

## **Exhibit (H)**

**Supplemental Public  
Correspondence received after  
November 21, 2018.**

**From:** Andy Martin, Brookings Fishing Charters LLC  
**To:** [odfw.commission@state.or.us](mailto:odfw.commission@state.or.us)  
**Subject:** Public comment 2019 rockfish regulations  
**Date:** Friday, November 30, 2018 7:49:23 AM  
**Attachments:** [charter letter-rockfish-2019-season.pdf](#)

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Please find the attached two-page letter and present it to the Oregon Fish and Wildlife Commission members for the Dec. 7 meeting.

Thank you  
Andy

Capt. Andy Martin  
Brookings Fishing Charters LLC  
Wild Rivers Fishing  
(541) 813-1082 or (206) 388-8988 cell/text  
[www.brookingsfishing.com](http://www.brookingsfishing.com)  
[www.wilddriversfishing.com](http://www.wilddriversfishing.com)  
Check us out on Facebook  
<https://www.facebook.com/brookingsfishingcharters/>



## Six-Pack Charter Operators of Brookings, Oregon

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Nov 29, 2018

Oregon Fish and Wildlife Commission  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

Dear Commission Members,

We are writing regarding the 2019 proposed recreational bottom fish regulations for the Oregon Coast. Our group represents six-pack sportfishing charter boat operators on the Southern Oregon Coast.

We strongly urge the commission to consider a total combined rockfish limit of seven or eight rockfish with a sub-bag limit of five black rockfish, and if necessary, a total sub-bag limit of five black rockfish and minor near-shore rockfish.

As charter operators, we appreciate the challenge ODFW and the commission face in managing the groundfish season, with nearly 50 different species and harvest guidelines determined by the federal government. We also feel the adoption of sub-bag limits would allow sport anglers to catch a larger percentage of the federally allowed harvest while still taking precautions to ensure the sustainability of the fishery and resource. A sub-bag limit is an effective tool that ODFW did not utilize for the 2018 season, leaving large percentages of fish on the table that the PFMC allocated for fisheries.

Adopting a sub-bag limit of five black rockfish will help keep Oregon anglers within the HG of 377 metric tons, while allowing sport fishermen to better utilize the allocation of canary rockfish and blue and deacon rockfish. The projected year-end impacts on blues and deacons is 18 metric tons, far less than the HG of 81 metric tons. The projected impact on canary rockfish is 31 metric tons, substantially less than the HG of 71 metric tons. The total bag limit could be well above seven or eight rockfish, considering these HG levels for canaries, blues and deacons, but we feel seven or eight total rockfish provides sufficient fishing opportunity for recreational anglers.

We understand release mortality is a concern. But those same impacts occur with more restrictive limits, as anglers release smaller black rockfish in hopes of catching bigger fish. A higher total limit often leads to less releases, while a higher overall limit with a sub-bag limit also often encourages anglers to fish in areas with higher densities of blue rockfish and canary rockfish.

During the 2018 season, with the five-fish limits, we saw a decrease in interest from anglers along the I-5 corridor and other inland areas of Oregon, who felt a five-fish total rockfish limit was not worth the travel and fishing expense to visit the coast. During previous seasons, anglers were satisfied with the seven-fish limit.

Thank you for your consideration.

Sincerely,

Capt. Andy Martin  
Brookings Fishing Charters

Capt. Mike Brouillette  
Old Dog Sportfishing

Capt. Clarence Cole  
Fishin' Trips Charters

**From:** DEREK BARCLAY  
**To:** [michelle.n.dennehy@state.or.us](mailto:michelle.n.dennehy@state.or.us)  
**Subject:** written testimony for December 7 2018 commercial ground fish regulation setting meeting  
**Date:** Saturday, December 1, 2018 11:19:11 AM

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Testimony for the 2019 commercial groundfish meeting December 7, 2018

Examination of department data for China rockfish and kelp greenling landings in the commercial sector by port show that the depressed landings for these two species continue.

See attached chart for China rockfish landings thru 2017

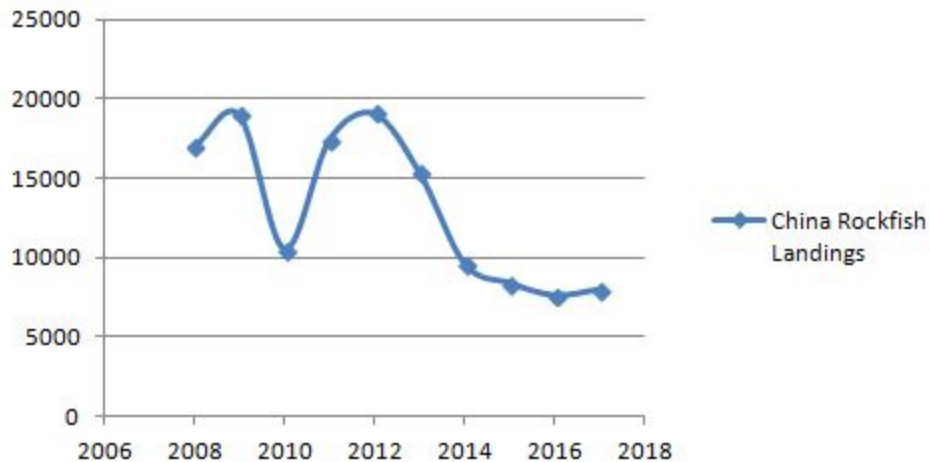
I haven't compiled a landing chart for kelp greenling which includes 2017, however harvest levels in pounds for that species were second worst in the period 2004-2017 at (by my calculations) 10.5 metric tons.

These two species, while dissimilar in reproduction, share some common traits, they are demersal, and territorial (male greenling while protecting nests, which results in spawning failure if the male is removed from the eggs).

China rockfish are long lived, and slow to mature, reaching sexual maturity at somewhere around 10 inches in length (50% mature at 11 inches) and at 6-8 years of age (maximum measured age 79 years). The minimum size allowed to be retained in the fishery is 12 inches. In an overfished condition, this means that many of not most of the larger more mature fish are being harvested, and reproduction is going to fall on younger and smaller fish. This situation has resulted (in studies of other rockfish) in the intuitively obvious smaller spawn size, combined with less than optimal timing of spawn.

My feeling is that kelp greenling are the canary in the coal mine here, the territorial nature of males during the spawn is resulting in lower spawning success due to year round fishing pressure. Greenling are a rapidly maturing (by comparison to rockfish) fecund species, if this fishery is able to suppress their landing numbers it has got to be even more disastrous to slow maturing, solitary, territorial rockfish such as Chinas' which are targeted for even higher landing values. It should be noted that the live fish fishery is limited to the Oregon coast south of Cape Arago where near 100% of these two species are harvested. So intense year round fishing on a relatively short stretch of coastline is depressing stocks, while the Department manages them as though the fishery were coast wide. Washington state's experience with overfishing suggests that irrevocable harm can be caused by overfishing a restricted environment (and this section of the coastline is somewhat that, with Cape Blanco being a recognized obstruction to long coast migration of stocks). The state of Oregon needs to manage these stocks at the species level with demonstrably sustainable harvest guidelines for the area where they are being harvested. This is something ODFW is not currently doing

# China Rockfish Landings



**From:** DEREK BARCLAY  
**To:** [Michelle.N.Dennehy@state.or.us](mailto:Michelle.N.Dennehy@state.or.us)  
**Subject:** written testimony #1 for December 7 meeting (groundfish)  
**Date:** Saturday, December 1, 2018 11:08:37 AM

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## Written testimony for the 2019 groundfish setting meeting December 7, 2018

I find the ODFW's use of the blue/deacon rockfish status review objectionable, being of little or no benefit to recreational anglers, and possibly detrimental to these species of rockfish. Maintaining the ground fish limit at 5 fish in the face of a significant increase in harvestable blue/deacon rockfish quotas simply maintains the condition that black rockfish harvest guidelines will be drivers in the sport season. This has a historical component, in past seasons, when sublimits of other rockfish were in place, apparently the department heard anecdotal reports of sports fishermen landing and releasing "a hundred" black rockfish in order to complete a limit with minor nearshore species. First of all, these reports are anecdotal, NOT science, data which the department refuses to accept if it doesn't meet their agenda. For example, in 2015 at public ground fish meetings when restrictions on "minor nearshore rockfish" were being put in place, they were told repeatedly by sport and charter fishermen that "blue/deacon" rockfish were very numerous, however at that time a sublimit was placed on them of 3 fish because information from the public was anecdotal, not science (and they had to meet a 23 metric ton decrease in the minor nearshore rockfish quota, which they wanted to do with minimal impact on the commercial sector of which colored rockfish are a prized component of the minor rockfish group). And secondly, the sublimit was FOR blue/deacon rockfish in 2015, a full limit could be blacks at that time, so the "sorting" anecdote was simply not the case.

ODFW chooses to perpetuate a myth that anglers are unable to differentiate between blue/deacon rockfish and black rockfish. This arises from the loss of distinctive markings after the fish die. However there is one nearly infallible characteristic of live rockfish which is >99% effective in distinguishing between the two groups, blue/deacon rockfish have stripes on their head and operculum, black rockfish don't. If the department emphasized this characteristic, identification of freshly caught fish is easy in regards to these three species. This argument, that fishermen can't differentiate is used by the department to decline to use sublimits to allow additional fish in the daily bag limit if they are not black rockfish.

The net result of this management strategy is that now blue/deacon rockfish are preferentially released/culled from the sport catch. One reason being they're generally smaller, often much smaller than black rockfish (even though in another venue such as fresh water fishing, they'd be a perfectly acceptable catch). This has 2 possible (and perhaps contradictory) consequences.

Blue/deacon rockfish are not highly sought in the commercial near shore black and blue fixed gear fishery not only due to size but because they experience high mortalities in the live fish sector. While other rockfish are landed live the majority of the time (when so pursued), blue/deacon rockfish are landed "fresh (i.e. dead) around 80% of the time. If blue/deacon rockfish are subject to high landing mortality, then released fish in the sport catch are probably also experiencing high mortality and represent wasted resource.

Because black rockfish and deacon/blue rockfish are semi-pelagic, they are frequently pursued with lighter gear than the traditional "shrimp fly" bottom dredging tackle. It is very easy to

differentially target black rockfish by simply using larger “plastics” for the suspended schools, which cause the blue/deacon rockfish to “short strike” and fail to get hooked. This “short strike” phenomenon (experienced as repeated “pecking” at the lure) is practically a signature that a school being targeted is blue/deacon rockfish, and indeed those fish which manage to get hooked are usually deacons. This appears, to me at least, to be selectively favoring blue/deacon rockfish over black rockfish in near shore highly fished areas. So the combination of live discard of blue/deacon rockfish (if they survive that) and tackle selection may be impacting near shore populations. I have fished near shore areas in the Newport area for many years, and it is my distinct impression that blue/deacon rockfish are much more numerous (in fact at times appearing to be the predominate fish) now than they have been in years past. Perhaps unnatural selection in action?

Current ODFW sport fishing limits encourage retention of black rockfish over blue/deacon rockfish, they really need to rethink this, perhaps by reducing the black rockfish limit, and allowing a full 5 (or more) fish limit only if other species are included in the catch. Since deacon rockfish are so numerous this could easily be a 4 +2 or even 3 +3 limit, with use of descenders REQUIRED. Blue/deacon rockfish mortality in the live fish fishery may well be due to the practice of swim bladder deflation in that fishery, mandatory descending would perhaps alleviate that mortality. Reduced black rockfish sublimits while maintaining a full 5 fish (or more) limit could significantly reduce the chance for in season closures.

**From:** [Michelle Tate](#)  
**To:** [April H Mack](#)  
**Subject:** FW: 2019 Recreational Ground Fish Regulations -- Commission Meeting Dec. 7, 2018  
**Date:** Thursday, December 6, 2018 7:53:15 AM  
**Attachments:** [image001.png](#)

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**From:** Brian McLachlan <bamclachlan@hotmail.com>  
**Sent:** Wednesday, December 5, 2018 10:41 PM  
**To:** odfw.commission@state.or.us  
**Cc:** jim@willieboats.com  
**Subject:** 2019 Recreational Ground Fish Regulations -- Commission Meeting Dec. 7, 2018

Commissioners:

Thank you for considering my comments to the 2019 Recreational Groundfish Regulations.

First, I want to commend ODFW staff for deftly managing the 2018 season. Through appropriately timed in-season adjustments they were able to keep us on the water all season and squeeze the most out of our allocations. I also appreciate the informative and well-organized Agenda Item Summary prepared for the Commission and public, and for staff's prompt and informative replies to my follow-up questions.

I generally support adoption of regulations that meet harvest guidelines and that are projected to allow for a year-round season. I have concerns about ODFW staff's proposed regulations because the latest model provided to me (included below) projects the regulations will exceed the harvest guideline for Minor Near-Shore Rockfish (NSRF) by 24%.

Under the proposed regulations, ODFW's model projects an impact of 14 metric tons, compared to a 2019 harvest guideline of 11.3 metric tons. ODFW's model produces a point estimate, meaning that there is a 50% chance of being higher and a 50% chance of being lower than the estimate. The model represents the best available scientific information and professional judgment available to the Commission. Enacting the proposed regulations thus makes it likely – possibly highly likely – that in-season adjustments will be necessary.

**Please ask ODFW staff: under the proposed regulations, what does the model project to be the chance of exceeding the harvest guideline of 11.3 metric tons for NSRF?**

I understand that ODFW staff will monitor effort and catch levels and can make in-season regulation adjustments such as a sub-bag limit for NSRF. The latest model indicates, however, that even a year-round reduced sub-bag limit would not meet harvest guidelines. ODFW staff has explained that this is because most

anglers catch 1 or fewer NSRF per trip so the sub-bag limit would have to be reduced to 1 or thereabouts to result in any significant modelling savings.

My concern is that if impacts are at or exceed model expectations – of which there is a 50% chance – that in-season sub-bag limit adjustments or even a complete harvest closure of NSRF may not be sufficient given discard mortalities, and ODFW may need to close recreational fishing in the near-shore area inside 40 fathoms to stay within the harvest guidelines. I also feel, as a matter of policy, that it is generally a good idea to start the season with regulations that are likely to satisfy conservation guidelines.

I thus recommend the Commission adopt more conservative regulations than those proposed by staff. In addition, whatever regulations are ultimately adopted by the Commission, I suggest the Commission convey an expectation to ODFW staff that regulations should be adjusted sooner rather than later should impact trends suggest harvest guidelines may be exceeded.

Thank you for considering my comments.

Best regards,

Brian McLachlan  
Portland, Oregon

Option	Bag Limit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	BRF	BDRF	CAN	YE	NSRF	Kelp G	Cab	BBDRF	Cab/Gr			
<b>2019 Allocations</b>														<b>376.9</b>	<b>80.7</b>	<b>70.9</b>	<b>7.1</b>	<b>11.3</b>	<b>27.1</b>	<b>16.1</b>	<b>457.6</b>	<b>43.2</b>			
SQ	5	all-depth			< 30 fm			all-depth						351.6	15.1	35.4	3.0	14.1	3.6	20.8	366.7	24.4			
1	5	all-depth			< 40 fm			all-depth						350.9	15.1	35.3	3	14	3.6	20.7	366.0	24.3			
2	5	all-depth			< 40 fm			all-depth						348.9	15.1	35.9	3.1	14	3.5	20.7	364.0	24.2			
3	5	all-depth			< 40 fm			all-depth						344.9	15	37	3.2	13.9	3.5	20.5	359.9	24.0			
4	5	all-depth			< 40 fm			all-depth						340.8	15	38.2	3.4	13.9	3.4	20.4	355.8	23.8			
5	5	all-depth			< 40 fm			all-depth						335.4	14.9	39.8	3.5	13.7	3.3	20.4	350.3	23.7			
6	6	all-depth			< 40 fm			all-depth						326.9	16.3	37.8	3.4	15.1	3.9	23	393.2	26.9			
7	6, 4 NSRF	all-depth			< 40 fm			all-depth						327	16.3	37.8	3.4	15	3.9	23	393.3	26.9			
8	5, 4 NSRF	all-depth			< 40 fm			all-depth						349.1	15.1	35.9	3.1	13.9	3.5	20.7	364.2	24.2			
9	5, 3 NSRF	all-depth			< 40 fm			all-depth						349.3	15.1	35.9	3.1	13.6	3.5	20.7	364.4	24.2			
10	5, 3 NSRF	all-depth			< 40 fm			all-depth						345.2	15	37	3.2	13.5	3.5	20.5	360.2	24.0			
11	5, 3 NSRF	all-depth			< 40 fm			all-depth						341.1	15	38.2	3.4	13.5	3.4	20.4	356.1	23.8			