

**Recreational Midwater Rockfish Fishery**

Application to  
National Marine Fisheries Service

A. Date of application  
May 28, 2013

B. Applicant  
Recreational Fishing Alliance, Oregon Chapter  
Contact:

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C. Statement of need and goals

Applicant is proposing that a midwater fishery be implemented in regulation to target abundant species using special gear in order to avoid and/or minimize impacts on species of concern. Recreational fishing depth and area closures are presently the most constraining in history. This is due primarily to one species, yelloweye rockfish. These closures apply to the entire water column for most groundfish FMP species. Yelloweye reside near the bottom in select habitats. Midwater species exist in relative abundance, yet are inaccessible. It has been shown that special gear can be developed which can provide access to midwater species without causing any additional impacts to yelloweye rockfish. Bottom habitat is all that needs protection from hooking impacts. This could provide increased opportunity for recreational fisheries and relieve fishing pressure on nearshore species. Increased opportunity is something that has been lacking for many years of incremental constraints on all fisheries.

E. Results from test fishery conducted in 2009 and 2011

Two years of federal Exempted Fishing Permit activities were recently completed. A total of thirty four fishing trips were conducted using Oregon charter vessels. All trips carried federal observers on board. Full catch accounting was documented for each trip. Participating anglers were normal charter customers. No angler selection was made. Fishing area selection was entirely based on target species with no regard for avoiding species of concern. Several trips were conducted within a federally documented yelloweye rockfish conservation area near Newport, Oregon. The primary purpose of this experiment was to avoid yelloweye rockfish. A total of two yelloweye rockfish were caught from a total of over five metric tons of rockfish landed. This is an impact rate of 0.08%. It is believed that the low impact rate on yelloweye justifies a broader application to regulation.

F. Previous Council discussion.

Discussion of this proposal by Council membership began informally in November 2011. Formal discussion took place at the Sept 2012 PFMC meeting in Boise, ID. The following discussion is from the minutes of that meeting ([http://www.pcouncil.org/wp-content/uploads/FINAL\\_Sept\\_2012\\_Minutes.pdf](http://www.pcouncil.org/wp-content/uploads/FINAL_Sept_2012_Minutes.pdf)) page 34, agenda item G.6:

"Mr. S. Williams asked if NMFS was comfortable with initiating the recreational mid-water fishery issue in June 2013. Mr. Lockhart replied yes, depending on how the issue integrates with the biennial groundfish regulation specification process.

Mr. S. Williams asked if it was possible to address the recreational mid-water fishery issue outside the specification process. Mr. Lockhart replied yes.

Mr. Williams recommended putting the recreational mid-water fishery issue on the June 2013 agenda. "

Additional public comment was submitted by John Holloway at the November 2012 PFMC meeting, agenda item F.4.c ([http://www.pcouncil.org/wp-content/uploads/F4c\\_PC\\_NOV2012BB.pdf](http://www.pcouncil.org/wp-content/uploads/F4c_PC_NOV2012BB.pdf))

G. Suggested management measures for Oregon:

Season open dates.

a) This fishery would open April 1<sup>st</sup> and close on Sept. 30<sup>th</sup>.

This open period would occur when groundfish is normally constrained by depth (currently open shoreward of 30 fathoms during this period}.

Area allowance.

a) The fishery would be open seaward of 40 fathoms only, between Washington and California border. This would coincide with the halibut nearshore depth limit (already defined by rule). It would allow a 10 fathom buffer from the normal groundfish limit (30 fathoms), reducing enforcement requirements to determine precise fishing location.

Bag limits.

a) Bag limits shall coincide with current state regulation, seven rockfish plus two lingcod.

b) Federal bag limits are higher and future adjustments could be made if accountability and enforcement requirements are satisfied

Gear requirements.

a) Gear shall be what exists in current groundfish regulations with the following additions: Hooking gear shall be a minimum of 30 feet above a sinker on a long leader. No maximum distance. A float shall be attached no more than 6 inches below the lowest hook. The float must be solid construction. None may be

hollow. The float must have sufficient buoyancy to float all gear and line with the sinker removed.

#### H. Discussion.

Season open dates. These dates can be adjusted to meet various requirements. Short openings followed by catch accounting to determine inseason impacts are one example.

Area allowance. Area can be adjusted for management or enforcement requirements. The target species, yellowtail rockfish, are not generally found in abundance shoreward of 30 fathoms. It is not recommended to allow fishing in the Yelloweye Rockfish Conservation Area for enforcement reasons, even though EFP fishing in that area had minimal impacts on rebuilding species.

Rebuilding species impacts. Canary and yelloweye rockfish are the two species of intended avoidance.

Yelloweye rockfish were impacted at a rate of 0.08% in the EFP fishery. That is 4 kg yelloweye (2 fish) per 5163 kg rockfish landed. This is very close to total avoidance even within the YRCA where none were caught.

Canary rockfish were impacted at a rate of 20% in the EFP fishery. This impact rate is 1015 kg canary to 5163 kg total. It may be interesting to note that 743 kg of canary rockfish were landed by one vessel during six trips of 34. This is 73% of total. It was reported that this vessel was targeting canary due to the full retention allowance of the EFP. It is not being suggested that the canary impacts be adjusted downward. It is being suggested that this magnitude will likely be at the high end of what might be expected should this fishery go into regulation, especially with no retention. The current harvest guideline for canary rockfish has not been fully utilized recently by the Oregon recreational sector. The impacts as of October 28, 2012 were 53% of the harvest guideline of 7.0 metric tons.

John Holloway  
RFA-Oregon

## Oregon Recreational Yellowtail Rockfish EFP

2009 & 2011 Combined Final Report

October 19, 2011

The 2009 and 2011 Oregon yellowtail rockfish EFP activities have been completed. Total trips for both years were thirty four.

The results are in excess of expectations. The purpose of this EFP is to avoid or minimize bycatch of prohibited species while targeting abundant offshore midwater stocks. The total impact on yelloweye rockfish was two fish (4 kg rounded) from a total of over 5.163 metric tons of rockfish landed. The other, canary rockfish are being impacted at rates well below that using common bottom gear. The overall EFP impact rate for canary rockfish is at 33% of yellowtail rockfish by weight. It is approximately 20% of all rockfish landed. The impact rate for canary to yellowtail was 113% by weight during the period 1993-1999 (ODFW) using traditional bottom gear when all depth access was open full season.

Following is the catch accounting for both years:

	weight in kg			by number	
	Yellowtail	Widow	Canary	Yelloweye	Other Rkfish
All Trips Total 2009	1657	266	129	0	31
All Trips Total 2011	1421	800	886	4	115
<b>Totals</b>	<b>3078</b>	<b>1066</b>	<b>1015</b>	<b>4</b>	<b>146</b>

Total all fish except 'other' (kg)

5163

The level of participating angler expertise encompasses the full range. Novice and expert anglers participated in this EFP. Angler selection was on a first come first served basis. No expertise selection took place. While the charter operators are considered to be experts, no area selection took place to avoid known concentrations of canary or yelloweye rockfish. Higher canary impacts were encountered while intentionally fishing an area of high relief (pinnacles) near Depoe Bay, Oregon while yelloweye encounters remained virtually unchanged. The only area selection used was based on known concentrations of yellowtail rockfish without regard to any other species. Some trips took place within a federally recognized Yelloweye Rockfish Conservation Area.

A survey of angler intent was conducted and is summarized in Attachment 1. A majority indicated that they would participate in this fishery if it were put into regulation

in both the charter and private sportboat level. Although 15 fish bag limit was preferred, a lower number would be acceptable down to a level of seven fish or greater.

John Holloway  
RFA-OR

**Oregon Recreational Yellowtail Rockfish EFP**  
2009 & 2011 Combined Final Report  
**Attachment 1**

**The number of responses to each answer is indicated in brackets.  
A total of 299 anglers responded to the questionnaire.**

**Oregon Yellowtail EFP Angler Questionnaire**

The National Marine Fisheries Service, the issuing agency of the permits for this experiment is asking for participant feedback. Your help is greatly appreciated and will be a factor in determining whether this fishery will become available to all recreational anglers. Please answer all questions that apply to your experience today. Please check all that apply.

1. For what of any of the following reasons did you choose to participate in this trip today?

[207] 15 rockfish bag limit

[155] A chance to participate in an experiment

[97] A desire to fish further offshore

2. Is there a bag limit size that would cause you not to participate?

[192] Six fish or less

[56] Seven to ten fish

[65] Eleven to fourteen fish

3. If this fishery were adopted as a recreational fishery open to all, with an acceptable bag limit, how likely would you be to participate in the future?

[217] Very likely

[51] Somewhat likely

[26] Occasionally, no more than other trips

[8] Not likely

4. If you fish aboard your own or another's private sport boat how likely would you be to participate if this were available to all?

[178] Very likely

[59] Somewhat likely

[35] Occasionally, no more than other trips

[29] Not likely

## Oregon Recreational Yellowtail Rockfish EFP

2009 Activities Report

April 24, 2010

The Oregon yellowtail rockfish EFP officially got underway on June 21, 2009 with a trip by the charter vessel Norwester. During 2009 thirteen trips were completed. All have been monitored and recorded by on board PSMFC observers. The EFP was originally planned for thirty trips. The reduced number was due to a later than planned startup and minimal participation in the south coast sector. This EFP is currently in process for renewal for 2010. If permits are received soon a full schedule is anticipated for 2010.

The results to date are in excess of expectations. The purpose of this EFP is to avoid or minimize bycatch of prohibited species while targeting abundant offshore midwater stocks. To date the most constraining species, yelloweye rockfish, is yet to be encountered using this EFP gear. The other, canary rockfish, are being impacted at rates well below that using common bottom gear. The EFP impact rate for canary rockfish is at 8% of yellowtail rockfish by weight. It is approximately 6% of all rockfish landed. The impact rate for canary to yellowtail was 113% by weight during the period 1993-1999 (ODFW) using traditional bottom gear when all depth access was open full season.

Following is the catch accounting for 2009:

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### Oregon Yellowtail EFP Trip Report 9/18/09

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Trip Date	Vessel Name	# of Anglers	Yellowtail	weight in kg			by number	
				Widow	Canary	Yelloweye	Other Rkfish	
6/21/2009	Norwester	10	157	0	8	0	0	
7/17/2009	Miss Raven	12	128	46	2	0	8	
7/19/2009	D & D	11	100	54	13	0	0	
7/20/2009	Umatilla II	8	112	14	0	0	1	
7/25/2009	Miss Raven	11	167	4	0	0	4	
7/28/2009	Norwester	9	130	4	13	0	3	
8/2/2009	Miss Raven	11	125	43	0	0	0	
8/11/2009	D & D	11	147	17	13	0	0	
8/16/2009	Umatilla II	12	128	37	0	0	6	
8/21/2009	Prowler	11	62	0	32	0	5	
8/23/2009	D & D	9	131	9	8	0	0	
9/4/2009	Norwester	12	161	4	40	0	0	
9/13/2009	Umatilla II	10	109	34	0	0	4	
<b>All Trips</b>		137	1657	266	129	0	31	
<b>Total</b>								
<b>EFP</b>				3000	2600	200		
<b>Species</b>								
<b>Caps (kg)</b>								

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The level of participating angler expertise encompasses the full range. Novice and expert anglers participated in this EFP. Angler selection was on a first come first served basis. No expertise selection took place. While the charter operators are considered to be experts, no area selection took place to avoid known concentrations of canary or yelloweye rockfish. The only area selection used was based on known concentrations of yellowtail rockfish without regard to any other species. Some trips took place within a federally recognized Yelloweye Rockfish Conservation Area.

John Holloway  
RFA-OR



## Oregon Recreational Yellowtail Rockfish EFP

2011 Activities Final Report

October 19, 2011

The 2010-2011 Oregon yellowtail rockfish EFP officially got underway on April 17, 2011 with a trip by the charter vessel Norwester. During 2011 twenty one trips were completed. This is the second year of this EFP with the first taking place in 2009.

The results for 2011 are in excess of expectations. The purpose of this EFP is to avoid or minimize bycatch of prohibited species while targeting abundant offshore midwater stocks. The total impact on yelloweye rockfish was two fish (4 kg rounded) from a total of over 3 metric tons of rockfish landed. The other, canary rockfish are being impacted at rates well below that using common bottom gear. The 2011 EFP impact rate for canary rockfish is at 62% of yellowtail rockfish by weight. It is approximately 28% of all rockfish landed. The impact rate for canary to yellowtail was 113% by weight during the period 1993-1999 (ODFW) using traditional bottom gear when all depth access was open full season.

Following is the catch accounting for 2011:

<b>Oregon Yellowtail EFP Trips Report 9/1/2011</b>							
Trip Date	Vessel Name	# of Anglers	weight in kg				by number
			Yellowtail	Widow	Canary	Yelloweye	Other Rkfish
04/17/11	Norwester	12	78	89	5	0	0
05/15/11	Miss Raven	9	93	27	8	0	9
05/15/11	D & D	11	84	71	3	0	0
05/22/11	Miss Raven	10	29	88	5	2	15
05/29/11	Miss Raven	7	3	52	2	0	38
05/31/11	Norwester	9	97	30	13	0	0
06/05/11	Miss Raven	13	37	108	5	0	30
06/12/11	Miss Raven	9	40	65	6	0	15
06/20/11	Samson	12	136	2	79	0	0
06/22/11	Miss Raven	12	7	75	0	0	1
06/27/11	Samson	12	98	0	137	2	0
06/28/11	D & D	9	118	7	30	0	0
07/02/11	Miss Raven	11	5	51	2	0	2
07/04/11	Samson	11	73	3	76	0	2
07/26/11	D & D	11	161	11	6	0	0
07/27/11	Miss Raven	11	3	43	3	0	3
08/12/11	Miss Raven	11	61	7	55	0	0
08/23/11	Samson	13	82	0	190	0	0
08/24/11	Norwester	11	86	71	0	0	0
08/26/11	Samson	13	69	0	160	0	0
08/31/11	Samson	8	61	0	101	0	0
<b>All Trips Total</b>		225	1,421	800	886	4	115
<b>EFP Species Caps (kg)</b>			10,000	3000	1000	100	

The level of participating angler expertise encompasses the full range. Novice and expert anglers participated in this EFP. Angler selection was on a first come first served basis. No expertise selection took place. While the charter operators are considered to be experts, no area selection took place to avoid known concentrations of canary or yelloweye rockfish. Higher canary impacts were encountered while intentionally fishing an area of high relief (pinnacles) near Depoe Bay, Oregon while yelloweye encounters remained virtually unchanged. The only area selection used was based on known concentrations of yellowtail rockfish without regard to any other species. Some trips took place within a federally recognized Yelloweye Rockfish Conservation Area.

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