

Exhibit C

**Correspondence Received as of
December 1, 2021**

-----Original Message-----

From: Brian Trotter <watertrotterfisheries@gmail.com>

Sent: Tuesday, October 12, 2021 12:28 PM

To: COMMISSION ODFW * ODFW <ODFW.COMMISSION@odfw.oregon.gov>; BUELL Troy V * ODFW <Troy.V.BUELL@odfw.oregon.gov>

Subject: Written Testimony for commission consideration

Good Day Chair and Commission members. My name is Brian Trotter for the record. I am a commercial fisher and hold a Black and Blue rockfish permit. I've been involved in this fishery since 2013, have volunteered to be on the Nearshore Rockfish Advisory committee, and volunteered to be on the fisheries permit review board.

I would like to speak about the management tool of the Black Rockfish Management Areas. I believe this tool was first implemented before the Developmental Nearshore Fishery when staff identified needs to keep this fishery small, reduce the fleet by 50%, and reduce conflict between recreational users and commercial users. There are now only about 100 "active" permits if you combine the Black and Blue with the endorsed permits. About half of these active permits operate in areas with the Black Rockfish Management.

With that few of commercial fishers can we have much of an impact on the black rockfish? Since the limited entry system, management has allocated 76% of the annual black rockfish harvest to recreational and 24% to commercial. If there is a concern that commercial users harvest too much of the annual catch please remember this.

Every commercial fisher has a bimonthly quota of black rockfish and staff monitors our catch tallies very closely. 9 out of the passed 10 years have had an in season period quota increase in the latter periods indicating that the conservative limits are clearly safe and ensuring we don't even get to the harvest guidelines much less the annual catch limits to worry about overfishing.

I am asking along with other fishers that the single fishing trip limit in the black rockfish management areas be increased to 500 lbs per trip, or even better, to suspend the trip limit. The number of fishers in this fleet is still limited and reducing almost every year, each permit still has bimonthly quotas, and the stock is listed as healthy.

Thank you for your time and consideration, Brian Trotter Water Trotter Fisheries and Marine

Walt Markee
4325 Cooper Hollow Road
Dallas, Oregon 97338
503-510-7996

Date: September 14, 2021

To: ODFW Commissioners
ODFW Director, Curt Melcher
ODFW State Fishery Management Program Leader, Troy Buell

From: Walt Markee
Black and Blue Rockfish permit holder – (non-endorsed)

Regarding: Proposal to temporarily change the daily catch limit of Black Rockfish within the current Black Rockfish Management Areas.

I am proposing a temporary rule change, for a period of one year, regarding the current rule, which restrict commercial fisherman who participate in the Black Rockfish fishery to a daily catch limit of 300 lbs. of rockfish within the Oregon Black Rockfish Management areas. I am proposing this rule be changed for a period of one year; to no daily catch limit, as it is in all areas outside the Black Rockfish Management areas.

I propose this rule be changed for the upcoming year of 2022. This one year period will give ODFW staff the ability to analyze the data collected during 2022 to determine if the commercial fleet changed their patterns of catch, amount of catch, or areas of catch. At the end of 2022 a final determination should be made if the current daily catch limit within the Black Rockfish Management areas are needed.

In 2004 the daily catch limit of 300 lbs. per day was put into place. Since that time many things have changed and I believe there is no longer a reason for the daily catch limit rule to exist.

In 2004 the reasoning for the restriction of a daily catch limit of 300 lbs. within the Black Rockfish Management areas was to keep the commercial fleet from effecting the charter boats to be able to effectively catch sport limits for their customers who fish within the rules and regulations of the sport fishery. There was a concern if there was no daily limit placed on the commercial fleet the commercial fleet would catch so much fish the charter boats would no longer be able to catch daily limits for their sport customers.

Currently OAR 635-004-0365 allows for a 300-pound daily catch limit within the Black Rockfish Management areas for Periods 2 through 5 and a 500-pound daily catch limit for periods 1 and 6.

A fishing period is defined as a two-month period. For example: Period 1 reflects January and February, while period 2 reflects March and May. These catch periods also have bi-monthly quotas which often changes as ODFW staff monitors how much Rockfish is being caught. As more Black Rockfish permit holders may participate in the fishery during one period over another period ODFW staff have the ability to increase or decrease the upcoming period quotas during the calendar year. The bi-monthly quotas are often changed so ODFW staff can manage the yearly catch by the commercial fleet.

ODFW staff manages the Black Rockfish fisheries with the bi-monthly quotas and not the daily catch limits. In 2004 when the rule was written there was thought the daily catch limit was needed. I believe there is no longer a reason for this daily catch limit rule.

Below, for reference, is a copy of what is reflected in OAR 635-004-0365:

Nearshore Commercial Fishing Regulations - *Black Rockfish*

Oregon Black Rockfish Management Areas

The following trip limits apply to black rockfish (*Sebastes melanops*) taken from a single fishing trip with all commercial gear except trawl when fishing in Black Rockfish Management Areas:

Periods 1 and 6: 500 pounds per trip

Periods 2 through 5: 300 pounds per trip

Black Rockfish Management Areas are:

* Tillamook Head (45° 56' 45" N latitude) to Cape Lookout (45° 20' 15" N latitude) Cascade Head (45° 03' 50" N latitude) to Cape Perpetua (44° 18' N latitude)

* From a point (43° 30' N latitude), approximately 8-1/2 miles north of the Coos bay north jetty to a point (43° 03' N latitude), about 4-1/2 miles south of the Bandon south jetty

* Mack Arch (42° 13' 40" N latitude) to Oregon-California Border (42° N latitude)

Six years ago, after retiring from my first career, I entered the Black Rockfish fishery as a commercial fisherman. I quickly learned that learning how to sell my catch was much more complicated than learning how to catch the fish.

The local markets control the amount of fish a commercial fisherman is able to catch. No fisherman wants to find themselves in a position with fish on their boat

they cannot sell. There is a much higher demand for fresh Rockfish during the summer months than there is in the winter months. Tourists visiting the coast consume much of the fresh rockfish caught and sold by the commercial fleet.

From my experience I've also learned that Black Rockfish are a finicky fish to get to bite. When the fish are feeding they are easy to catch. When the fish are not feeding it is very difficult to catch enough fish to even pay for the expenses for the day, which include the rising cost of fuel.

I've also learned I am able to locate the same schools of Black Rockfish in the same exact area time and time again. As I continue to fish through out the year. These fish don't seem to move from the structure on the bottom of the ocean where they like to stay and feed. This means I am often fishing on the same fish one day as I was fishing on from a previous day. Because of this, as a commercial fisherman I am catching my bi-monthly quota from the same schools of fish regardless if there is a daily catch limit. This means the daily catch limit has no effect on the management of the fisheries.

Nearly all-commercial fisherman who participates in this fishery will fish if they have an order of fish they can sell and the weather allows. In most cases a commercial fishermen will try and catch enough fish to fill an order that was pre-arranged before the fishing trip. The buyers of the fish have a great deal of control over how much fish a commercial fisherman will catch for the day. Sometimes a commercial fisherman will be able to combine orders, which allow the commercial fisherman's ability to catch more fish on a single trip. With the current rule of only allowing a 300 lb. daily catch limit the commercial fisherman is often times unable to combine these orders which would save the commercial fisherman the time and money to take advantage of catching the fish while there is a demand for the fish.

Often times the demand for these pre-sold orders disappear. An example would be a summer holiday weekend such as Easter, Memorial Day, Independence Day, and Labor Day. In addition to each of these holidays there are also local events, which draw tourists. For every community along Oregon's coast there is a local event such as a parade designed to draw tourists. During these celebrations there is a higher demand for fresh rockfish than there are during other weekends when no celebration is scheduled. An example is Garibaldi Days in Garibaldi, Oregon. There is a high demand for fish during this weekend from several markets that want to sell fresh fish while the tourists are in town. Because of weather conditions and the daily catch limits often times the demand for this fresh fish cannot be met. This is a losing situation for everybody. The fisherman who could have sold fish was not able to. The restaurants and grocery stores who had the chance to sell fresh local caught fish was not able to, and the tourists missed out on dining on fresh local fish.

During these summer months when the daily catch limit is only 300 lbs. per day there are several factors, which affect a commercial fisherman the ability to fill their orders. Some of those factors are the very big summer tides, wind, speed of the drift caused by the wind and tides, and if the fish will bite.

In 2004, when this fishery was developed there were 116 non-endorsed permits and 73 endorsed permits. For a total of 189 commercial permits.

Currently there are 44 non-endorsed permits and 67 endorsed permits for a total of 111 commercial permits.

Since 2004, when the rule was made to limit a daily trip to 300 pounds, there has been a 41 percent reduction in commercial Rockfish permits.

Recently the 300 lb. per day catch limit for the commercial fleet for the winter months, (period 1 and period 6), was changed from 300 lbs. per day to 500 lbs. per day. The reasoning for this change was because it's harder for the small boats, which are typically used in the Black Rockfish fishery, to get out and fish due to inclement weather.

A few years ago the daily catch limit of 300 lbs. per day was publically discussed. A group of sport fisherman located within one of the Black Rockfish Management areas on the mid coast was very vocal against eliminating or increasing the daily catch limit. This group of sport fisherman felt if the daily trip limit were eliminated from the Black Rockfish Fishery Management areas the commercial fisherman, or multiple commercial fisherman, would move to their area and overfish the stock of fish in that area.

As I stated earlier I learned from experience that selling the fish is more complicated than catching the fish. I do not believe commercial fisherman will move into other areas to catch their bi-monthly quotas. Commercial fisherman need infrastructure such as processors and buyers to sell their fish.

With the proper permit, (Limited Wholesale Fish Dealers License), the law does allow for some limited processing, such as filleting, to occur on the commercial boat for fish to be sold directly to the consumer. Under this license the fish has to be sold directly from the boat. Trying to get the customer to come to your boat really limits the ability for the commercial fisherman to sell their fish. If the fish are going to be processed from any place other than directly from the Wholesale Fish Dealers License is required. To process fish with this license the law requires the Oregon Department of Agriculture (ODA) to inspect the facility where the fish is going to be processed. The ODA has a whole host of rules, which require infrastructure by the commercial fisherman.

As a commercial fisherman with a black rock permit I am also able to catch lingcod, through the open access fishery.

During the 6 years I have been a commercial fisherman I have watched the monthly quota on lingcod increase from 100 pounds per month to 2,000 pounds per month. I get numerous requests from customers to purchase lingcod.

Fishing for lingcod is a very different technique than fishing for rockfish. Because of the daily trip limit of 300 lbs. per trip, my bi-monthly quota of black rockfish is stretched out for most of the bi-monthly period. This does not give me the opportunity to target Lingcod. If the commercial Black Rock fisherman were allowed to catch their bi-monthly quota of Black Rock in a more efficient way they would have a few days within the bi-monthly period where they would then be able to spend more time catching and selling Lingcod. Due to the healthy stocks of Lingcod, the monthly increase in lingcod has continued to increase.

Even though the quotas for the Lingcod fishery has greatly increased I have not been able to take advantage of this fishery. I have not been able to take advantage of this fishery because the daily trip limit of black rockfish causes me to spend most of my time catching Black Rockfish.

The most important thing I have learned as a commercial fisherman is to make money wherever I can. To survive and prosper I need to be diverse and take advantage of every opportunity.

I see the lingcod fishery as an opportunity I need to take advantage of but the current regulations, which I believe are no longer needed, are limiting my ability to participate in this fishery. Because of the daily trip limit restriction, our ability to catch our rockfish and then target lingcod is very limited.

SUMMARY:

The rule, which limits a commercial fisherman to catch no more than 300 lbs. of Black Rockfish per day within the Black Rockfish Management areas, is no longer needed. This rule has nothing to do with managing the fish stocks.

While there may be some sport fisherman who in the past may have had concerns, under my proposal of eliminating this rule temporarily for one year, the ODFW staff will be able to analyze the data and address any concerns after the one-year period.

I am available to answer any questions to the best of my ability.

Walt Markee
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From: [Andy Martin](#)
To: [SOMMER Maggie * ODFW](#)
Cc: [REP SmithD](#); [KERN Chris J * ODFW](#); curt.melcher@state.or.us; [SEN Johnson](#)
Subject: Rockfish regulations
Date: Tuesday, October 26, 2021 5:45:33 PM

Brookings Fishing Charters
P.O. Box 1646
Brookings, OR 97415

Oct. 26, 2021

Maggie Sommer
Marine Resources Program
Oregon Department of Fish and Wildlife
2040 SE Marine Science Drive
Newport, OR 97365

Dear Maggie,

We are writing today in regards to the Oregon Department of Fish and Wildlife's proposed sport groundfish regulations for the 2022 season. While we support the overall season proposals as developed by the ODFW staff, and appreciate the hard work by the Newport office in the complex task of managing bottom fish species, we are concerned about the amount of available rockfish allocation sport anglers continue to leave on the table. While sport anglers face consequences for going over the quota, we also would like an increased daily limit for continually being under the federally managed allocation.

According to ODFW figures, through the busy spring and summer season, sport anglers have not used a significant portion of the rockfish allocation. The black rockfish quota has a whopping 98.7 metric tons, or 26 percent, remaining. More than 80 percent of the blue rockfish quota remains. The canary rockfish quota is nearly 60 percent unused. That is too much allocation not being used, at the detriment of sport anglers and coastal communities.

Unused rockfish allocation is a recurring issue for sport anglers. We are not being allowed to catch the quotas established by the Pacific Fishery Management Council and federal fishery managers.

As charter boat owners and operators, we have a huge interest in this fishery being managed sustainably for present and future generations. The fishery is healthy, and not being over-exploited. We believe a slight increase in the daily limits is justified. We've made this argument to ODFW and the Fish and Wildlife Commission each of the past four years.

At the very least, the daily rockfish limit should be increased to seven rockfish from January-May, or the daily limit should be increased to six fish, year round. We believe

the status-quo of a continued five-fish limit will once again leave a significant portion of our federally allowable quota on the table in 2022.

This increase in daily limit will benefit coastal communities that depend on visiting anglers for their survival, and will help counter increased fuel prices and economic uncertainty in drawing travelers.

Again, we greatly appreciate ODFW staff's efforts in managing this fishery, and balancing the needs of the resource, sport and commercial fishermen, federal requirements, and coastal communities.

Sincerely,

Capt. Andy Martin
Capt. Mike Brouillette
Capt. Mick Thomas
Capt. Sam Stover
Capt. Michael McGahan
Capt. Travis Sallander
Capt. Rich Signorello
Capt. Shane Brooks