

Midwater Recreational Groundfish Fishery: Issues for Council Discussion and Clarification

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Prepared by National Marine Fisheries Service (NMFS) West Coast Region

Overview

In June 2013, the Pacific Fishery Management Council (Council) recommended NMFS prepare an analysis for authorizing a new midwater recreational groundfish fishery in Oregon and California¹. In conducting the preliminary draft analysis that would become the start of a National Environmental Policy Act (NEPA) analysis, several issues emerged including some concerns from California Department of Fish and Wildlife (CDFW), that necessitate further Council consideration and guidance. Oregon Department of Fish and Wildlife (ODFW) provided to NMFS a preliminary analysis and supporting rationale for the Oregon component of the proposed fishery to be included in a future NEPA analysis. CDFW engaged in initial discussions on the California component of the proposed action but did not provide an analysis. NMFS recommends Council discussion to:

- define the purpose and need for authorizing the fishery;
- clarify the range of alternatives for consideration, including the geographic scope; and
- provide guidance on the following key issues:
 - monitoring,
 - management response to quota overages,
 - enforcement,
 - allocation,
 - socio-economics

Background

The Pacific Coast groundfish fishery is a year-round, multi-species fishery occurring off the Coasts of Washington, Oregon, and California. State managed recreational fisheries harvest groundfish with hook and line gear, dip nets, throw nets, dive/spears and pots and are monitored by the states. Recreational fishing generally occurs from chartered vessels (commercial passenger fishing vessels or CPFVs) or private party vessels (individuals fishing from their own or rented boats), but may also occur off docks, piers, etc.

Fishing effort in recreational fisheries varies seasonally and geographically. Recreational fisheries are year round fisheries with participation highest during warmer months. Coastwide the number of marine angler trips peaks in the July–August period, but seasonal concentrations are more pronounced in Oregon and Washington where weather is more variable. Over 75% of recreational effort (measured in “angler trips”) occurs in waters off the California coast with Oregon

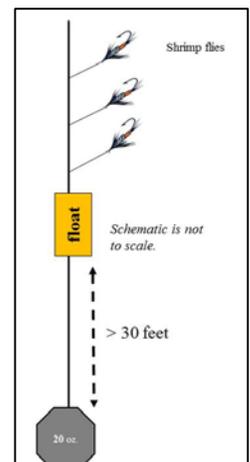


Figure 1. Long-leader recreational fishing gear schematic.

¹ PFMC June 2013 Decision Document: <http://www.pcouncil.org/wp-content/uploads/0613decisions.pdf>

and Washington accounting for approximately 10% and 5% of angler trips in their coastal waters.

Effort and catch are managed with depth restrictions, seasonal closures, and bag limits. The Council is considering a midwater recreational fishery involving “long-leader” gear (see Figure 1) to provide increased access to abundant pelagic groundfish stocks while minimizing catch of overfished groundfish stocks.

The proposed fishery is based on successful multi-year test fishing of the gear in waters seaward of 40 fathoms depth off the Oregon Coast. The test fishing, which commenced in 2009 and ended in 2011, was conducted by the Oregon Recreational Fishing Alliance under a NMFS-authorized exempted fishing permit (EFP). The long-leader gear tested under the EFP was designed to selectively target abundant midwater rockfish, while avoiding less-abundant benthic rockfish species, such as yelloweye. Long-leader refers to the minimum 30 feet of line between the sinker and the lowest hook, designed to ensure the gear is not fished on the bottom to avoid benthic rockfish species.

Purpose and Need

Action: Council to review and modify, as needed, the preliminary purpose and need statements.

Purpose (i.e., what is proposed)

The purpose of this action is to create a new recreational groundfish fishery in Oregon and/or California to target abundant midwater rockfish while avoiding and/or minimizing impacts on overfished and rebuilding rockfish species.

Need (i.e., why the action is proposed)

The action is needed to diversify and increase recreational fishing opportunity off Oregon and/or California. In particular, it could provide increased opportunities compared to recent years in which recreational rockfish fisheries have been constrained to help rebuild overfished stocks. The action also could provide substitute recreational fishing opportunities to alleviate fishing pressure on nearshore rockfish species that are being over-exploited (e.g., black rockfish, *Sebastes melanops*) and serve as an additional fishing option during periods of constrained recreational salmon harvest. The action could provide opportunities and economic benefits to recreational fishermen, as well as fishing communities, consistent with the Magnuson-Stevens Act; and the action could enhance the accessibility and diversity of sustainable saltwater recreational fisheries, which is a component of NMFS’ National Recreational Fisheries Policy.²

Range of Alternatives

Action: Council to review and modify, as needed, the potential range of alternatives for a new midwater recreational groundfish fishery using long-leader gear. The options listed below are presented to help initiate discussion and do not preclude additional options being added.

² <http://www.nmfs.noaa.gov/sfa/management/recreational/policy/index.html>

- **Area:** only Oregon, only California, or both.
 - *Oregon:* The fishery would be authorized seaward of 40 fathoms depth (as with the past EFP terms and conditions) exclusively off the coast of Oregon (42°00' N lat. to 46°18' N lat.).
 - *California:* The fishery would be authorized at some yet-to-be-determined depth in a yet-to-be-determined area off the coast of California. Preliminary discussions with CDFW suggested that the Northern Management Area (NMA) located north of Cape Mendocino (40°10' N lat.) to the California-Oregon border might be an appropriate action area to analyze given similar physical habitat characteristics and by virtue of its location well north of core cowcod habitat.

- **Participants:** only charter vessels, or charter and private vessels.

- **Monitoring:** a requirement for charter vessels to carry observers only when asked, 100% of trips, or at some other coverage level.

- **Gear:** Gear requirement to include a minimum of 30 feet between the sinker and the lowest hook (based on the EFP test fishery). Use of small plastic worms and flies would be authorized, and weighted hooks, bait, and large lures (definition of a large lure?) would be prohibited.
 - *Oregon:* No more than one line with three hooks attached to conform to current ODFW regulations.
 - *California:* No more than one line with two hooks attached to conform to current CDFW regulations.

- **Other:**
 - Non-retention of lingcod would be required to discourage modifying the gear to fish closer to the bottom.
 - All other existing state and Federal groundfish regulations would remain in effect.

Issues for Council Discussion

Monitoring

NMFS is seeking clarification and guidance from the Council on the specific monitoring protocols and sampling designs that would be included in this action for analysis. Monitoring elements have been flagged as a key concern going forward given the lack of resources to sample a new fishery and potential complications to existing recreational survey design to estimate recreational rockfish catch and effort.

Management response to quota overages

NMFS is seeking clarification and guidance from the Council on the potential range of management responses related to quota limiting species (QLS) interactions and the consequences of QLS allocation exceedance. If QLS allocations are exceeded, what would the accountability

measures be? For example, close the fishery, multi-year credit card accounting, require paybacks, re-allocation among sectors.

Enforcement

NMFS is seeking clarification and guidance from the Council on a range of enforcement concerns surrounding this action including take/retention of prohibited species, fishing in multiple areas with area-specific gear, challenges in inspecting/measuring specified gear, safety-at-sea concerns for anglers and wardens, anticipated additional enforcement costs, and non-retention of rockfish when fishing salmon in RCAs.

Allocation

NMFS is seeking clarification and guidance from the Council on the complex allocation and potential reallocation issues for this new fishery including specifics on nearshore and rebuilding species allocation accounting (e.g., canary, blue, black, and other QLS). In particular, the allocation and quota tradeoffs that would allow for a worthwhile level of effort to occur in the fishery while balancing equitable distribution of effort and quota in existing fisheries.

Socio-economic Benefits

NMFS is seeking clarification and guidance from the Council on the costs to manage, monitor, and enforce this new fishery and whether or not they outweigh the benefits of implementation given the uncertainty of the regulatory environment (e.g., impacts to QLS and allocation impacts). Preliminary indications suggest that the economic impacts of a new midwater long-leader fishery could be substantial, especially if it serves as a substitute for anglers in the event of a salmon or black rockfish fishery decline. However, in order to model the economic benefits an estimate of the potential new versus substitute effort is needed. Additionally, to the extent that the long-leader fishery enables relatively greater fishing effort in some areas, such as the ports without shallow water reefs (and thus no groundfish fisheries during summer months), the economic impacts will likely be the greatest in these areas, such as the ports of Florence and Winchester Bay in southern Oregon that do not have shallow reefs.