



AGENDA ITEM SUMMARY

BACKGROUND

Nearshore groundfish species such as rockfish and lingcod are important components of Oregon's nearshore ecosystem and support fisheries that are economically and culturally significant to coastal communities, businesses and visitors. Permanent rules have been established by the Oregon Fish and Wildlife Commission (Commission) to achieve conservation and fishery objectives, and the Commission annually considers amendments in light of new information and stakeholder input.

Groundfish fisheries are subject to joint state and federal management and are required to meet a number of accountability measures, including logbooks to document fishing activity, catch, and release or discard of fish at sea. The Oregon Department of Fish and Wildlife (ODFW) collaborates with NOAA Fisheries, the Pacific Fishery Management Council (PFMC), and others on research, monitoring, and regulation development in a science-based public process.

ODFW's management is guided by the Native Fish Conservation Policy, the Food Fish Management Policy (ORS 506.109), the Wildlife Policy (ORS 496.012), the Climate and Ocean Change Policy, and public input. The primary goals are to prevent the serious depletion of native species, to maintain and restore groundfish stocks in order to provide substantial ecological, economic, and cultural benefits for present and future generations, and to provide equitable fishery opportunities within the conservation sideboards. Federal regulations must be consistent with the Magnuson Stevens Act, which has overarching conservation and utilization goals and explicitly includes protection of the marine ecosystem, recognition of evolutionary and ecosystem processes and potential, and a requirement to take uncertainty and changing environmental conditions into account.

The Commission usually adopts federal groundfish rules by reference, and may adopt additional measures to achieve objectives for Oregon's commercial nearshore and recreational fisheries such as allocation to user groups within the state, season duration, etc. Issue 2 presents options, analysis, and recommendations for these topics. Issue 1 is an annual report to the Commission on the commercial nearshore logbook program.

Brief descriptions of the fisheries and management approach are provided below. Additional detail can be found in [the Oregon Nearshore Strategy](#) and the federal [Pacific Coast Groundfish Fishery Management Plan](#).

PUBLIC INVOLVEMENT

Marine Resources Program staff regularly engage with persons interested in groundfish management via frequent individual contact and annual or semiannual public meetings.

A virtual public meeting was held on September 22 to discuss and seek input on commercial nearshore groundfish annual limits, trip limits, and other management measures for 2022. Six commercial fishermen and members of the public attended.

Input on recreational groundfish seasons and regulations for 2022 was obtained at virtual public meetings on August 9th (~30 public participants) and October 27 (~25 public participants). Staff also communicated with the Marine Sportfishing Advisory Committee to discuss the 2021 fishery as the season progressed, and potential rule changes for the 2022 season.

Additional input on both fisheries was received via email and phone.

ISSUE 1

2020 Nearshore Logbook Report

ANALYSIS

The Oregon Legislature established a management system for the commercial nearshore fishery in 2003 which includes a logbook requirement; ORS 508.953 directs the Department to report to the Commission on the logbook program each year. Issue 1 provides this report for calendar year 2020 and includes background information on the fishery as well as a description of logbook data for that year.

A Black and Blue Rockfish Limited Entry Permit (Black/Blue Permit) is required to participate in Oregon's commercial nearshore fishery. The basic permit provides access to black, blue, and deacon rockfish. Some permits have a Nearshore Endorsement which also allows harvest of nearshore rockfish, greenling, and cabezon; vessels fishing under non-endorsed permits are limited to 15 pounds per day of those species combined. Black/Blue Permits must be renewed annually, and renewals require a minimum of five commercial fish landings of any species during the prior year.

All permit holders must complete and submit ODFW-issued commercial nearshore logbooks with detailed information on effort (e.g., time fished, number of hooks used), location, and estimated catch and discard. This information may be used for purposes such as stock assessment, marine spatial planning, validation of overlapping data sources such as federal observer data, etc.

In 2020, 110 Black/Blue Permits were issued, 67 of which had a Nearshore Endorsement. Landings of nearshore species were made by 105 permitted vessels (66 nearshore-endorsed), for 95% permit participation. Fishing effort by these vessels totaled 1,903 fishing days. One non-endorsed permit did not renew in 2020; this level of attrition is typical.

Non-permitted vessels that catch groundfish with hook and line gear (for example, targeting lingcod or other species not covered by the Black/Blue/Nearshore Permit) are also required to complete and submit nearshore logbooks. In 2020, 63 non-permitted vessels made hook-and-line groundfish landings over 375 boat-days.

The total number of trips requiring nearshore logbook submissions was 2,278, which represented 566,259 lbs. of fish landed. Logbooks were received for 2,097 of those trips, for a compliance rate of 92%, a slight improvement from 2019 (91%). Staff work collaboratively with the Oregon State Police to identify and address compliance issues with individual permit holders.

The quality of logbook information depends on the provision of accurate and detailed information by fishermen. Department staff engage with fishermen to help ensure compliance and sound information, and logbook data quality has improved over time.

OPTIONS

N/A

ISSUE 2

2022 Groundfish Fishery Regulations

ANALYSIS

In Oregon’s commercial nearshore sector, harvesters use small vessels and hook and line gear to target nearshore groundfish, including black rockfish and other species, generally in state waters. A restricted participation system and annual sector catch limits keep fishing-related mortality of nearshore groundfish species to sustainable levels. Bimonthly vessel landing limits moderate the pace of the fishery so that it remains open year-round.

All landed catch is fully accounted for, with requirements that buyers report all catch by species or management group to ODFW. ODFW staff sample commercial landings, and at-sea discards are estimated by NOAA Fisheries’ West Coast Groundfish Observer Program. Detailed statistics on this fishery can be found in annual publications available online at <https://www.dfw.state.or.us/MRP/publications/>.

In the recreational groundfish sector, anglers fish for rockfish, lingcod, cabezon, and other groundfish species (often referred to as “bottomfish” in this sector) with rod and reel. Roughly half of the overall effort occurs from private boats and half from charter or guide boats. Few anglers fish for groundfish from shore. Catch controls include annual sector limits, daily bag limits, time/area closures, gear restrictions, and minimum size limits. In recent years, anglers have taken approximately 100,000 trips per year for groundfish, with black rockfish making up approximately 70% of the total catch. Effort is highest in summer, but year-round opportunity is important to many anglers, businesses, and coastal communities. ODFW’s Marine Resources Program collects data on effort and catch in the ocean with a coastwide sampling program. An annual Sport Groundfish Newsletter is available online at <https://myodfw.com/sport-bottomfish-seasons>.

Options, analysis, and recommendations presented below are grouped into four sub-topics:

- (1) Federal regulations
- (2) State harvest guidelines for the commercial and recreational sectors,
- (3) Commercial nearshore groundfish management measures, and
- (4) Recreational groundfish management measures.

(1) FEDERAL REGULATIONS

Federal harvest specifications and management measures for west coast groundfish stocks are determined by the PFMC in a biennial cycle that relies on stock assessments, scientific advice,

consideration of uncertainty and risk including changing environmental conditions, fishery impact analysis, and public input. [Federal harvest specifications for 2021 and 2022](#) were published in 2020 and adopted by the Commission, along with subsequent inseason revisions through September 2021. Two new inseason federal rules for commercial groundfish fisheries were published in late October 2021 (Attachments 4 and 5), and staff recommend adopting them by reference. They apply to federally-managed non-trawl fisheries and do not affect Oregon's commercial nearshore fishery.

(2) STATE HARVEST GUIDELINES FOR THE COMMERCIAL AND RECREATIONAL SECTORS

State harvest guidelines (HGs) are annual amounts (in weight) of each species or management group allocated to the commercial and recreational fishery sectors in Oregon. HGs are the overall harvest objectives, and management measures such as trip limits or bag limits are designed to enable each sector to attain but not exceed its HGs. When cumulative sector catch is projected to reach an HG before the end of the year, staff will determine whether inseason rule changes are needed to avoid exceeding an annual catch limit or negatively impacting the other sector.

The Commission establishes HGs by distributing federal catch limits for Oregon stocks to each sector. The proportions allocated to each sector were established in the early 2000s based on recent and historic landings by each sector, and have been modified since then only to align with changes in stock groupings (i.e., there has been no policy change in the share allocated to each sector).

Table 1 shows the recreational and commercial HGs that would result from applying the status quo allocation proportions for each species/management group to the 2022 federal allocations for Oregon fisheries. Recent years are included for reference. **Staff recommend adopting the proposed 2022 sector HGs in Table 1.**

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

Management Group Sector (status quo proportion)	2017	2018	2019	2020	2021	2022 (proposed)
Black Rockfish						
Commercial HG (24.0%)	126.3	124.8	123.8	122.9	122.9	122.9
Recreational HG (76.0%)	400.1	395.2	392.2	389.1	389.1	389.1
Blue and Deacon Rockfish						
Commercial HG (19.2%)	NA	NA	18.9	18.3	16.8	16.3
Recreational HG (80.8%)	NA	NA	82.6	80.1	73.7	71.2
Nearshore Rockfish						
Commercial HG (51.3%)	NA	NA	12.3	12.2	11.3	11.1
Recreational HG (48.7%)	NA	NA	11.7	11.6	10.8	10.5
Cabazon						
Commercial HG (64.3%)	30.2	30.2	30.2	30.2	35.0	33.5
Recreational HG (35.7%)	16.8	16.8	16.8	16.8	19.4	18.6
Greenling						
Commercial HG (75.1%)	169.9	144.3	128.5	118.3	108.1	103.8
Recreational HG (24.9%)	56.3	47.9	42.6	39.2	35.8	34.4

(3) COMMERCIAL NEARSHORE GROUND FISH FISHERY MANAGEMENT MEASURES

The primary objective for the commercial nearshore fishery is to provide opportunity to attain but not exceed the full commercial harvest guidelines. A secondary objective is to provide a 12-month season with more opportunity in the summer to meet stronger market demand at that time of year. Input from many south coast commercial nearshore harvesters and buyers has favored a 12-month season due to relatively strong market year-round, whereas input from north coast participants has indicated a much more seasonal pattern of market demand, varying from very strong in the summer to much lower in the winter. Demand for black rockfish tends to drive markets on the north coast, while the south coast markets are more dependent on other nearshore rockfish and cabazon.

The commercial nearshore fishery is managed in bimonthly periods as follows:

- Period 1 (P1) – January and February
- Period 2 (P2) – March and April
- Period 3 (P3) – May and June
- Period 4 (P4) – July and August
- Period 5 (P5) – September and October
- Period 6 (P6) – November and December

2021 Commercial Nearshore Season Recap

Like 2020, commercial nearshore fishing effort in 2021 is at a historic low, likely due to COVID-related reduction in market demand. Landings of black rockfish, the main target of the fishery, are nearly identical to 2020 which was one of the lowest years on record. Landings of other nearshore

rockfish and cabezon are near the historical average. Relative to 2020, other nearshore rockfish landings decreased and cabezon landings increased. Catch per unit effort has been similar to recent years.

On September 1, black rockfish and cabezon trip limits were raised. Black rockfish was raised to 2,700 pounds for the remainder of the year, a 900-pound increase for period 5 and a 1,200-pound increase for period 6. Cabezon trip limits were raised from 1,000 to 2,000 pounds for the remainder of the year. After the adjustments, these fisheries are projected to remain below the HG through the end of the year, with the black rockfish fishery projected to attain about 83% of the HG.

The 2021 harvest guidelines, impacts through October 31, and projected impacts through the end of the year are shown in Table 2. “Impacts” includes landed catch and estimated discard mortality.

Table 2. 2021 Commercial Nearshore Fishery Harvest Guidelines, Impacts, and Projected HG Attainment.

	2021 Commercial HG	Impacts through 10/31/2021 (mt)	Projected impacts through 12/31/2021 (mt) (% HG)
Black Rockfish	122.9	92.4	101.5 (83%)
Blue and Deacon Rockfish	16.8	6.3	7.6 (45%)
Cabezon	35	24.5	27.2 (78%)
Greenling	108.1	8.9	10.2 (9%)
Other Nearshore Rockfish	11.3	8.8	8.8 (78%)

2022 Commercial Nearshore Management Measures

Trip Limits

This year, most public input focused on the bi-monthly trip limits for black rockfish and other nearshore rockfish, and per-trip limits for Black Rockfish Management Areas (BRMAs). Black rockfish trip limits are set higher in the summer in recognition of greater effort and market demand at that time of year. Input was split between maintaining the status quo structure of higher limits in summer periods versus more even limits throughout the year. Based on this input and the pattern of relatively lower effort and attainment this year, **staff recommend increasing black rockfish trip limits for periods 1, 3, 4, and 6 by 300 pounds from initial 2021 trip limits** (i.e., P1=1,800 pounds; P2=1,800; P3=2,400; P4=2,400; P5=1,800; P6=1,800). This recommendation further increases limits during high demand summer periods and provides more consistent limits during the remainder of the year.

Based on patterns of effort and attainment in 2021, anticipated HGs for 2022, public input, and new information on quillback rockfish (see below), **staff recommend maintaining status quo trip limits per period for Other Nearshore Rockfish, cabezon, blue and deacon rockfish, and greenling for 2022.**

Projected commercial nearshore fishery impacts and harvest guideline attainment in 2022 under the recommended trip limits are shown in Table 3. Staff note that while the projected Other Nearshore Rockfish Attainment is two percent over the HG, the projection model does not account

for the proposed quillback rockfish prohibition, which introduces more uncertainty than usual, and actual impacts are likely to be lower. Staff will monitor attainment for all species/management groups and adjust trip limits up or down in-season via temporary rules as necessary. Fish ticket data are available for this to occur in time to avoid an actual HG overage.

Table 3. 2022 Projected Commercial Nearshore Fishery Impacts and Harvest Guideline Attainment, in metric tons.

	2022 Commercial HG	Projected impacts through 12/31/2022 (% HG)
Black Rockfish	122.9	106.0 (86%)
Blue and Deacon Rockfish	16.3	7.1 (44%)
Cabazon	33.5	21.4 (64%)
Greenling	103.8	12.2 (12%)
Other Nearshore Rockfish	11.1	11.3 (102%)

Quillback Rockfish

In 2021 a new assessment of quillback rockfish in Oregon was conducted by a team of scientists from NOAA Fisheries and ODFW and underwent rigorous peer review prior to adoption for use in management by the PFMC. The assessment estimated relative biomass at 47% of the unfished level, above the management target of 40% for rockfish species. However, the assessment indicated that the absolute stock size is smaller than previously believed, and in order to ensure long-term sustainability, total Oregon impacts should be reduced approximately 75% from the recent average (~10.5 mt in all Oregon fisheries combined).

Most commercial quillback rockfish catch occurs in the state limited-entry nearshore fishery (approximately 94%), and much of that occurs in small increments of one or a few fish per landing. Because of this pattern, even applying a low limit to all vessels, such as the 15 pounds of nearshore species per trip currently allowed for non-endorsed vessels, would not reduce impacts enough. Therefore, **staff recommend prohibiting retention of quillback rockfish in non-trawl commercial fisheries.** This recommendation does not extend to the federally managed groundfish trawl catch share fishery; this 100% observed fishery does not target quillback rockfish and bycatch averages 0.08 metric tons (176 pounds) per year.

This change is expected to impact a small number of commercial nearshore fishing operations that target quillback rockfish, but they may be able to backfill with other species in the same management group, or other fisheries if they have the necessary permits and gear.

If federal management measures for quillback rockfish are determined to be necessary by the PFMC, they will be included in the 2023-2024 federal regulations, which are currently in early development. Staff are recommending that the Commission also implement these measures in state rule for 2022 to reduce further impacts to this stock above the level identified as sustainable.

The prohibitions recommended here and those described below for recreational fisheries are expected to lower total impacts from Oregon fisheries by slightly more than 75% from recent levels, achieving the desired reduction in overall fishery mortality.

Black Rockfish Management Areas

In four areas off the Oregon coast, there are limits on the amount of black rockfish that can be landed from each individual fishing trip (300 pounds in March-October and 500 pounds in November-February), in addition to the cumulative bimonthly limits. These BRMAs and associated limits were adopted in 1995 to address concerns about the rapidly developing commercial nearshore fishery in areas important to the recreational sector. At that time, there was no other state limitation on commercial nearshore groundfish fishing; however, in 2003-2004 the current management structure was established, with a suite of effort and catch controls including permits, sector-specific harvest guidelines, and bimonthly vessel limits. Due to these changes and comprehensive state and federal regulation, BRMAs are no longer the primary tool used to limit commercial black rockfish harvest and may not be needed to prevent inter-sector conflict.

In response to a request from commercial nearshore stakeholders and in consideration of the information just described, the Commission raised the BRMA trip limits for November through February (periods 6 and 1) beginning in 2020. However, on the north-central coast market demand is significantly higher in the summer and low or non-existent in the winter timeframe, so the increased daily limits provided little practical benefit. The additional regulatory layer of BRMA limits continues to create inefficiencies for commercial harvesters who must take more trips than otherwise necessary to attain their bimonthly vessel limits. **Staff recommend suspending the per-trip limits in BRMAs for 2022 and evaluating the impacts at this time next year.** The bimonthly vessel limits for black rockfish will still apply. As an ancillary benefit, allowing participants to harvest their bi-monthly vessel limits more efficiently may result in a modest reduction in fuel use and greenhouse gas emissions from the fishery.

(4) RECREATIONAL GROUND FISH MANAGEMENT MEASURES

The primary objectives for the recreational fishery are to keep total mortality within the recreational HGs and to keep the season open year-round. Opportunity (number of open days and a bag limit high enough to interest anglers in going fishing) is the primary benefit to coastal communities, rather than the total amount of fish harvested as in the commercial sector. Public input has consistently emphasized the importance of a full 12-month season that anglers and businesses can count on to not close early.

2021 Recreational Groundfish Season Recap

At the start of 2021, the daily bag limit for the ‘Marine Fish’ group was six fish, with sub-bag limits of one China, copper, or quillback rockfish and one cabezon (with cabezon closed by regulation until July 1). To limit bycatch of the rebuilding yelloweye rockfish in deeper waters, fishing with traditional groundfish gear was restricted to inshore of the 40-fathom management line between June 1 and August 31, when fishing effort is high. Fishing with longleader gear was allowed offshore of the 40-fathom line all year, with a separate bag limit of ten midwater rockfish species; longleader gear is designed to avoid yelloweye rockfish bycatch (yelloweye status and measures are further discussed below).

Recreational groundfish effort was relatively high overall in 2021 with an estimated 97,035 angler-trips through October, compared to a 5-year annual (12-month) average of just over 97,000 angler-trips. Effort in spring 2021 was especially high, with three to four times the normal number of angler-trips in April. Effort tapered off somewhat in the summer and was slightly less than

expected in August, likely due to excellent ocean coho salmon fishing which drew anglers away from bottomfish.

Several inseason changes were made via temporary rule in 2021. Following the spike in total effort and catch in April, the general marine bag limit was reduced from six to five fish on May 10 to reduce the risk of exceeding HGs before the end of the year. As in recent years, retention of copper, quillback, and China rockfishes was prohibited beginning June 1 due to projected HG attainment.

Table 4 shows recreational impacts (estimated fishing mortality) in 2021 through October and projected through the end of the year. These figures include estimates for shore and estuary catch and account for all groundfish mortality (including post-release mortality) due to recreational fishing in Oregon¹.

Table 4. 2021 Recreational Nearshore Fishery Harvest Guidelines, Impacts, and Projected HG Attainment, in metric tons.

	2021 Recreational Harvest Guideline	2021 Impacts through 10/31/21	Projected impacts through 12/31/2021 (% of HG)
Black Rockfish	389.1	337.4	344.3 (88 %)
Blue and Deacon Rockfish	73.7	17.9	18.3 (25 %)
Cabezon	19.4	11.9	12.5 (65 %)
Greenling	35.8	21.6	21.6 (60 %)
Other Nearshore Rockfish	10.8	9.3	9.3 (87 %)

2022 Recreational Management Measures

The daily bag limit is the primary tool used to achieve a 12-month season by moderating overall recreational catch. Based on recent fishery performance and the high and variable effort, **staff recommend a 5 fish marine bag limit in 2022**. This is expected to provide a stable bag limit that should not require further in-season modifications and low risk that a reduction below 5 fish would be needed.

As described previously in the commercial section, a new stock assessment for quillback rockfish in Oregon indicates that fishery impacts should be reduced to be sustainable over the long term. Quillback rockfish, along with copper and China rockfishes, have been part of a one-fish sub-bag limit used in recent years to keep aggregate impacts within the Oregon recreational share of the federal nearshore rockfish complex. Most anglers do not target these species, with an average catch rate less than 0.2 fish per trip of all three species combined. **Staff recommend prohibiting retention of quillback rockfish and removing it from the one-fish aggregate sub-bag limit.** This is not expected to impact overall recreational fishing opportunity.

Finally, **staff recommend reducing the duration of the 40-fathom depth restriction to two months (July-August)** instead of three (June-August). The seasonal depth restriction has been used for many years to protect yelloweye rockfish while the stock rebuilds from overfished status.

¹ Some values in Table 4 differ slightly from the values shown on the Sport Groundfish Estimates webpage, https://www.dfw.state.or.us/MRP/finfish/groundfish_sport/estimates.asp, which shows only the ocean-boat catch targets and estimates.

Because yelloweye rockfish are less common inshore of 40 fathoms and post-release survival is higher in shallower water, restricting the bottomfish fishery to inshore of 40 fathoms, especially during high-effort periods, reduces fishing-related mortality. ODFW has been slowly easing restrictions related to yelloweye rockfish in recent years as stock status has improved and the federal allocation to Oregon’s recreational fishery has increased. Shortening the duration of the depth restriction by one month is another modest step in that direction.

Adding June to the period open for all-depth groundfish fishing could also provide an ancillary benefit for nearshore stocks (such as quillback rockfish) by allowing the fleet to spread out over a larger area for another month, potentially reducing the concentration of effort on nearshore reefs. In addition, it provides opportunity for all-depth halibut anglers to keep bottomfish and halibut on the same trip in June, simplifying regulations and increasing overall opportunity.

Staff recommend no change to all other recreational groundfish regulations for 2022. Close monitoring of effort and catch will continue and inseason adjustments may be made if necessary.

Projected impacts in 2022 under all recommended measures are shown in Table 5.

Table 5. Projected recreational groundfish impacts in 2022, in metric tons.

	Recommended 2022 Recreational HG	Projected 2022 impacts (% of HG)
Black Rockfish	389.1	321.2 (83 %)
Blue and Deacon Rockfish	71.2	18.8 (26 %)
Cabezon	18.6	16.5 (89 %)
Greenling	34.4	22.5 (65 %)
Other Nearshore Rockfish	10.5	10.3 (98 %)

OPTIONS

1. Staff recommendations, as reflected in draft OARs:

(1) Adopt updated federal groundfish regulations by reference.

(2) Adopt revised harvest guidelines for 2022:

Management Group	Commercial HG (mt)	Recreational HG (mt)
Black Rockfish	122.9	389.1
Blue and Deacon Rockfish	16.3	71.2
Nearshore Rockfish	11.1	10.5
Cabazon	33.5	18.6
Greenling	103.8	34.4

(3) Adopt revised commercial management measures for 2022:

- Bimonthly trip limits for black rockfish: 1,800 pounds in periods 1, 2, 5, and 6; 2,400 lbs in periods 3 and 4 (no change for all other species)
- Prohibit retention of quillback rockfish in all commercial non-trawl fisheries
- Suspend black rockfish daily trip limits in Commercial Black Rockfish Management Areas for 2022

(4) Adopt revised recreational management measures for 2022:

- General marine bag limit: 5 fish; one-fish sub-bag for copper and China rockfish
- Prohibit retention of quillback rockfish in recreational fisheries
- Revise the effective period for the 40-fathom depth restriction to July 1 – Aug. 31

(5) All other rules – no change.

2. Modify staff proposal for one or more items.

3. Status quo

STAFF RECOMMENDATION

1. Option 1

DRAFT MOTION

I move to adopt amended OAR Chapter 635 Divisions 004 and 039 as proposed by staff in Attachment 3.

EFFECTIVE DATE: January 1, 2022