

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON DEFFERING  
NEARSHORE GROUND FISH MANAGEMENT AUTHORITY TO THE STATE OF  
OREGON

We, the Oregon Department of Fish and Wildlife (ODFW), request exploration of deferral of nearshore species (i.e., nearshore rockfish, cabezon, and kelp greenling) management to state oversight, specifically, by adding this issue to the ‘Omnibus’ list.

Since these species principally occur entirely within our state waters, full deferral to the state for the entire stock ranges is most efficient and logical. Per federal law, the Submerged Lands Act (43 USC 1301-1315) and the Magnuson-Stevens Act (16 USC 1801-1882) provide jurisdiction of marine resources, including fisheries stocks, to the states. Accordingly, to officially transfer management authority of the stocks to the states, the Pacific Fishery Management Council (PFMC) and National Marine Fisheries Service (NMFS) will have to amend the federal Groundfish Fishery Management Plan (FMP) to exclude each state's respective component stocks. In doing so, the onus will shift to our state management process, which already includes a strategic management framework for these species, with goals synonymous to those of the National Standards, but with greater emphasis on local conservation, communities, and economies.

Additionally, the Council recognized the appropriateness of deferral of nearshore management to the states during the development of the Groundfish Fishery Strategic Plan (plan), adopted in 2000. When answering the question “What are some strategies for increasing enforcement effectiveness and reducing complexity”, the need for deferring nearshore species is detailed: “Review the scope of the management unit, particularly with respect to nearshore rockfish management. Consider delegating or deferring to the states management of nearshore rockfish species that reside in and are harvested primarily within state waters.” This review would equally apply to cabezon and kelp greenling.

**Overview:**

The nearshore groundfish stocks occurring within our state waters (i.e., 0-3 nautical miles) support some of the most diverse and complex fisheries within our nation, including the kayak fleet of Depoe Bay, the dory fleets of Pacific City, the live-fish fishery of Port Orford, the spear fishermen of Cape Arago, the charter operators of Garibaldi, the cliff anglers of Cape Foulweather, and many more.

Understanding and meeting the localized needs of these diverse interest groups and communities is a time consuming and resource intensive task that would further constrain the already limited capacity of PFMC and NMFS. While we applaud the larger, regional scale efforts undertaken in the federal process, we have concerns about the ability to address our local stakeholder needs. Accordingly, we seek management oversight of our nearshore groundfish fisheries and stocks, specifically to provide more localized support to the diversity of communities and interest groups that occur in Oregon.

We are fully capable of managing these stocks sustainably, while also better addressing the immensely diverse needs of our local communities. There is no greater exemplification of our

abilities than the recent Marine Stewardship Council certifications of our state managed commercial Dungeness crab and pink shrimp fisheries. More directly related to state oversight of nearshore groundfish, we have a long and dedicated track record of managing these stocks more conservatively at the state level for both our commercial nearshore and sport fisheries.

Specifically, we developed more conservative state landing caps for both the sport and commercial fisheries, and implemented a limited-entry permit system to control the growth and prevent overcapitalization of our commercial nearshore fishery. We currently have in place more conservative bag limits, spatial and temporal closures, and size limits in our sport fisheries and trip limits, size limits, spatial management, and reporting requirements (e.g., mandatory logbooks) in our commercial fishery.

While many of our more conservative state actions have caused huge upheavals among our fleets, it is important to document that we have the backbone to close or restrict our fisheries amid conservation concerns. Most notable was our decision to close our sport groundfish fisheries prior to Labor Day in 2004, due to attainment of the black rockfish sport landing cap. This closure, known as “Black Friday” to the sport fleet, still resonates to date.

Our request for state oversight only pertains to species in the Groundfish FMP that principally occur within our state waters and are non-migratory (i.e., nearshore rockfish, cabezon, and kelp greenling). As such, our state oversight would have minimal or no bearing to the fisheries and stocks occurring in the other states.

The remainder of this document describes in greater detail how we, given state oversight of nearshore groundfish stocks, could ensure sustainable management practices, while also more fully meeting the needs of our immensely diverse stakeholder groups.

### **Population (stock) Assessments:**

*We have the expertise and data to comprehensively assess nearshore groundfish stocks to ensure sustainable fisheries under state management*

To prevent overfishing and ensure long-term viability of fisheries, timely and accurate population assessments are needed to establish sustainable catch limits. We employ multiple staff (including contractors), with extensive backgrounds in population modeling, who can be entrusted to provide robust assessments of the nearshore groundfish stocks. Most notable, pertaining to nearshore groundfish, our staff conducted the most recent federal assessment of black rockfish, the most important nearshore groundfish stock to both our commercial nearshore (in terms of value) and sport groundfish fisheries (in terms of effort and catch).

In addition to modeling expertise, we also collect and provide the bulk of the data that has been used in “full”, “data-poor”, and “data-moderate” federal stock assessments of nearshore groundfish, including: sport and commercial catch histories (e.g., sport and commercial CPUEs and sport total mortality estimates) and biological data (e.g., age, size, sex, maturity, and fecundity).

And finally, we are proactively taking actions to improve the quality of nearshore groundfish stock assessments. While not to say that the outputs of the recent “data-moderate” and “data-poor” federal assessments are erroneous, we do, however, want to acknowledge that the results

are highly uncertain, and possibly inaccurate, because limited fishery-dependent data was used (additional available fishery-dependent data was not used in the assessments due to model methodology structure). Fishery-independent survey data was not included because it does not exist; nearshore groundfish live in habitats too shallow and rocky to be sampled by the NMFS bottom trawl survey. Accordingly, our researchers have begun using video-landers, capable of surveying shallow and rocky reef habitats, to better our understanding of nearshore groundfish stock dynamics.

### **Research:**

*Our research team is dedicated to resolving key management issues and uncertainties, such as reducing bycatch and protecting critical habitats to improve our state management of nearshore groundfish.*

To further our understanding of nearshore groundfish stock dynamics and thus better manage them, we are seeking to determine the influences of ecological drivers on fish stocks, as trophic or environmental shifts greatly affect abundances (especially for short-lived species). By doing so, our researchers can resolve some of the key uncertainties associated with setting long-term sustainable harvest levels. For instance, we are currently researching the influence of hypoxic events on fishery catch rates, which is a primary driver of nearshore assessments.

In addition to enhancing our understanding of nearshore groundfish stock dynamics, our researchers are also working together with industry to reduce bycatch. Notable examples of bycatch reduction efforts include: 1) identification of protected species hotspots (e.g., Stonewall Bank Yelloweye Rockfish Conservation Area), 2) developing clean-gear innovations (e.g., excluder panels in shrimp trawls), and 3) evaluating methods to reduce mortality of bycatch (e.g., rockfish descending devices).

### **Management:**

*We best understand the diverse needs of our local stakeholder groups, which is essential for ensuring that divisions of available catch are equitable and economically optimal*

After sustainable catch limits have been determined via stocks assessments, fisheries managers have to divide the available catch among stakeholders in an equitable, yet economically optimal manner, while also ensuring the safety of the fleet. In order to accomplish this, managers must have an innate knowledge of the degree of fishery dependence for each individual stakeholder group or community. Determination of stakeholder fishery dependence at such a localized level is an extremely time and resource consuming task, beyond what PFMC and NMFS can provide due to their commitments with larger, regional issues.

In fact, the Groundfish Strategic Plan states: “Increasingly, the Council has been asked to adopt complex regulations designed to respond to the particular needs of communities in specific geographic locations. Most of these requests relate to very small vessels accessing local rockfish stocks and marketing them within the area. The Council is not well equipped to evaluate these requests and accommodating them increases the complexity of the regulations. In addition, the Council and NMFS are not well suited to assess the biological requirements of many of these local populations, to assess the social and economic issues associated with them, or to monitor

localized fisheries”. We assert that these issues are still relevant today and that the state is best able to address these needs.

In order to acquire this stakeholder or community information, we have had to invest heavily into our communication networks: 1) sport and commercial advisory bodies; 2) public meetings throughout the entire coast; 3) e-mail and mailing lists (containing ~5,000 contacts); 4) online surveys and 5) one-on-one communications via phone or e-mail. Since the user groups and their needs change continuously, we have to maintain our communication network in order to learn of these changes as they arise.

Without these communication networks, we would have no other way of knowing, for example, that there is a kayak fleet from Depoe Bay or whether the needs for commercial fishermen who target black rockfish differ than those who target minor nearshore rockfish. Extensive knowledge of user groups, such as this, is critically vital to ensuring that divisions of catch are fair and equitable.

Our state management processes have the capabilities to address stakeholder needs in a timely, responsive, and comprehensive manner. First, we already have the strategic management frameworks in place to address fisheries, conservation, and ocean policy issues (i.e., Oregon’s Nearshore Strategy), with goals similar to those of the National Standards, but with more emphasis on local stocks, economies, and communities. Second, our policy makers (i.e., Oregon Fish and Wildlife Commission) are already proficient in state fisheries management, and they are able to address issues more responsively because they meet frequently throughout the year. The timeframe for permanent rulemaking is approximately two months. Oregon has an efficient quick response system to address inseason management needs and action can be taken in as short a time as a single day.

### **Monitoring:**

*Our sampling programs are well-recognized for providing timely and accurate estimates, thus we would continue to manage the nearshore groundfish resource responsively in order to ensure catches stay within limits*

In order to prevent overfishing, fisheries managers have to monitor catches to ensure that they stay within sustainable limits. Our state sampling programs, currently responsible for providing landings of sport and commercial nearshore groundfish, are well recognized by external reviewers (such as the National Resource Council and NOAA’s Marine Recreational Information Program) for providing robust and timely catch estimates. Landings of commercially harvested fish are recorded on state fish tickets. Spatial information is collected through a state-mandated logbook program, as is information on discards. Biological information, including length, weight, sex, age and maturity structures, etc., is collected by our commercial port sampling program. On the sport side, precise and accurate estimates are ensured via relatively high sample rates for all spatial and temporal strata. Our dock-side sampling program also collects biological information such as length, weight, and sex. The state-funded sport observer program collects information on fish discarded at-sea, as well as biological information such as age structures. The state has a staff person devoted to aging structures collected from nearshore species to determine ages of catch and maturity curves, when paired with gonad analysis.

**Enforcement:**

*Law officers ensure that fishers comply with the conservation-based regulations set forth by fisheries managers*

As for catch monitoring, the onus of enforcement for the commercial nearshore and sport fisheries already falls upon the state. Our enforcement unit, the Oregon State Police, is responsible for both dock-side and at-sea operations. Accordingly, we have the enforcement capabilities to ensure that regulations set forth by state fisheries managers would be abided by.

**Conclusion:**

We have been entrusted by the citizens of Oregon to protect their resources and to hear their voices, and we have delivered upon those promises with our state managed fisheries for many years. We have the track record, the infrastructure, the capability and the desire to ensure the same level of success for nearshore groundfish under state oversight. The state of Oregon already assumes responsibility for the management of these stocks through more conservative state regulations. The 2000 Groundfish Strategic Plan recommends exploration of deferral of nearshore rockfish, cabezon, and kelp greenling to the states in effort to reduce regulation and process complexity and increasing enforcement effectiveness. We request to add this issue to the list of evaluations through the omnibus process.