

RULEMAKING UPDATE - GROUND FISH MIDWATER SPORT FISHERY IN OREGON

NMFS is preparing a proposed rule to authorize the use of midwater long-leader gear for recreational fishing in waters seaward of a line approximating 40 fathoms (73 m) off the coast of Oregon. The Pacific Fishery Management Council (PFMC) staff, on behalf of the Council, deemed regulatory changes implementing a midwater sport fishery for groundfish in Oregon on June 12, 2017. The transmittal letter and regulations are attached. The public comment period will open upon publication of the proposed rule, and NMFS will consider comments received while developing the final rule.



Pacific Fishery Management Council

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Herbert A. Pollard II, Chair | Charles A. Tracy, Executive Director

June 12, 2017

Mr. Barry A. Thom, Regional Administrator
NOAA National Marine Fisheries Service
West Coast Region
1201 Northeast Lloyd Boulevard, Suite 1100
Portland, OR 97232

Re: Council Recommendations for a Groundfish Midwater Sport Fishery in Oregon

Dear Mr. Thom:

This letter transmits regulations implementing a groundfish midwater sport fishery in Oregon to provide access to abundant and healthy midwater rockfish species while avoiding or minimizing interactions with overfished rockfish species. The Pacific Fishery Management Council (Council) staff has worked closely with your staff in the drafting of regulations that are consistent with final action taken at the March 2016 Council meeting in Sacramento, California.

The Council's preferred alternative defined the type of long-leader gear proposed to be allowed in the seasonal recreational Rockfish Conservation Area in Oregon. The Council recommended that large lures be prohibited; however, large was undefined. Your staff recommended the proposed rule stipulate that lures not exceed five inches in length, based on industry standards. Council staff and staff from the Oregon Department of Fish and Wildlife agreed that this was a reasonable interpretation of Council action. Our understanding is that the preamble will request public comment on this interpretation, which would be taken into consideration for the final rule.

By this letter, I deem the specific language changes to 50 CFR part 660, as provided in the attachment to this letter, as the proposed regulatory changes that are necessary and appropriate to effectuate the final actions taken by the Council, as described above.

Should you have any questions regarding these Council recommendations, please do not hesitate to contact Ms. Kelly Ames of my staff.

Sincerely,

A handwritten signature in blue ink that reads "Charles A. Tracy".

Charles A. Tracy
Executive Director

KLA:kma

cc: Mr. Herb Pollard
Mr. Phil Anderson
Council Members
Mr. Frank Lockhart
Mr. Ryan Wulff
Mr. Christopher Biegel

Ms. Gretchen Hanshew
Ms. Maggie Sommer
Ms. Lynn Mattes
Mr. Joe Petersen
Mr. Mike Burner
Ms. Kelly Ames

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

2. In § 660.351, add, in alphabetical order, the definition of “long-leader gear” as follows:

§660.351 Recreational fishery—definitions.

* * * * *

Long-leader gear (also known as Holloway gear) means fishing gear with the following: one fishing line, deployed with a sinker and no more than three hooks, with a minimum of 30 feet (9.14 meters) between the sinker and the lowest hook, and a non-compressible float attached to the line above the hooks. The gear may be equipped with artificial lures and flies not to exceed 5 inches in length. Natural bait, and lures or flies greater than 5 inches in length, may not be used.

2. In § 660.360, paragraphs (c)(2)(i)(B) and (c)(2)(iii)(B) are revised to read as follows:

§660.360 Recreational fishery—management measures.

(c) * * *

(2) * * *

(i) * * *

(B) *Recreational rockfish conservation area.* Fishing for groundfish with recreational gear is prohibited within the recreational RCA, a type of closed area or GCA. It is unlawful to take and retain, possess, or land groundfish taken with recreational gear within the recreational RCA. A vessel fishing in the recreational RCA may not be in possession of any groundfish. [For example, if a vessel fishes in the recreational salmon fishery within the RCA, the vessel cannot

be in possession of groundfish while within the RCA. The vessel may, however, on the same trip fish for and retain groundfish shoreward of the RCA on the return trip to port.] Off Oregon, from April 1 through September 30, recreational fishing for groundfish is prohibited seaward of a recreational RCA boundary line approximating the 40 fm (73 m) depth contour, except that fishing for flatfish (other than Pacific halibut) is allowed seaward of the 40 fm (73 m) depth contour when recreational fishing for groundfish is permitted, and fishing with long-leader gear (as defined in § 660.351) is allowed seaward of the 40 fm (73 m) depth contour (i.e., within the RCA) from April 1 through September 30. Coordinates for the boundary line approximating the 40 fm (73 m) depth contour are listed at §660.71.

(iii) * * *

(B) *Lingcod*. There is a 3 fish limit per day for lingcod from January 1 through December 31. The minimum size for lingcod retained in the Oregon recreational fishery is 22 in (56 cm) total length. For vessels using long-leader gear (as defined in § 660.351) and fishing within the recreational RCA, possession of lingcod is prohibited.

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