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October 10, 2003

Donald McIsaac
Executive Director
Pacific Fishery Management Council
7700 N.E. Ambassador Place, Suite 200
Portland, OR 97220-1384

REFERENCE: Request for a waiver in 2004 for ling cod fishing on one small reef, 9 miles west of the Winchester-Umpqua bar. The reef is on a 210 degree heading, 52 fathoms depth on the marine charts with a GPS location of 43.40.754 and 124.10.865

Gentlemen:

I am aware of the proposed new restrictions for bottom fishing to be only inside the 40 fathom curve for sports fishing. I agree with the concept for protecting the canary and golden eye rock fish. However, as you are probably aware, there is no bottom fishing reefs or structure inside 40 fathoms for fishermen in Florence and Winchester bay areas (approximately 100 miles of coast line).

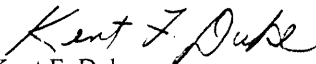
I and about a dozen other fishermen have been bottom fishing this area (Florence and Winchester Bay) for about 15 years. We have witnessed the decline of bottom fish over the years due to commercial over fishing of bottom fish when salmon fishing declined about six years ago. None of the sports fishermen I know are greedy nor have we taken more fish than our families use. In fact most of us release the small legal lings and lings larger than 30 pounds (spawning females). We do this to help maintain the stocks.

The designated reef we are requesting you to consider for a waiver still has a very healthy population of ling cod and brown yellow tail rock fish. There are some canarys and a few golden eye rock fish and no halibut. This reef is also the most difficult reef to fish along the entire coast because of the high rock pinnacles (some 70 feet to 80 feet high). The commercial draggers and long liners have tried to fish the reef in past years but gave it up because of damage and loss of their fishing gear. Not many people fish the reef because of the difficulties involved. However the Winchester Bay charters occasionally will fish the reef on calm days. Also when we have caught the two red rock fish allowed, we only fish with lead head jigs for lings. Rock fish will not strike jigs. This works well and we don't bring rock fish to the boat to die!

I know the law enforcement agency objects to giving such waivers, however, we cannot travel 60 miles by road to catch a ling cod in Newport or Coos Bay. I bought a new \$60,000 fishing boat this last spring. Had I been aware of the forthcoming restrictions on bottom fishing I would not have purchased a new boat just to go salmon fishing next year.

My fellow retired fishermen and I would very much appreciate your consideration of our one small request. We love to eat ling cod for dinner occasionally.

Sincerely,


Kent F. Duke
Retired Fire Chief
87827 Sandrift Street
Florence, OR 97439
(541) 997-6315

cc: Don Bodenmiller, Oregon Fish & Wildlife Marine Program
Janice Green, Northwest Fishing Coalition
Neal Conen, Director Fish & Wildlife, Salem

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October 28, 2003

Mr. Kent Duke
87827 Sandrift Street
Florence, OR 97439

Dear Mr. Duke:

Thank you for your letter regarding recreational fishing regulations for groundfish in Oregon for 2004. The Pacific Fishery Management Council (Council) considered a range of management options in June and recommended a preferred option at the September 8-12, 2003 meeting in Seattle. These meetings were noticed to the public in advance, as is our normal practice, and the coastal states held preparatory meetings on this topic as well. The Council is not scheduled to address 2004 groundfish regulations again in 2003. Please consult the Council's website, sign up for our newsletter, or call the Council office regarding ongoing or future marine fishery management actions. Although groundfish regulations for 2004 are not on the upcoming November Council meeting agenda, your letter will be included in the briefing materials for Council members under general public comment.

As you mentioned in your letter, the Council's recommended management measures for 2004 include a recreational groundfish fishery closure in Oregon for areas deeper than 40 fathoms from June through September. This closure is recommended as one means of minimizing impacts to canary rockfish and yelloweye rockfish, two species that have been declared overfished. The Council is mandated under the Magnuson-Stevens Fishery Conservation and Management Act to rebuild these stocks. The Council received public comments similar to yours from recreational fisherman in your area at its September meeting. The Council understands the hardships placed on fishing communities as commercial and recreational fisheries are constrained to meet stock rebuilding mandates.

However, there are two possible avenues available for consideration of your suggested regulatory changes. First, groundfish fishery regulations are recommended by the Council to the National Marine Fisheries Service (NMFS) for final implementation. The federal regulatory process includes publication of a proposed rule for public comment before final implementation. You can provide written comments to NMFS on the proposed rule for 2004 groundfish regulations. The proposed rule is scheduled to be published by NMFS and posted on their website in mid-December, 2003 (www.nwr.noaa.gov/1sustfish/groundfish/gfregs.htm).

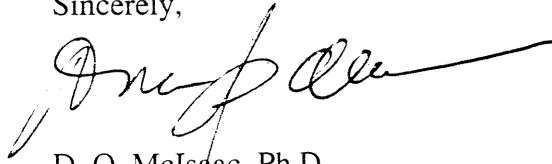
The second alternative would be to request Council consideration, in person or in writing, under an inseason regulatory adjustment agenda item during one of next spring's Council meetings. The next

Mr. Kent Duke
October 28, 2003
Page 2

possible consideration would be at the March 7-12, 2004 Council meeting where inseason adjustments to the 2004 regulations may be considered. However, the Council has not yet approved an agenda for March and typically does not address inseason regulatory adjustments before its April meeting. The Council will meet April 5 - 9, 2004 in Sacramento, California.

Thank you for your interest in West Coast groundfish management. Should you have any questions, please don't hesitate to contact me or Mr. Mike Burner of my staff at the Council office.

Sincerely,



D. O. McIsaac, Ph.D.
Executive Director

MDB:kla

c: Mr. Don Bodenmiller, Oregon Department of Fish and Wildlife
Mr. Neal Coenen, Oregon Department of Fish and Wildlife
Ms. Janice Green, Recreational Fishing Alliance
Mr. Bill Robinson, NMFS Northwest Region
Ms. Yvonne de Reynier, NMFS Northwest Region
Council Staff