

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

MARY BETH HERKERT
DIRECTOR800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701**NOTICE OF PROPOSED RULEMAKING**
INCLUDING STATEMENT OF NEED & FISCAL IMPACTCHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE**FILED**10/15/2018 8:44 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Recreational and Commercial Groundfish Regulations for 2019

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/07/2018 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*CONTACT: April Mack
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Salem, OR 97302Filed By:
April Mack
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/07/2018

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
& Wildlife CommissionersADDRESS: Oregon Department of Fish
& Wildlife HeadquartersCommission Room
4034 Fairview Industrial DR SE
Salem, OR 97302

NEED FOR THE RULE(S):

These amended rules are needed to modify Oregon's regulations for recreational and commercial groundfish for 2019 in order to conform to federal regulations and to optimize harvest opportunity while not exceeding federally established limits. Housekeeping and technical corrections to the regulations will occur to ensure rule consistency.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff Report for the Oregon Fish & Wildlife Commission hearing of December 7, 2018

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

See attachment.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See Fiscal Impact Statement

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

See Fiscal Impact Statement

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The alternatives for federal groundfish regulations and harvest limits were developed through the Pacific Fishery Management Council process, which involves advisory committees and public comment. Department staff conducted several public meetings to discuss and develop proposed changes to state regulations that are in addition to federal regulations.

NOTE: Additional PDF filed with this filing not included in this document. Please contact Department of Fish and Wildlife for a copy of this document.

RULES PROPOSED:

635-004-0275, 635-004-0350, 635-004-0355, 635-039-0080, 635-039-0090

AMEND: 635-004-0275

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2019 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0275

Scope, Inclusion, and Modification of Rules ¶¶

(1) The commercial groundfish fishery in the Pacific Ocean off Oregon is jointly managed by the state of Oregon and the federal government through the Pacific Fishery Management Council process. The Code of Federal Regulations provides federal requirements for this fishery, including but not limited to the time, place, and manner of taking groundfish. However, additional regulations may be promulgated subsequently by publication in the Federal Register, and these supersede, to the extent of any inconsistency, the Code of Federal Regulations. Therefore, the following publications are incorporated into Oregon Administrative Rule by reference:¶¶

(a) Code of Federal Regulations, Part 660, Subparts C, D, E and F (October 1, 2016~~8~~ ed.) as amended; and¶¶

(b) ~~Federal Register Vol. 81, No. 226 dated November 23, 2016 (81FR84419).~~¶¶

(c) ~~Federal Register Vol. 82, No. 24, dated February 7, 2017 (82FR9634).~~ [INSERT REFERENCE WHEN AVAILABLE].¶¶

(2) Persons must consult the federal regulations in addition to Division 004 to determine all applicable groundfish fishing requirements. Where federal regulations refer to the fishery management area, that area is extended from shore to three nautical miles from shore coterminous with the Exclusive Economic Zone.¶¶

(3) The Commission may adopt additional or modified regulations that are more conservative than federal regulations, in which case Oregon Administrative Rule takes precedence. See OAR 635-004-0205 through 635-004-0235 and 635-004-0280 through 635-004-0365 for additions or modifications to federal groundfish

regulations.¶

[Publications: Publications referenced are available from the Department.]

Statutory/Other Authority: ORS 496.138, 496.162, 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 496.162, 506.109, 506.129

AMEND: 635-004-0350

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2019 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0350

Harvest Guidelines and Landing Caps ¶¶

(1) Upon attainment of a harvest guideline in the Black Rockfish / Blue Rockfish / Nearshore Fishery, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives.¶¶

(2) The following commercial harvest guidelines include the combined landings and other fishery related mortality by all Oregon commercial fisheries in a single calendar year:¶¶

(a) Black rockfish: 124.3 metric tons;¶¶

(b) ~~Cabezon: 30.2 metric tons;¶¶~~

(~~e~~) Blue rockfish, and deacon rockfish ~~and~~ combined: 18.9 metric tons;¶¶

(c) ~~Other~~ Nearshore ~~¶~~ Rockfish combined: 12.93 metric tons;¶¶

(d) ~~Cabezon: 30.2 metric tons; and¶¶~~

(~~d~~) Greenling: 144.328.5 metric tons.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.109, 506.129

AMEND: 635-004-0355

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2019 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-004-0355

Trip Limits ¶¶

(1) The trip limits outlined in this rule are set at the beginning of each calendar year based on commercial harvest caps and projected fishing effort, and are subject to in-season adjustments and closures. Fishers should refer to Nearshore Commercial Fishery Industry Notices on the Marine Resources Program Commercial Fishing Rules and Regulations webpage for the most up-to-date information regarding trip limits and other regulations affecting the Nearshore Commercial Fishery.¶¶

(2) Vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit, with or without a Nearshore Endorsement, may land no more than the following bi-monthly cumulative trip limits:¶¶

(a) Black rockfish:¶¶

(A) 1500 pounds in period 1;¶¶

(B) 1500 pounds in period 2;¶¶

(C) 1800 pounds in period 3;¶¶

(D) 1800 pounds in period 4;¶¶

(E) 1500 pounds in period 5;¶¶

(F) 1500 pounds in period 6; and¶¶

(b) ~~3~~1500 pounds of blue rockfish and deacon rockfish combined in each period.¶¶

(3) For all other nearshore species, vessels with a Black Rockfish / Blue Rockfish / Nearshore Fishery Permit with Nearshore Endorsement may land no more than the following bi-monthly cumulative trip limits:¶¶

(a) 450 pounds of other nearshore rockfish combined in each period;¶¶

(b) ~~Cabezon:~~¶¶

~~(A) 2000 pounds in period 1;~~¶¶

~~(B) 2000 pounds in period 2;~~¶¶

~~(C) 2500 pounds in period 3;~~¶¶

~~(D) 2500 pounds in period 4;~~¶¶

~~(E) 2500 pounds in period 5; and~~¶¶

~~(F) 2000 pounds in~~1000 pounds of cabezon in each period~~6;~~ and¶¶

(c) ~~8~~1000 pounds of greenling species in each period.

Statutory/Other Authority: ORS 506.036, 506.109, 506.119, 506.129

Statutes/Other Implemented: ORS 506.109, 506.129

AMEND: 635-039-0080

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2019 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-039-0080

Purpose and Scope ¶¶

(1) The purpose of Division 039 is to provide for management of sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches over which the State has jurisdiction.¶¶

(2) Division 039 incorporates into Oregon Administrative Rules, by reference:¶¶

(a) The sport fishing regulations of the State, included in the document entitled 2018~~9~~ Oregon Sport Fishing Regulations;¶¶

(b) Title 50 of the Code of Federal Regulations, Part 300, Subpart E (October 1, 2016~~8~~ ed.), as amended;¶¶

(c) Title 50 of the Code of Federal Regulations, Part 660, Subpart G (October 1, 2016~~8~~ ed.), as amended; and¶¶

(d) ~~Federal Register Vol. 82, No. 24, dated February 7, 2017 (82FR9634)~~¶¶

(e) ~~Federal Register Vol. 83, No. 61, dated March 29, 2018 (83FR13428)~~ [INSERT REFERENCE WHEN AVAILABLE].¶¶

(3) Therefore, persons must consult all publications referenced in this rule in addition to Division 011 and Division 039 to determine all applicable sport fishing requirements for marine fish, shellfish and marine invertebrates.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 496.138, 496.146, 506.119

Statutes/Other Implemented: ORS 496.162, 506.129

AMEND: 635-039-0090

RULE SUMMARY: These amended rules will establish annual groundfish management measures and harvest limits for 2019 recreational and commercial groundfish fisheries including but not limited to conformance to federal regulations, state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits and seasons), and nearshore commercial regulations (e.g., bi-monthly period vessel limits).

CHANGES TO RULE:

635-039-0090

Inclusions and Modifications ¶¶

(1) The 2018~~9~~ Oregon Sport Fishing Regulations provide requirements for sport fisheries for marine fish, shellfish, and marine invertebrates in the Pacific Ocean, coastal bays, and beaches, commonly referred to as the Marine Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2018~~9~~ Oregon Sport Fishing Regulations.¶¶

(2) For the purposes of this rule, a "sport harvest guideline" is defined as a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not automatically close a fishery. Upon attainment of a sport harvest guideline, the Department shall initiate consultation to determine if additional regulatory actions are necessary to achieve management objectives. The following sport harvest guidelines include the combined landings and other fishery related mortality by the Oregon sport fishery in a single calendar year:¶¶

(a) Black rockfish, ~~395~~2.2 metric tons;¶¶

(b) ~~Cabezon, 16.8 metric tons.~~¶¶

(~~e~~) Blue rockfish, and deacon rockfish, ~~and~~ ~~o~~ combined: 82.6 metric tons;¶¶

(c) ~~Other Nearshore Rockfish combined, 32:~~ 11.7 metric tons;¶¶

(d) ~~Cabezon, 16.8 metric tons;~~ and¶¶

(~~d~~e) Greenling, ~~47.9~~2.6 metric tons.¶¶

(3) For the purposes of this rule, "Other nearshore rockfish" means the following rockfish species: black and yellow (*Sebastes chrysomelas*); brown (*S. auriculatus*); calico (*S. dalli*); China (*S. nebulosus*); copper (*S. caurinus*); gopher (*S. carnatus*); grass (*S. rastrelliger*); kelp (*S. atrovirens*); olive (*S. serranoides*); quillback (*S. maliger*); and treefish (*S. serriceps*).¶¶

(4) In addition to the regulations for Marine Fish in the 2018~~9~~ Oregon Sport Fishing Regulations, the following apply for the sport fishery in the Marine Zone:¶¶

(a) Lingcod (including green colored lingcod): 2 fish daily bag limit.¶¶

(b) All rockfish ("sea bass" "snapper"), greenling ("sea trout"), cabezon, skates, and other marine fish species not listed in the 2018~~9~~ Oregon Sport Fishing Regulations in the Marine Zone, located under the category of Finfish Species, General Marine Species: 5 fish daily bag limit in aggregate (total sum or number), of which no more than one may be a cabezon, when retention of cabezon is allowed. Retention of the following species is prohibited:¶¶

(A) Yelloweye rockfish; and¶¶

(B) Cabezon from January 1 through June 30.¶¶

(c) Flatfish (flounder, sole, sanddabs, turbot, and all halibut species except Pacific halibut): 25 fish daily bag limit in aggregate (total sum or number).¶¶

(d) Retention of all marine fish listed under the category of Finfish Species, General Marine Species, except Pacific cod, sablefish, flatfish, herring, anchovy, smelt, sardine, striped bass, hybrid bass, and offshore pelagic species (excluding leopard shark and soupfin shark), is prohibited when Pacific halibut is retained on the vessel during open days for the all-depth sport fishery for Pacific halibut. Persons must also consult all publications referenced in OAR 635-039-0080 to determine all rules applicable to the taking of Pacific halibut.¶¶

(e) Harvest methods and other specifications for marine fish in subsections (4)(a), (4)(b) and (4)(c) including the following:¶¶

(A) Minimum length for lingcod, 22 inches.¶¶

(B) Minimum length for cabezon, 16 inches.¶¶

- (C) May be taken by angling, hand, bow and arrow, spear, gaff hook, snag hook and herring jigs.¶
- (D) Mutilating the fish so the size or species cannot be determined prior to landing or transporting mutilated fish across state waters is prohibited.¶
- (E) When angling for groundfish or Pacific halibut in the Pacific Ocean or when in possession of groundfish or Pacific halibut, all watercraft shall have a functional descending device on board and shall use a descending device when releasing any rockfish outside of the 30-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71. Upon request, a descending device shall be presented for inspection by any person authorized to enforce the wildlife laws or a representative of the Department. In this subsection, "descending device" means a device capable of returning a rockfish back to a depth of at least 100 feet to assist the fish in recompression and to improve the fish's chance of survival.¶
- (F) Long-leader gear means fishing gear with the following: one fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The hooks can only be equipped with artificial lures or molded soft plastic or rubber imitations of worms, eggs, insects, bait fish, crayfish, etc. 5 inches or less in length and/or artificial flies. Natural bait may not be used.¶
- (f) Sport fisheries for species in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark and soupfin shark are open January 1 through December 31, twenty-four hours per day, except as provided in subsections 4(b) and (4)(d). Ocean waters are closed for these species, with the exception of flatfish species, during ~~April~~ May 1 through September 30, outside of the ~~340~~ 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, except as provided in subsection 4(d) or when fishing with long-leader gear during such times and in such areas as allowed in federal rule. A 20-fathom, 25-fathom, or 30-fathom curve, as shown in Title 50 Code of Federal Regulations Part 660 Section 71 may be implemented as the management line as inseason modifications necessitate. In addition, the following management lines may be used to set area specific regulations for inseason action only:¶
- (A) Cape Lookout (45°20'30" N latitude); and¶
- (B) Cape Blanco (42°50'20" N latitude).¶
- (g) The Stonewall Bank Yelloweye Rockfish Conservation Area (YRCA) is defined by coordinates specified in Title 50 Code of Federal Regulations Part 660 Section 70 (October 1, 2017~~8~~ ed.). Within the YRCA, it is unlawful to fish for, take, or retain species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut using recreational fishing gear. A vessel engaged in recreational fishing within the YRCA is prohibited from possessing any species listed in subsections (4)(a), (4)(b) and (4)(c) of this rule, leopard shark, soupfin shark, and Pacific halibut. Recreational fishing vessels in possession of species listed in subsections (4)(a), (4)(b) and (4)(c) and including leopard shark, soupfin shark, and Pacific halibut may transit the YRCA without fishing gear in the water.¶
- (h) Notwithstanding any other provisions of this rule, on any fishing trip where fishing with long-leader gear (as defined in subsection (4)(e)(F)) occurs seaward of the 40-fathom curve (defined by latitude and longitude) as shown in Title 50 Code of Federal Regulations Part 660 Section 71, the following apply:¶
- (A) It is unlawful to retain any species in the Groundfish Group other than yellowtail rockfish (*Sebastes flavidus*), widow rockfish (*S. entomelas*), canary rockfish (*S. pinniger*), deacon rockfish (*S. diaconus*), blue rockfish (*S. mystinus*), redstripe rockfish (*S. proriger*), greenstriped rockfish (*S. elongatus*), chilipepper rockfish (*S. goodei*), bocaccio rockfish (*S. paucispinis*), or silvergray rockfish (*S. brevispinis*);¶
- (B) The daily bag limit is 10 fish in aggregate for the species listed in section (4)(h)(A);¶
- (C) A long-leader fishing trip must be separated from any other fishing trip where groundfish are retained by returning to the dock and offloading fish;¶
- (D) It is unlawful for an angler who retained fish on a long-leader fishing trip to retain more than 10 fish in aggregate of the species listed in (4)(b) in the same day;¶
- (E) It is unlawful to fish for any species in the Groundfish Group, including those listed in section (4)(h)(A), inside of the 40-fathom curve or with gear that is not long-leader gear as defined in section (4)(e)(F); and¶
- (F) Federal rules governing the long-leader fishery will supersede these rules to the extent of any inconsistency,

including the definition of long-leader gear.¶¶

(i) Topsmelt and jacksmelt are included in the daily limit for herring, anchovy, sardine, and true smelts of 25 pounds per day in aggregate. Topsmelt and jacksmelt are not included in the General Marine Species daily limit of 5 fish per day.¶¶

(5) Take of abalone prohibited, twenty-four hours per day, in all Oregon waters until March 17, 2021.¶¶

[Publications: Publications referenced are available from the agency.]

Statutory/Other Authority: 497.121, 506.119, 496.146, ORS 496.138

Statutes/Other Implemented: ORS 496.004, 496.009, 496.162, 506.129

**Economic and Fiscal Impact Statement for the December 7, 2018
Hearing Relating to the Adoption of Regulations for 2018 Commercial and
Recreational Groundfish Fisheries**

These amended rules will establish annual groundfish management measures and harvest limits for 2019 commercial and recreational groundfish fisheries including but not limited to state harvest guidelines for commercial and recreational fisheries (e.g., sector allocations), recreational regulations (e.g., bag limits, length limits, and seasons), and additional nearshore commercial regulations (e.g., bi-monthly period vessel limits).

Statement of Cost of Compliance

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The state agencies that could be affected by adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). No significant changes in costs to ODFW or to OSP are expected from these rule changes. There is potential for changes in recreational groundfish regulations to affect recreational angler license sales (ODFW) and enforcement costs (OSP), but the potential changes are likely to be small relative to statewide angler license sales and enforcement costs. There is potential for slight changes to Ad Valorem (AV) revenues from changes to commercial nearshore period limits but the potential changes are likely to be offsetting with some limits increasing and others decreasing, and would be very small relative to overall AV revenues collected annually by ODFW.

B. We do not have enough information or suitable methodology to predict the extent to which units of local government will be affected by these rule changes. Some Oregon port districts may be impacted, but significant impacts are not anticipated for either the commercial or the recreational fisheries. More detailed consideration of impacts is not possible because of data constraints.

C. The public will be affected by the adoption of these rules. The proposed rules are necessarily consistent with actions of the Pacific Fishery Management Council (PFMC), which establishes federal harvest levels for groundfish. Adoption of regulations that exceed these harvest levels would likely result in preemption of state management authority.

State Harvest Guidelines (HGs)

State HGs are harvest objectives and attainment does not necessarily close a fishery, but may result in further in-season restrictions to meet objectives such as not exceeding federal Annual Catch Limits (ACLs) or HGs. Changes to federal ACLs and HGs from 2018 to 2019 (Table 1) are small but are meaningful for black rockfish 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 assessment for Oregon blue and deacon rockfish and a new assessment for West Coast yelloweye rockfish are also significant for state fishery management.

As a result of the new blue and deacon rockfish stock assessment, the estimate of sustainable harvest for these species increased from 26 metric tons to 101 metric tons. This will benefit both recreational and commercial fisheries, as it is well above any historical harvest level of these species and will not be a significant management constraint for 2019 fisheries.

Yelloweye rockfish is prohibited in most recreational and commercial fisheries due to its overfished status and time-area closures are in place to manage bycatch impacts. The updated stock assessment indicates that the stock is rebuilding faster than anticipated, and allowable impacts for all West Coast fisheries are increasing from 20 metric tons per year for 2017-2018 to 48 metric tons per year for 2019-2020. This increase will allow federal and state fishery managers more flexibility in setting regulations to control bycatch impacts.

Detailed economic analyses are required under federal law (NEPA), and are part of the Environmental Impact Statement (EIS) filed by the PFMC. The EIS contains additional information on the economic and social effects of the 2019-2020 regulations. That document is incorporated into this statement by reference.

For nearshore groundfish, state HG's are set separately for commercial and recreational fisheries, establishing sector-specific harvest objectives. The recommended state HGs for 2019, as well as those for previous years, are shown in Table 1. The department is recommending establishing new recreational and commercial state HGs for blue and deacon rockfish combined due to the new assessment. Previously, these species had been included in an aggregate Nearshore Rockfish HG based primarily on historical catch.

Table 1. State harvest guidelines for commercial and recreational groundfish management groups

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 Rockfish					
Commercial HG (18.6%)	NA	NA	NA	NA	18.9
Recreational HG (81.4%)	NA	NA	NA	NA	82.6

**Nearshore Rockfish
(without Blue and Deacon
rockfish)**

Commercial HG (51.3%)	NA	NA	NA	NA	12.3
Recreational HG (48.7%)	NA	NA	NA	NA	11.7

Cabezon

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

Although harvest restrictions reduce positive economic impacts in the short run, conservation through restrictive regulations and Optimum Yields set at the federal level are intended to perpetuate these groundfish resources at higher levels in the long run. Failure to restrict harvests to appropriate levels may result in more severe adverse economic impacts in the future. The proposed regulations are intended to strike a balance between present and future consumption that sustains fishery resource benefits over time.

Recreational Groundfish Regulations

Recreational groundfish fisheries met or exceeded state or federal harvest guidelines for several species or species groups in 2017 and 2018 including black rockfish, blue, deacon and other nearshore rockfish combined, yelloweye rockfish and cabezon. As a result, recreational groundfish fisheries opportunities were curtailed through temporary rules during the season in both 2017 and 2018.

We are recommending maintaining the Marine Fish daily bag limit for 2019 at 5 fish per day, the same as at the outset of 2018. We are recommending the following changes to recreational groundfish regulations based on changes to federal ACLs or HGs and public input:

- Modify the depth-based fishery closure in place to manage yelloweye rockfish impacts from closed outside of 30 fathoms for April through September to closed outside of 40 fathoms from May through September.
- Add blue and deacon rockfish to the daily bag limit for the “long-leader” fishery, effectively allowing retention of these species in the long-leader fishery. The long-leader fishery is allowed to operate in the depth-based closure area using specialized gear.
- Move topsmelt and jacksmelt from the Marine Fish daily bag limit (5 fish per day) to the “bait fish” bag limit which includes herring, anchovy, sardine and true smelts (25 pounds per day).

Taken together, these recommendations will result in modest increases in recreational bottomfish fishing opportunities relative to 2018, while maintaining low to moderate risk of exceeding federal or state harvest limits. As always, ODFW will monitor harvest rates during the year and make adjustments as needed in consultation with the marine Sportfish Advisory Committee. Data and models are not available to estimate how these modifications might impact the number of angler trips targeting bottomfish, therefore it is not possible to estimate the fiscal impact at this time.

From 2012-2017, there were from 70,700 to 108,800 recreational fishing trips targeting groundfish, accounting for just under one-half of the ocean recreational trips during that time period (Table 4). A 2015 economic study estimated that the groundfish trips translated into an economic contribution of \$6.04 million in personal income at the coastwide economic level in 2014, the most recent year this estimate is available (TRG 2015).

Table 2. Ocean recreational fisheries trips, 2012 to 2017.

	2012	2013	2014	2015	2016	*2017
Salmon	57.4	71.6	102.8	54.5	32.8	35.6
Halibut	18.0	19.4	14.2	17.6	21.6	21.8
Tuna	16.0	9.4	12.0	11.9	9.8	5.7
Bottomfish (Groundfish)	70.7	88.5	77.4	108.6	96.3	103.1
Combo (Salmon + Other)	9.9	13.9	18.8	11.5	6.0	6.7
Total	172.0	202.9	225.1	204.0	166.6	172.8

* Bottomfish closure in effect starting 9/18/2017

Commercial Nearshore Groundfish Regulations

The only state regulations recommended for modification in the commercial fishery are adjustments to bi-monthly vessel limits. Despite the slight decrease in the commercial HG for black rockfish, we are recommending bi-monthly vessel limits equal to those in place at the outset of 2018 because analysis indicates a low probability of exceeding the recommended 2019 HG under these limits. We are also recommending increased bi-monthly vessel limits for greenling and blue and deacon rockfish based on similar analysis and public input. These increases will provide some financial benefits to fishery participants, however gains are expected to be modest because few fishers have achieved the bi-monthly vessel limits on a regular basis in recent years.

In 2017, the commercial groundfish fishery in Oregon had about 48 million pounds of onshore landings, valued at nearly \$36 million. The 2017 landings and ex-vessel value were about 37% and 24% above the 5-year averages (2013-2017), respectively. At \$0.74, price per pound landed was below the 5-year average of \$0.82 per pound. Pacific whiting is excluded because harvest levels are set via an international treaty between the U.S. and Canada.

Table 3. Onshore landings, ex-vessel value, and average price for landings for commercial groundfish fishery in Oregon (excluding Pacific whiting), 2004 to 2017.

	Onshore Landings (000's lbs.)	Ex-vessel value (2017 \$000's)	Price per lb. (2017 \$)
2004	25,586	\$20,419	\$0.80
2005	27,221	\$22,436	\$0.82
2006	27,388	\$23,835	\$0.87
2007	30,875	\$23,874	\$0.77
2008	37,918	\$30,790	\$0.81
2009	41,396	\$31,896	\$0.77
2010	36,812	\$28,772	\$0.78
2011	28,921	\$31,226	\$1.08
2012	28,432	\$25,695	\$0.90
2013	31,100	\$23,685	\$0.76
2014	28,370	\$22,726	\$0.80
2015	32,890	\$29,658	\$0.90
2016	35,642	\$32,593	\$0.91
2017	48,370	\$35,675	\$0.74
5-yr Avg (2010-14)	35,274	\$28,867	\$0.82

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

The main types of small business subject to the rules are commercial and recreational fishermen landing nearshore groundfish and businesses that provide goods and services to those commercial fishers and recreational groundfish fishers. In 2017, there were 62 commercial vessels making nearshore groundfish landings equal to or greater than \$500 in value. There were 46 Black/Blue Rockfish permits and 68 Nearshore-endorsed Black/Blue Rockfish permits sold, two separate permit types that exist for the limited-entry commercial nearshore fishery.

Wholesale dealers who buy nearshore groundfish will be affected and there were 25 in 2017 (excluding processors or buyers whose activities were less than \$500).

Other small businesses affected will be gas stations, tackle shops, charter boat owners, restaurants/cafes/bars, food stores, and places of lodging (hotels, campgrounds, etc.). Information is not available to estimate accurately the number of those types of small businesses affected.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No significant changes in these costs are expected for the small businesses subject to the rule.

c. Equipment, supplies, labor and increased administration required for compliance:

No significant changes in these costs are expected for the small businesses subject to the rule.

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.

References

The Research Group, LLC. Oregon's Commercial Fishing Industry, Year 2013 and 2014 Review. Prepared for Oregon Department of Fish and Wildlife, and Oregon Coastal Zone Management Association. September 2015.