

Exhibit D

**Public Correspondence received as of
July 18, 2014**

Amanda Mckenzie

From: Amanda Mckenzie <amanda.mckenzie@state.or.us>
Sent: Tuesday, July 08, 2014 11:04 AM
To: Amanda Mckenzie
Subject: FW: Spearfishing regulations proposal

From: ODFW Commission
Sent: Wednesday, July 02, 2014 8:54 AM
To: Amanda Mckenzie
Subject: FW: Spearfishing regulations proposal

From: Benjamin Jylkka [<mailto:jylkka.benjamin@gmail.com>]
Sent: Tuesday, July 01, 2014 9:16 AM
To: odfw.commission@state.or.us
Subject: Spearfishing regulations proposal

Dear Oregon Fish and Wildlife Commission,

I would like to request a review of the legal size limitations for the Marine Zone ground fish, specifically Lingcod, but to include Cabezon and Greenling as well. I greatly enjoy spearfishing along the Oregon coast and certainly wish to take the largest fish that I can find as well as stay within the legal limits. Mistakes are a possibility though despite the best efforts and I feel that having a shared size limit for the aforementioned fish despite the method of harvest has a negative impact on recreation and the fishery. When taking a fish by traditional angling a fisherman has the ability to measure and very good chance to release an under size fish with little or no real injury and have it swim away safely. The opposite is true for spearfishing, the majority of scuba or free diving spearfisherman that I know target the head of the fish due to a quicker kill and solid anchor point for the spear without damaging the meat. This means that if a fish is shot and it is even 1/2" under the legal size we are required to release an animal that is or will be dead. I propose a separate size limitation "legal leeway" for spearfishing due the fact that once a fish has been speared the possibility of it being released "unharmred" is extremely unlikely and wasteful. I have spoken to ODFW and was told that at least the Lingcod fishery is quite healthy and has the possibility to support such a change. Creating a Lingcod size allowance limit at 20", Cabezon at 14" and Greenling at 8" is my suggestion while still maintaining the legal size limits for the fish providing that the harvest method is scuba or free diving spearfishing. I truly believe that nobody wants to take a small fish and that having that 2" allowance would allow for a small mistake to be made and not have a legal problem with the possibility of tickets.

Spearfishing definition according to the state of California: The taking of fish by spear or hand by persons who are in the water and may be using underwater goggles, face plates, breathing tubes, SCUBA or other artificial underwater breathing device.

There are several other states that do have separate allowances for those people who spearfish, below is a regulation out of the 2014-2015 Ocean Sport Fishing regulations booklet from California that allows spearfishing year round even when areas are closed to traditional angling.

27.25. NORTHERN GROUND FISH MANAGEMENT AREA.

This Section applies to take and possession of all 90 species of federally-managed groundfish, California sheephead, ocean whitefish, and all greenlings of the genus *Hexagrammos* in the Northern Groundfish Management Area. Federal groundfish include, but are not limited to, rockfish, cabezon, lingcod, California scorpionfish, kelp greenling, and some species of sharks, skates and flatfish. For specific definitions, applicability, and procedures, see sections 1.91 and 27.20. For size limits, possession limits, and other regulations that apply to individual species, see specific sections beginning with Section 27.60.

(a) The Northern Groundfish Management Area means ocean waters between 42°00' N. lat. (the Oregon/California border) and 40°10' N. lat. (near Cape Mendocino, Humboldt County).

(b) Seasons and depth constraints (except as provided in (c) below):

(1) January 1 through May 14: Closed.

(2) May 15 through October 31: Open for all species only in waters shallower than 20 fathoms in depth as described by general depth contour lines.

(3) November 1 through December 31: Closed

(c) Special exceptions to sub-section (b) above:

(1) "Other Flatfish" as defined in sub-section 1.91(a)(10), which include Pacific sanddabs, may be taken or possessed in all depths year-round.

(2) Leopard shark may be taken or possessed in Humboldt Bay year-round.

(3) When angling from shore (includes beaches, banks, piers, jetties, breakwaters, docks, and other man-made structures connected to the shore), all species may be taken or possessed year-round. No vessel or watercraft (motorized or non-motorized) may be used to assist in taking or possessing these species while angling from shore under this provision.

(4) When diving or spearfishing, as authorized in Section 28.90, all species may be taken or possessed year-round. Except for spearfishing gear, all other types of fishing gear are prohibited to be aboard the vessel or watercraft (motorized or non-motorized) while spearfishing for the purpose of taking or possessing these species under this provision

Please let me know what the commissions thoughts are on this, I believe it is a good change to make.

Thank you very much,
Benjamin Jylkka
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