

Agenda Item Summary

BACKGROUND

The Oregon Fish and Wildlife Commission (Commission) annually receives a report on the commercial nearshore logbook program (Issue 1, 2017 report) and adopts rules for recreational and commercial groundfish fisheries (Issue 2, 2019 fishery regulations).

Regulations for these fisheries are based on federal rules, with additional state measures as needed to meet management goals. Federal groundfish harvest specifications and management measures for 2019 and 2020 were approved by the Pacific Fishery Management Council (PFMC) in June, 2018. Final rules implementing these measures will be published by the National Marine Fisheries Service (NMFS) before the end of 2018. This summary includes a description of key items in these rules that may affect Oregon fisheries, and a recommendation to adopt the federal rules by reference.

Recommendations for additional fishery management measures in state rule are developed annually by staff in consultation with stakeholders. These measures include sector-specific annual harvest guidelines, commercial trip limits, recreational bag limits, depth restrictions, size limits, and fishing gear requirements.

PUBLIC INVOLVEMENT

Staff obtained input from recreational fishery constituents regarding proposed changes to the 2019 groundfish seasons and regulations through public meetings in Salem (August 6), Newport (August 7), Brookings (August 8), and North Bend (August 9). The Newport meeting was webcast for those who could not make a meeting in person; this was the fifth time this remote public involvement tool has been offered in Oregon's groundfish regulation setting process. Over 50 people attended the public meetings in person and five attended via webcasts. In addition to public meetings, staff convened the Marine Sportfishing Advisory Committee (SAC) on two occasions: May 22 and August 30 to discuss the 2018 fishery in-season adjustments, and management options for the 2019 season.

Commercial nearshore groundfish annual limits, trip limits, and other management measures for 2019 were discussed at three public meetings, held in Pacific City (September 13), Port Orford (September 17), and Brookings (September 18). A total of 18 commercial fishers and members of the public attended these meetings.

ISSUE 1

2017 NEARSHORE LOGBOOK REPORT

ANALYSIS

ORS 508.953 requires the Department to present an annual report to the Commission on the nearshore logbook program. This report is for the calendar year 2017.

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

In 2017, there were 114 Black and Blue Rockfish Limited Entry permits renewed, 68 of which had the nearshore endorsement and 46 without. The nearshore endorsement allows permitted vessels to land higher amounts of fish defined as “nearshore species” (e.g., several species of nearshore rockfish, Greenling, and Cabezon, among others). Those without an endorsement are limited to an incidental amount of 15 pounds per day of all nearshore species combined. Two non-endorsed permits and one endorsed permit did not renew from 2016 to 2017. Landings of nearshore species were made by 67 nearshore endorsed vessels and 44 permitted (but not endorsed) vessels, totaling 97% permit participation. Fishing effort totaled 2,154 fishing days for these vessels. In addition, 73 non-permitted vessels landed hook and line caught groundfish and that effort totaled 477 boat days. Non-permitted vessels are required to submit logbooks when landing groundfish caught with hook and line gear. Combined, the number of trips requiring nearshore logbook submissions totaled 2,631 fishing days, of which 2,443 were received (93 percent compliance).

Compliance with logbook requirements and the quality of data is dependent upon the participation and amount of detail recorded by nearshore fishers, as well as Department staff engagement with the fishery. Logbook data quality has improved over time as fishers have gained familiarity, but new entrants and old habits continue to pose data quality challenges that are best addressed through consistent monitoring and outreach. Landings and logbook compliance rates have varied in recent years (Table 1). After a 7% decrease in 2016, nearshore logbook compliance increased 7% in 2017. While the Department has not established explicit compliance targets, staff work collaboratively with Oregon State Police to identify and address compliance issues with individual permit holders. Fluctuations in compliance rates may be related to intermittent vacancy in the nearshore logbook position, which was filled for the majority of 2018.

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

Year	Tickets lbs	Submissions	Compliance
2017	595,585	2,443	93%
2016	468,955	2,070	83%
2015	569,958	2,575	90%
2014	491,674	2,141	84%
2013	531,488	2,644	96%
2012	483,373	2,418	95%
2011	464,364	2,478	95%
2010	425,743	2,037	83%
2009	549,626	1,920	64%
2008	472,438	1,790	69%
2007	438,244	1,697	71%
2006	389,390	1,949	80%
2005	421,246	2,264	84%

OPTIONS

1. NA

**STAFF
RECOMMENDATION**

1. NA

ISSUE 2

2019 GROUND FISH FISHERY REGULATIONS

ANALYSIS

This issue includes four topics: federal harvest specifications (catch limits), state harvest specifications, commercial nearshore fishery management measures, and recreational fishery management measures.

HARVEST SPECIFICATIONS - FEDERAL

Federal regulations apply to species included in federal fishery management plans. These regulations are developed by the PFMC and approved and implemented by the NMFS. The Department has a voting seat on the PFMC, and the PFMC process includes significant public involvement. The Commission incorporates federal regulations by reference, and may adopt concurrent or more conservative regulations as needed to meet state fishery management goals.

Harvest specifications (e.g., Overfishing Limits, Annual Catch Limits) for groundfish in the 2019-2020 management cycle were adopted by the PFMC in June 2018, and final rules implementing them will be published by NMFS before the end of 2018. Notable changes to federal groundfish harvest specifications for the next two years include:

- The ACL for Black Rockfish will decline as planned from 519 metric tons (mt) in 2018 to 516 mt in 2019, and 512 mt in 2020, as the stock biomass comes down to the target amount designed to produce optimum yield. These changes are small but meaningful for Oregon's fisheries given that the federal ACL for Oregon Black Rockfish was exceeded by 3% in 2017 and is likely to be fully utilized in 2018.
- A first-ever full stock assessment for Oregon Blue and Deacon Rockfish resulted in the estimate of sustainable harvest levels increasing from 26 mt to 101 mt. This will benefit both recreational and commercial fisheries, as it is well above any historical harvest level of these species and will provide some additional opportunity in 2019.
- An updated assessment for Yelloweye Rockfish indicates that the stock is rebuilding from overfished status faster than anticipated, and allowable impacts for all West Coast fisheries are increasing from 20 mt per year in 2018 to 48 mt per year in 2019 and 2020. This increase will allow more flexibility in setting regulations to control bycatch.
- Several federal stock complexes were reorganized, resulting in a new complex grouping Oregon Blue and Deacon Rockfish with Oregon Black Rockfish, and one combining Oregon Cabezon with Oregon Kelp Greenling. Stocks managed in complexes are held to an aggregate, rather than stock-specific, ACL. However, management measures should be designed to keep catches below the individual contributions of each stock to the complex's total ACL. The reorganization provides a small amount of flexibility that may allow managers to avoid closing fisheries if the limits for an individual stock such as black rockfish is reached, as long as the complex ACL is not exceeded.

Staff recommend adopting the federal harvest specifications by reference.

HARVEST SPECIFICATIONS - STATE

State harvest specifications take the form of harvest guidelines (HGs), which are set by the Commission for commercial and recreational fisheries by allocating federal quotas for Oregon stocks to each sector in Oregon. These allocations have been based on historical landings.

Table 1 shows the proposed 2019 recreational and commercial harvest guidelines by species/management group, with 2015-2018 for comparison. For Black Rockfish, Cabezon, and Greenling, status quo allocation proportions for the commercial and recreational fishery sectors result in the proposed state HG's. There have been no prior state HG's for Blue and Deacon Rockfish on their own; however, due to the change in federal organization of these stocks, staff is proposing HG's beginning in 2019. The proportions to each sector are based on previous landings. For Nearshore Rockfish, the HG's proposed are the same used in prior years before Blue and Deacon Rockfish were added to this group.

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

Management Group	2015	2016	2017	2018	2019
Black Rockfish					
Commercial HG (24.0%)	139.2	139.2	126.3	124.7	123.8
Recreational HG (76.0%)	440.8	440.8	400.1	394.7	392.2
Blue and Deacon Rockf.					
Commercial HG (18.6%)	NA	NA	NA	NA	18.9
Recreational HG (81.4%)	NA	NA	NA	NA	82.6
Nearshore Rockfish (without Blue & Deacon)					
Commercial HG (51.3%)	NA	NA	NA	NA	12.3
Recreational HG (48.7%)	NA	NA	NA	NA	11.7
Cabazon					
Commercial HG (64.3%)	30.2	30.2	30.2	30.2	30.2
Recreational HG (35.7%)	16.8	16.8	16.8	16.8	16.8
Greenling					
Commercial HG (75.1%)	23.4	23.4	169.9	144.3	128.5
Recreational HG (24.9%)	5.2	5.2	56.3	47.9	42.6

COMMERCIAL NEARSHORE FISHERY MANAGEMENT MEASURES

Consistent with previous years, public input supported maintaining a 12-month season for all target species. Industry still supports the use of bi-monthly cumulative trip limits to distribute catch across 12 months, and a risk-averse approach to setting trip limit levels.

For Black Rockfish, bi-monthly limits vary seasonally to allow for higher catches in the summer than in the winter in order to accommodate differences in effort and market demand. For 2018, the fishery has seen strong catch per unit effort, and is currently projected to attain about 97% of the harvest guideline after one downward and one upward inseason adjustment. For 2019, staff recommends trip limits identical to initial 2018 trip limits for all periods (i.e. P1=1,500; P2=1,500; P3=1,800; P4=1,800; P5=1,500; P6=1,500).

The new Blue and Deacon Rockfish HG is higher than any historic commercial take, and catches are unlikely to approach it at current levels of market demand. Staff propose 1,500 pounds per period, for all periods, as initial Blue and Deacon Rockfish bi-monthly trip limits.

For Other Nearshore Rockfish, the 2019 proposed state commercial harvest guideline, after removing the Blue and Deacon Rockfish allocation, is 92% of last year's 12.9 mt commercial harvest guideline when Blue and Deacon Rockfish were included. Staff recommends bi-monthly trip limits of 450

pounds per period for all periods in 2019. This trip limit level was supported at recent public meetings.

For Greenling, substantial under-attainment of the commercial harvest guideline allows for flexibility in setting 2019 bi-monthly limits. Less than 1% of fishers were limited by current bi-monthly trip limits of 800 (periods 1-4) and 1,000 (periods 5-6) pounds this year, but public input suggested increasing the bi-monthly limits to allow more opportunity to access this underutilized stock. Greenling attainment is projected to be 13% in 2018. For 2019, public input favored 1,000 pounds for Greenling bi-monthly limits. Staff supports this amount, which will allow for increased opportunity while avoiding local depletion, negative market impacts, and/or undesirable fishery interactions (e.g., bycatch and wastage of other species with lower limits).

Cabazon attainment in 2018 is projected to be almost 100%, with high 2017 catch rates carrying over into this year. Cabazon trip limits in 2018 were lowered from 2,500 to 1,500 pounds beginning in period 3 with further reductions implemented in several steps to slow catch and extend the season while avoiding exceeding the HG. Fishermen expressed support for 1,000 to 1,200 pounds per period in 2019. Based on projections and industry's feeling that 2019 will be another high catch rate year for Cabazon, staff recommends 1,000 pounds per period for all periods.

Staff will monitor attainment for all species/management groups and adjust trip limits in-season if necessary.

RECREATIONAL MANAGEMENT MEASURES

Daily bag limits, time/area closures, fishing gear requirements, and minimum size limits are used to manage the recreational groundfish fishery.

2018 Season Recap

Regulations for 2018 specified a five fish daily bag limit for the group titled 'Marine Fish' (Rockfish, Greenling, Pacific Cod, Cabazon, Skates, Spiny Dogfish, Leopard Shark, Soupfin Shark, Topsmelt, Jacksmelt, and other marine species not listed elsewhere in the Oregon Sport Fishing Regulations), with a sub-bag limit of one Cabazon when open (beginning July 1). As in recent years, fishing was restricted to 30 fathoms or shallower between April 1 and September 30.

New in 2018, fishing with longleader gear was allowed outside of 40 fathoms during the seasonal depth restriction, which provided an alternative fishery to the depth-restricted groundfish fishery (inside 30 fathoms) during the summer months. A separate bag limit for longleader gear trips allowed retention of eight midwater rockfish species only (Yellowtail, Widow, Canary, Redstripe, Greenstriped, Silvergray, and Bocaccio rockfishes). This fishery was designed to provide an opportunity

to target abundant midwater species while avoiding Yelloweye and nearshore rockfishes.

The recent trend of increasing effort continued in 2018. Table 4 shows the total number of recreational groundfish angler-trips for the period January through September for each year since 2013 (note that in 2017, the fishery was closed on September 17, so it represents a slightly shorter period than the other years shown).

Table 4. Estimated recreational groundfish angler-trips by year, January through September

	2013	2014	2015	2016	2017*	2018	2013-2017 Average
Jan - Sep.	78,308	72,060	100,321	93,195	101,363	101,127	89,049

* In 2017, through September 17 rather than the full month.

In June 2018, inseason modeling indicated that Black Rockfish, Yelloweye Rockfish, and Minor Nearshore Rockfish quotas would be reached before the end of the year. After consultation with the Marine Sportfishing Advisory Committee, the Department reduced the daily bag limit for general marine species from five to four fish beginning July 1, in order to ensure that the season would remain open throughout the full year. This approach was identical to that discussed during the December 2017 OFWC hearing when 2018 regulations were established.

In a separate inseason action starting August 18, retention of Cabezon was prohibited in order to prevent exceeding the quota. High encounter rates of Cabezon from the beginning of the year, including incidental mortalities accumulated during Cabezon non-retention periods, led to greater impacts than predicted. Particularly in light of Oregon’s 2017 exceedance of Cabezon sport quota, remaining within the 2018 quota was high priority. The Oregon Cabezon stock is scheduled for a full assessment in 2019.

The reduced marine bag limit contributed to a significant drop in Black Rockfish catch during July and August, and by September, projections indicated that year-end Black Rockfish impacts would be well under the annual quota. On September 19, the Department raised the bag limit back to 5 fish. Although the recreational HG for Black Rockfish will still be significantly under-attained, raising the bag limit higher than 5 fish would have led to additional impacts to Minor Nearshore Rockfish and Yelloweye Rockfish. Even if a sub-bag limit and/or non-retention were required, and there was no room under those species’ quotas for additional impacts. Impacts to Minor Nearshore Rockfish are expected to be slightly less than the HG at the end of the year. Although the Yelloweye Rockfish HG will be exceeded, just enough quota for this species will remain unharvested in other areas and fishery sectors coastwide in 2018 that the PFMC approved Oregon recreational fisheries exceeding the original HG

by the projected amount. Total impacts through September and year-end projections for quota-limited species are shown in Table 5.

Table 5. Estimated 2018 recreational groundfish impacts through September 30, projected year-end impacts, and 2018 quota, in metric tons

	Impacts thru 9/30	Projected year- end impacts	2018 Rec. HG
Black Rockfish	265	284.2	381.5
Canary Rockfish	34.7	37.5	75
Minor Nearshore Rockfish	30.4	32.6	32.8
Greenling	2.7	3.0	28.5
Cabazon	12.8	13.1	16.1
Yelloweye Rockfish	3.3	3.6	3.0

The longleader fishery accounted for 4.5% of all angler-trips targeting groundfish this year. Through August, there were 3,618 longleader angler trips on charter boats, and 902 on private vessels. The distribution of longleader trips and traditional groundfish trips by port is shown for anglers on charter vessels (Table 6) and private boats (Table 7).

Table 6. Estimated charter angler-trips targeting groundfish (total, longleader, and non-longleader (traditional)) by port, 2018 through September 30.

Port	Total groundfish angler-trips	Longleader angler-trips	Traditional groundfish angler-trips	Percent longleader
Astoria	96	0	96	0.0%
Garibaldi	8,435	1,183	7252	14.0%
Pacific City	1,670	0	1670	0.0%
Depoe Bay	16,361	1,658	14703	10.1%
Newport	14,879	699	14180	4.7%
Florence	0	0	0	0.0%
Winchester Bay	0	0	0	0.0%
Charleston	3,297	78	3219	2.4%
Bandon	2,214	0	2214	0.0%
Port Orford	0	0	0	0.0%
Gold Beach	780	0	780	0.0%
Brookings	3,561	0	3561	0.0%
Charter Total	51,293	3,618	47,675	7.1%

Table 7. Estimated private angler-trips targeting groundfish (total, longleader, and non-longleader) by port, 2018 through September 30.

Port	Total groundfish angler-trips	longleader angler-trips	Traditional groundfish angler-trips	Percent longleader
Astoria	547	0	547	0.0%
Garibaldi	5,072	77	4995	1.5%
Pacific City	3,598	0	3598	0.0%
Depoe Bay	3,172	0	3172	0.0%
Newport	8,957	54	8903	0.6%
Florence	4	0	4	0.0%
Winchester Bay	585	497	88	85.0%
Charleston	8,665	217	8448	2.5%
Bandon	1,714	48	1666	2.8%
Port Orford	400	0	400	0.0%
Gold Beach	2,586	9	2577	0.3%
Brookings	14,534	0	14,534	0.0%
Private Total	49,834	902	48,932	1.8%

Overall, charter operators have been “early adopters” in larger numbers than private anglers, particularly in Garibaldi and Depoe Bay. Anglers in Winchester Bay saw a notable benefit from this fishery, since there is essentially no traditional groundfish opportunity while the seasonal depth restriction is in effect, due to an absence of nearshore groundfish habitat in that area. This is reflected only in the private trip numbers, as there is currently no groundfish charter operator in Winchester Bay.

A review of the species composition of longleader catches indicates that this fishery has been effective at targeting midwater species while avoiding Yelloweye and Nearshore Rockfish. The vast majority (98%) of the fish landed have been Yellowtail, Widow, or Canary Rockfish. Only 22 Yelloweye Rockfish were estimated to be encountered, in over 4,500 angler trips. Table 8 shows the numbers of estimated retained and released fish by major species in the longleader fishery.

Table 8. Estimated number of landed and released fishes during recreational longleader trips for 2018 (through September 30, 2018)

Species	Number Landed	Percent of Total	Number Released	Percent of Total
<i>Species in the longleader bag limit (allowed for retention)</i>				
Yellowtail RF	20,841	62.0%	161	15.1%
Widow RF	6,242	18.6%	35	3.3%
Canary RF	5,853	17.4%	34	3.2%
Redstripe RF	24	0.1%	243	22.8%
Other species allowed for retention	419	1.2%	67	6.3%
<i>Species not allowed for retention on longleader trips</i>				
Blue & Deacon RF	9	0.0%	129	12.1%
Yelloweye RF	0	0.0%	22	2.1%
Other species not allowed for retention	234	0.7%	377	35.3%

2019 Season Structure and Bag Limits

The majority of public input continued to support a 12-month season. Bag limits and other measures were developed to meet that goal.

The Yelloweye Rockfish HG for 2019 is more than double what it has been in recent years (7.0 mt vs. 3.0 mt). Because the seasonal depth restriction in summer months is a management measure designed to reduce Yelloweye Rockfish interactions, the higher HG allows the current regulation to be relaxed. Staff recommends allowing fishing out to the 40 fathom line, instead of 30 fathoms, and beginning the restriction one month later (May 1). Retention of Yelloweye Rockfish will remain prohibited. While increases in HG for Yelloweye Rockfish provide much needed relief for Oregon fisheries, staff intends to only incrementally ease restrictions of this overfished species.

Black Rockfish will continue to be the primary driver of Oregon’s marine fish bag limit in 2019, although the quota for other nearshore rockfish may also be limiting. Staff recommends status quo for the bag limit (5 fish) with a sub-bag of 1 Cabezon, and a Cabezon season of July 1 through the earlier of December 31, or HG attainment.

Staff also recommends continuing with the offshore longleader fishery bag limit of 10 fish, and adding Blue Rockfish and Deacon Rockfish to the species that may be retained in this bag limit. The several-fold increase in allowable harvest levels of Blue/Deacon Rockfish and addition to the longleader catch species list in 2019 provides room for higher catch in the longleader fishery. An additional consideration is that Department research has found that Blue and Deacon Rockfishes appear to have relatively lower post-release survival than many other rockfish species.

Allowing retention on longleader trips would turn some discard mortality into landed catch, reducing unnecessary wastage.

Projected impacts in 2019 under the proposed regulations are shown in Table 9. These estimates are highly uncertain due to difficult-to-predict variability in effort and catch between and within years. In particular, there is considerable uncertainty in the Yelloweye Rockfish estimates as regulations designed to minimize catch are slowly relaxed; the value in Table 9 should be considered the low end of the range of potential impacts.

Table 9. Projected 2019 recreational groundfish impacts, in metric tons, under staff-recommended management measures

Species/Management Group	Projected year-end impacts	2019 Recreational HG
Black Rockfish	377	377
Canary Rockfish	31.2	71
Cabazon	20.8	16.1
Blue and Deacon Rockfish	19	81
Minor Nearshore Rockfish	12.2	11.3
Greenling	3.6	27
Yelloweye Rockfish	2.9	7.1

The projected impacts are notably higher or lower than the HG for several species. The management measures recommended by staff are designed to balance opportunity with conservation, while recognizing the uncertainty inherent in these pre-season projections. Staff will monitor effort and catch levels throughout the year, and regulations can be adjusted inseason if necessary to slow catch rates or provide additional opportunity. For example, while a sub-bag limit for Minor Nearshore Rockfish is not proposed at this time due to the undesirable regulatory discard that would result, a sub-bag for this group could be implemented inseason if needed. Cabazon can be closed when the quota is approached with little biological impact as this species has a high post-release survival rate (93%).

Finally, staff received and support a public suggestion to move Jacksmelt and Topsmelt from the general marine fish bag limit to the baitfish bag limit. The baitfish bag limit currently consists of 25 pounds per day in aggregate of Herring, Anchovy, Sardine, and true smelts. Jacksmelt and Topsmelt, also known as silversides, are not targeted in Oregon, but are occasionally caught incidentally when fishing for Herring. Total cumulative catch of Jacksmelt and Topsmelt in OR since 2005 has been about one thousand fish; for comparison, 6.2 million have been caught in the same time period in California, where they are much more common. Moving these two species to the baitfish bag limit will allow anglers to retain incidentally caught silversides, without counting against their marine fish bag limit, which has become more constraining in recent years as it has been reduced to keep rockfish catches under strict quotas. This change is not expected to increase catch of other species remaining in the marine fish bag limit.

OPTIONS

1. Staff recommendations as reflected in draft OAR's:
 - Adopt federal harvest specifications and regulations for 2019-2020 groundfish fisheries by reference.
 - Adopt staff recommendations for recreational and commercial groundfish harvest guidelines for 2019.
 - Adopt staff recommendations for commercial nearshore bimonthly limits, for Other Nearshore Rockfish, Blue and Deacon Rockfish, Cabezon and Kelp Greenling.
 - Adopt staff recommendations for the recreational season structure, the Marine Fish bag limit, and the offshore longleader bag limit for 2019.
2. Modify staff proposal for one or more items.
3. Status quo

**STAFF
RECOMMENDATION**

1. Option 1

DRAFT MOTION	I move to adopt the recommended recreational and commercial groundfish regulations as proposed by staff in Attachment 3.
EFFECTIVE DATE	Upon Filing