



## AGENDA ITEM SUMMARY

2024 Commercial and Recreational Groundfish Regulations, and Territorial Sea Plan Revisions  
December 15, 2023

### BACKGROUND

The Commission will be asked to adopt regulations for the 2024 recreational and commercial groundfish fisheries and to conform to Territorial Sea Plan Part Three revisions adopted by the Land Conservation and Development Commission. The Commission will also be asked to review the commercial nearshore logbook report.

#### **Issue 1: 2024 Groundfish Fisheries Regulations**

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 taking into account new information and stakeholder input.

Groundfish fisheries are subject to joint state and federal management and are required to meet several accountability measures, including quotas and harvest guidelines, vessel monitoring, logbooks, and creel sampling to document fishing activity, catch, and release or discard of fish at sea. The Oregon Department of Fish and Wildlife (department) collaborates with National Oceanic and Atmospheric Administration (NOAA) Fisheries, the Pacific Fishery Management Council (PFMC), and others on research, monitoring, and regulation development in a science-based public process. The department's management is guided by the Native Fish Conservation Policy (Oregon Administrative Rule (OAR) 635-007-0502 through -0509), the Food Fish Management Policy (ORS 506.109), the Wildlife Policy (ORS 496.012), the Climate and Ocean Change Policy (OAR 635-900-0001 through -0020), and public input. The primary State management goals are to maintain and restore groundfish stocks 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 (MSA), which has overarching conservation and utilization goals, in alignment with state management goals. The MSA explicitly includes protection of the marine ecosystem, recognition of evolutionary and ecosystem processes, 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 season duration or allocation to user groups within the state. 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**

### **Issue 1: 2024 Groundfish Fisheries Regulations**

The department held two public meetings to discuss and seek input on commercial nearshore groundfish management measures: a meeting in Port Orford on September 13 (with both virtual and in-person options) and a meeting in Pacific City on September 14 (in person only). About 12 commercial fishers and members of the public attended these two meetings.

Input on recreational groundfish seasons and regulations for 2024 was obtained at a series of in-person public meetings in late July (~50 participants total; one meeting was webcast) and on September 26 (~35 public participants in hybrid meeting; supplemented with an online survey with 24 respondents). Staff also communicated monthly with the Marine Sportfishing Advisory Committee (SAC) to discuss the 2023 fishery landings attainment and activity as the season progressed, and to discuss potential rule changes for the 2024 season.

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

## **ISSUE 1**

2024 Groundfish Fisheries 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. Bi-monthly 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 the department. Department 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”) 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 each year for groundfish, with black rockfish making up approximately 70% of the total catch. Effort is highest in the summer months, but year-round opportunity is important to many anglers, businesses, and coastal communities. The Marine Resources Program collects data on recreational 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 management measures, and (4) recreational 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 2023 and 2024 were published in late 2022. Updates and corrections for 2024 will be published in late 2023 and staff recommends the Commission adopt conforming state regulations by reference.

### (2) STATE HARVEST GUIDELINES

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 in-season 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, first applied in the early 2000s based on recent and historic landings by each sector, have not changed since, except 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 2024 federal allocations for Oregon fisheries. Recent years are included for reference. **Staff recommend adopting the proposed 2024 sector HGs in Table 1.**

**Table 1. State HGs for commercial and recreational groundfish management groups, in metric tons.**

<b>Management Group</b> Sector (status quo proportion)	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024 proposed</b>
<b>Black Rockfish</b>						
Commercial HG (24.0%)	123.8	122.9	122.9	122.9	122.9	<b>122.9</b>
Recreational HG (76.0%)	392.2	389.1	389.1	389.1	389.1	<b>389.1</b>
<b>Blue and Deacon Rockfish</b>						
Commercial HG (18.6%)	18.9	18.3	16.8	16.3	15.7	<b>15.2</b>
Recreational HG (81.4%)	82.6	80.1	73.7	71.2	68.8	<b>66.7</b>
<b>Nearshore Rockfish</b>						
Commercial HG (51.3%)	12.3	12.2	11.3	11.1	16.6	<b>16.1</b>
Recreational HG (48.7%)	11.7	11.6	10.8	10.5	15.8	<b>15.2</b>
<b>Cabazon</b>						
Commercial HG (64.3%)	30.2	30.2	35.0	33.5	32.4	<b>31.6</b>
Recreational HG (35.7%)	16.8	16.8	19.4	18.6	18.0	<b>17.6</b>
<b>Greenling</b>						
Commercial HG (75.1%)	128.5	118.3	108.1	103.8	100.7	<b>98.4</b>
Recreational HG (24.9%)	42.6	39.2	35.8	34.4	33.4	<b>32.6</b>

**(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 HG. 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. Historically, input from many south coast commercial nearshore harvesters and buyers has favored a 12-month season due to a relatively strong year-round market, 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.

***2023 Commercial Nearshore Season Recap***

Commercial nearshore fishing effort rebounded from historic lows in 2020 and 2021 to near average in 2022 but decreased again in 2023. Landings of black rockfish, cabazon, and greenling have tracked lower than average throughout the year. Landings of other nearshore rockfish have tracked close to the average. Blue and deacon rockfish landings (combined) are at a record high for the second year in a row, with landings projected to approach the commercial HG for the first time since establishing a separate HG in 2019.

By mid-year, projections indicated impacts (estimated fishing mortality) for all management groups except blue and deacon rockfish would be substantially below HGs at the end of the year, so the department increased bi-monthly vessel limits for black rockfish, other nearshore rockfish, cabazon, and greenling in Periods 3-6 (July-December). Current projections indicate impacts will remain below HGs through the end of 2023, except blue and deacon rockfish will likely approach or slightly exceed the HG (Table 2).

**Table 2. 2023 Commercial nearshore fishery HGs, impacts, and projected HG attainment, in metric tons. Impacts include landed catch and discard mortality.**

	Commercial HG (2023)	Impacts through 10/16/2023 (mt)	Projected impacts through 12/31/2023 (mt) (% HG)
Black Rockfish	122.9	86.2	116.9 (95%)
Blue and Deacon Rockfish	15.7	11.7	16.0 (102%)
Cabezon	32.4	15.3	21.1 (65%)
Greenling	100.7	10.7	13.5 (13%)
Other Nearshore Rockfish	16.6	8.4	11.6 (70%)

### ***2024 Commercial Nearshore Management Measures***

#### **Vessel Limits**

This year, most public input focused on the bi-monthly vessel limits for black rockfish and other nearshore rockfish. Black rockfish vessel limits are set higher in the summer in recognition of greater effort and market demand at that time of year. However, at public meetings participants noted that markets have changed in recent years and favored increasing limits outside of the peak summer months if possible due to less market competition for similar products during that time of year. Staff analyzed several scenarios in response and predict that increasing limits slightly increases the risk of approaching the HG before the end of the year (Table 3). However, the department closely monitors catch and adopts in-season changes as needed to avoid exceeding the HG. Increasing vessel limits for Period 2 (March-April) and Period 5 (September-October) by 300 pounds each strikes a balance between the desire for higher limits in non-summer months and the risk of approaching the HG before the end of the year. If 2024 sees effort and catch similar to 2022, this increase may necessitate in-season changes. However, to date 2023 has seen effort and catch more similar to 2020 and 2021, and based on these years staff predicts attaining 80-88% of the HG. Based on public input and projected attainment of the HG, **staff recommend increasing black rockfish vessel limits from 1,800 to 2,100 pounds for Periods 2 and 5 for 2024.**

Other nearshore rockfish limits are set at a constant level throughout the year as the vast majority are landed on the South Coast and enter the live fish market, which has less seasonality in demand than the fresh fish market. The other nearshore rockfish HG increased substantially in 2023 due to a new stock assessment for copper rockfish, one species in the group, and 2023 impacts will not approach the higher HG. However, retention of quillback rockfish was prohibited starting in 2022 due to results of a stock assessment that indicated a healthy, but quite small, stock off Oregon. The assessment estimated such low sustainable yield that mortality from releasing incidentally caught fish may exceed it despite prohibiting landings. Increasing other nearshore rockfish limits could increase effort, which is likely to increase incidental quillback rockfish mortality. Therefore, **staff recommend no change to vessel limits for other nearshore rockfish.**

Based on patterns of effort and HG attainment in 2023, anticipated HGs for 2024, and public input **staff recommend no change to vessel limits for cabezon, greenling, and blue and deacon rockfish.**

**Table 3. 2024 Projected commercial nearshore fishery impacts and HG attainment based on 2022 effort and catch, in metric tons.**

	Commercial HG	Projected impacts (% HG)
Black Rockfish	122.9	128.3 (104%)
Blue and Deacon Rockfish	15.2	13.5 (89%)
Cabezon	31.6	24.8 (78%)
Greenling	98.4	17.9 (18%)
Other Nearshore Rockfish	16.1	10.9 (68%)

#### (4) RECREATIONAL GROUND FISH MANAGEMENT MEASURES

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

##### ***2023 Recreational Groundfish Season Recap***

At the start of 2023, the daily bag limit for the ‘Marine Fish’ group was five fish, with a sub-bag limit of one cabezon (with cabezon closed by regulation until July 1). Retention of quillback rockfish remained prohibited in 2023. Because of increased bycatch mortality limits for yelloweye rockfish, and the improved stock status, the seasonal depth restriction was lifted for 2023. Fishing was allowed at all depths during all months. 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 rockfish status and measures are further discussed below).

Recreational groundfish effort was high overall again in 2023 with 93,788 angler-trips through September compared to the 5-year average of just over 105,000 angler-trips per year (for a full year). Effort and catches through June, except for May, were lower than projected. However, effort and catches were higher than projected in July and August. Even with moderately high fuel prices, a decent albacore season for much of the coast and a good coho salmon season, effort for bottomfish continued to be high into early October. The lack of a Chinook salmon season for most of Oregon may have caused some effort shift to bottomfish prior to coho salmon fishing ramping up in late July.

Two in-season changes were made via temporary rule in 2023. The longleader gear fishery bag limit was increased to 15 fish per day in mid-March. The intent of the increase was to encourage anglers to target the more abundant midwater rockfish species, such as yellowtail and widow rockfish, and reduce pressure on nearshore species such as quillback and black rockfish. Effort did increase with many anglers catching large canary rockfish with the yellowtail and widow rockfish. Because the fishery was approaching the canary rockfish federal HG, the longleader gear daily bag limit was reduced back to 10 fish following Labor Day weekend. Table 2 shows recreational impacts (estimated fishing mortality) in 2023 for all quota-managed species/groups through September and projections 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 Oregon<sup>[1]</sup>.

**Table 4. 2023 Recreational nearshore fishery HGs, impacts, and projected HG attainment, in metric tons.**

	2023 Recreational Harvest Guideline	2023 Impacts through 10/1/2023	Projected impacts through 12/31/2023 (% of HG)
Black Rockfish	389.1	300.8	321.8 (83%)
Blue and Deacon Rockfish	68.8	25.7	26.3 (38%)
Cabezon	18.0	11.1	12.5 (69%)
Canary Rockfish (federal HG)	62.4	56.2	59.3 (95%)
Greenling	33.4	21.4	21.7 (65%)
Other Nearshore Rockfish	15.8	14.7	15.3 (97%)
Yelloweye Rockfish (federal HG)	9.2	4.0	4.4 (48%)

### ***2024 Recreational Management Measures***

The daily bag limit is the primary tool used to achieve a 12-month season by moderating overall recreational catch, and to some extent effort. Based on recent fishery performance and the high and variable effort, **staff recommend a five fish marine bag limit in 2024**. This is expected to provide a stable bag limit throughout the year, with a low risk that the bag limit would need to be reduced in-season. To again provide incentive to target healthy offshore midwater species while staying within the canary rockfish HG, **staff recommend a 12 fish bag limit for the longleader gear fishery in 2024**.

Due to yelloweye rockfish still rebuilding and the low sustainable biomass of quillback rockfish, **staff recommend that yelloweye and quillback rockfish continue to be prohibited**.

Finally, **staff recommend maintaining a year-round all-depth bottomfish fishery, as in 2023**.

The department has slowly eased restrictions related to yelloweye rockfish in recent years as the stock status has improved and the federal allocation to Oregon’s recreational fishery has increased. A seasonal depth restriction had been used for many years to protect yelloweye rockfish while the stock rebuilds from an overfished status. 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. Having the fishery open at all-depth year-round for bottomfish fishing could also provide a secondary benefit for nearshore stocks (such as quillback rockfish) by allowing the fleet to spread out over a larger area for additional months, potentially reducing the concentration of effort on nearshore reefs. Additionally, it provides opportunity for all-depth halibut anglers to keep bottomfish and halibut on the same trip all season, simplifying regulations and increasing overall opportunity.

**Staff recommend no change to all other recreational groundfish regulations for 2024**. Close monitoring of effort and catch will continue, and in-season adjustments will be made if determined necessary.

Projected impacts in 2024 under all recommended measures are shown in Table 5.

**Table 5. Projected recreational groundfish impacts in 2024, in metric tons.**

	Recommended 2024 Recreational HG	Projected 2024 impacts (% of HG)
Black Rockfish	389.1	346.9 (89%)
Blue and Deacon Rockfish	66.7	21.2 (32%)
Cabazon	17.6	21.5 (122%)
Canary Rockfish	62.9 (federal)	61.8 (98%)
Greenling	32.6	22.0 (68%)
Other Nearshore Rockfish	15.2	13.6 (90%)
Yelloweye Rockfish	7.2 (federal)	6.3 (87%)

<sup>11</sup> 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](https://www.dfw.state.or.us/MRP/finfish/groundfish_sport/estimates.asp), which shows only the ocean-boat catch targets and estimates.

## OPTIONS

1. Adopt staff recommendations, as reflected in draft OARs:
  - **Adopt updated federal groundfish regulations by reference.**
  - **Adopt revised harvest guidelines for 2024:**

Management Group	Commercial HG (mt)	Recreational HG (mt)
Black Rockfish	122.9	389.1
Blue and Deacon Rockfish	15.2	66.7
Nearshore Rockfish	16.1	15.2
Cabazon	31.7	17.6
Greenling	98.4	32.6

- **Adopt revised commercial management measures for 2024:**
    - Bimonthly vessel limits for black rockfish: 2,100 pounds in Periods 2 and 5;
  - **Adopt revised recreational management measures for 2024:**
    - Longleader gear fishery bag limit: 12 fish;
  - **All other rules – no change.**
2. Modify staff proposal for one or more items.
  3. Status quo.

## BACKGROUND

### Issue 2: Territorial Sea Plan Part Three Revisions

The Ocean Policy Advisory Committee (OPAC) recently developed revisions to the Territorial Sea Plan (TSP) Part Three (Rocky Habitat Management Strategy) through a community-based proposal process. The Land Conservation and Development Commission (LCDC) adopted TSP Part Three revisions in OAR in April 2023, which were then filed with Oregon’s Secretary of State in August 2023. The revisions changed the names of some marine management areas without changing boundaries or harvest restrictions and added six new marine management areas with recommended restrictions on commercial harvest at these sites.

## PUBLIC INVOLVEMENT

### Issue 2: Territorial Sea Plan Part Three Revisions

Revisions to the TSP were developed through a community-based proposal process and adopted at a public hearing of the LCDC.

## ISSUE 2

Territorial Sea Plan Part Three Revisions

## ANALYSIS

The LCDC TSP Part Three revisions establish six new marine management areas with recommended commercial fish and/or shellfish harvest restrictions. Staff participated in the OPAC process and analyzed the impact of proposed restrictions. Staff predict little impact on commercial harvest because little to no activity subject to proposed restrictions occurs in these areas. **Staff recommend adopting regulations that conform to LCDC’s TSP Part Three revisions.**

## OPTIONS

1. Adopt commercial harvest restrictions that conform to LCDC TSP Part Three revisions.
2. Adopt more restrictive commercial harvest restrictions.

**STAFF RECOMMENDATION: ISSUE 1**

1. Adopt staff recommendations, as reflected in draft OARs in Attachment 3.

**STAFF RECOMMENDATION: ISSUE 2**

1. Adopt commercial harvest restrictions that conform to LCDC’s TSP Part Three revisions.

**DRAFT MOTIONS**

**Issue 1: 2024 Groundfish Fisheries Regulations**

I move to amend OAR Chapter 635-004-0275, OAR 635-004-0350, OAR 635-004-0355, and OAR 635 Division 39 as proposed by staff in Attachment 3.

**Effective Date:** January 1, 2024.

**Issue 2: Territorial Sea Plan Revisions**

I move to amend OAR Chapter 635-004-0220 and OAR 635-005-0260 as proposed by staff in Attachment 3.

**Effective Date:** Upon filing.