ensures that these fisheries are reviewed by the Commission on a regular basis, it also may increase staff and Commission workload unnecessarily.

Staff recommends removing the annual condition of harvest specifications and trip limits and, thereby, to apply the current regulations from this point forward until changed by future Commission action. Staff will continue to conduct public outreach annually as needed and bring recommendations for changes to the Commission as they arise. In addition, staff is required to submit a nearshore logbook report annually to the Commission.

OPTIONS

1. Remove the annual condition of harvest specifications and trip limits as proposed by staff in Attachment 3.
2. Identify that the harvest specifications and management measures apply to the 2014 fishing year by updating the annual condition.
3. Consider adopting other commercial harvest caps, landing caps, and cumulative trip limits.

STAFF RECOMMENDATION

1. Option 1

ISSUE 2

STATE RECREATIONAL GROUND FISH FISHERY REGULATIONS

ANALYSIS

The recreational groundfish fishery is managed under annual harvest caps and landing caps restricting the amount of fish that can be impacted and/or landed. The 2013 season was relatively successful and the public indicated a desire to maintain current regulations in 2014. No changes are proposed to recreational groundfish harvest specifications and one minor change to management measures. However, similar to the nearshore commercial fishery specifications and management measures in Issue 1, the current regulations set the harvest specifications and regulations for this fishery for only one year. Action must be taken to either apply the regulations to 2014 or remove the annual condition in the regulations.

Staff recommends removing the annual condition of harvest specifications and management measures and, thereby, to apply the current regulations from this point forward until changed by future Commission action. Staff will continue to conduct public outreach annually as needed and bring recommendations for changes to the Commission as they arise.

CABEZON SEASON START

In 2013, the recreational cabezon season opened on July 1st and had not obtained the harvest cap by the regulatory closure date of September 30th. The fishery has been extended to December 31, through implementation of temporary rule. The difference between the published regulatory closure date and the temporary closure date creates confusion for the

public. To provide more certainty for the public, staff recommends setting the cabezon season to begin on July 1st and continue through either December 31st or until attainment of the harvest cap, whichever occurs first. This proposed action will allow the fishery to continue until the end of the year depending on catch rates and effort. Temporary rules will only be needed to close the fishery upon attainment of the cabezon harvest cap, rather than needed to keep the fishery open, thus reducing staff workload.

OPTIONS

1. Remove the annual condition of harvest specifications and management measures as proposed by staff in Attachment 3.
2. Identify that the harvest specifications and management measures apply to the 2014 fishing year by updating the annual condition.
3. Change the closure date of the cabezon season to December 31.
4. Consider adopting other commercial harvest caps, landing caps, and cumulative trip limits.

STAFF RECOMMENDATION

1. Options 1 and 3

ISSUE 3

FEDERAL PERMIT NUMBER REQUIREMENT ON LIMITED ENTRY FIXED GEAR FISHERY FISH RECEIVING TICKETS

ANALYSIS

The commercial limited entry fixed gear sablefish fishery is managed federally, in part through a type of individual fishing quota system called a permit stacking program. Permits issued for this fishery are assigned to one of three tiers, and the tier level of the permit dictates the amount of fish that may be harvested during the primary season. Regulations for this fishery allow fishermen with limited entry permits and a sablefish endorsement to register and harvest the quota from up to three permits on a single vessel (i.e., permit stacking). Prior to the primary season and following tier attainment, vessels may continue to land sablefish under a Daily Trip Limit (DTL) structure. Regulations provide for a maximum amount of sablefish that can be landed during a 2-month cumulative period by making small single day deliveries or larger single week deliveries. Once a vessel has less than one daily limit remaining on their primary season, they are automatically shifted into the DTL fishery.

Landings made on limited entry fixed gear permits are recorded and tracked on state fish receiving tickets. Currently, there is no requirement for vessel operators to designate a landing, or portion of a landing, to a specific federal permit number, and thus no procedure in rule for documenting the amount of quota obtained under each permit. This creates an inability to effectively enforce tier limits associated with permits and landings made under DTL fishery regulations. Additionally, it is difficult to attribute catch to either fishery when a vessel is nearing attainment of their tier limits. This affects overall accounting of landings against fishery allocations, which leads to uncertainty when setting DTL limits.

This rule amendment will require vessel operators to assign landings, or

portions of landings, to a specific federal limited entry fixed gear permit number to facilitate accurate record-keeping and enforceability of landings associated with specific federal permit numbers.

OPTIONS

1. Adopt requirement for federal permit numbers to be recorded on fish receiving tickets for landings made in the commercial limited entry fixed gear fishery as proposed by staff in Attachment 3.
2. Status Quo

STAFF RECOMMENDATION

Option 1

ISSUE 4

HOUSEKEEPING REVISIONS TO COMMERCIAL REGULATIONS

ANALYSIS

The Department has identified a relatively small number of minor typographical errors and inconsistencies in Division 004 (Commercial Fisheries Other Than Salmon or Shellfish), in Division 006 (Commercial Fisheries and Gear, Commercial Licenses, Poundage Fees, Records and Reports), and in Division 039 (Marine Fish, Shellfish, and Marine Invertebrates) regulations. Staff recommends the Commission adopt the proposed housekeeping revisions to correct these errors.

Proposed housekeeping revisions are:

- (1) OAR 635-004-0215(18): Adding Ecosystem Component Species to the definition of “Highly Migratory Species”.
- (2) OAR 635-004-0275(1)(a): Update Code of Federal Regulations reference to 2013.
- (3) OAR 635-004-0320(3): Eliminating redundant language present in 635-004-0320(1)(a).
- (4) OAR 635-004-0350(1): Adding “s” to “cap”.
- (5) OAR 635-004-0360(3): Grammatical changes to and clarification of language relevant to the commercial nearshore groundfish and salmon troll fisheries.
- (6) OAR 635-006-0210(3): Update the address for the Oregon Department of Fish and Wildlife.
- (7) OAR 635-039-0080(2)(a): Update Code of Federal Regulations reference to 2013.
- (8) OAR 635-039-0090(5)(b): Remove artifact dates from cabezon retention language.

OPTIONS

1. Adopt housekeeping revisions as proposed by staff in Attachment 3.
2. Status quo

STAFF RECOMMENDATION

1. Option 1

ANALYSIS

There were 122 Black and Blue Rockfish Limited Entry permits issued in 2012, 70 of which also had the nearshore endorsement. In 2012, 69 nearshore endorsed vessels and 50 permitted (but not endorsed) vessels made landings of nearshore species. Fishing effort totaled 2,365 fishing days for these vessels. In addition, 51 non-permitted vessels landed incidental amounts of nearshore species and effort totaled 174 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 2,539 fishing days, of which 2,416 were received (95 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
Ticket Lbs.	430,019	401,333	439,851	463,791	532,211	405,267	457,421	467,730
Hail Lbs.	356,351	315,154	311,219	307,846	272,344	352,014	416,587	436,532
Trip Logs	2,263	1,947	1,694	1,779	1,623	1,996	2,402	2,416
Hrs. Fished	13,031	10,505	9,370	9,337	8,870	13,263	14,251	14,336
Compliance	85%	84%	74%	70%	75%	92%	96%	95%

OPTIONS

1. NA

STAFF
RECOMMENDATION

1. NA

DRAFT MOTION

I move to adopt the recommended commercial groundfish, recreational groundfish, and fish ticket regulations as proposed by staff in Attachment 3, and the housekeeping changes in Divisions 004, 006 and 039 as shown in Attachment 3.

EFFECTIVE DATE

January 1, 2014