

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON MID-WATER RECREATIONAL FISHING REGULATIONS

During early discussions and deliberations of authorizing a mid-water recreational fishery, the California Department of Fish and Wildlife (CDFW) was initially supportive of moving forward with further exploration of this fishery concept for California waters. At the time, fewer opportunities were available in the recreational fishery given the current status and allowable harvest levels of overfished groundfish stocks. Since then, a number of new stock assessments have been approved for use in management, allowing for measured improvements in seasons, depth constraints and bag limits off California. The concerns which prompted CDFW to initially support exploring a mid-water recreational fishery in California are lessened today.

CDFW believes that options exist using current fishery management tools and strategies to allow for additional opportunities in California without authorizing a new mid-water fishery, which would result in establishing a new fishery sector for activity using mid-water gear in RCAs. In addition, CDFW identified a number of management and enforcement concerns associated with a prospective mid-water recreational fishery in California which may not outweigh any potential benefits. These concerns are summarized in Appendix A.

CDFW staff will be exploring a variety of options to provide increased recreational opportunities during development of the 2017-2018 biennial specifications and management measures, such as allowing canary rockfish retention or extending season lengths and/or depths, or possibly even eliminating the RCAs in some areas and times (i.e., provide for an all-depth fishery). CDFW believes that exploring new opportunities through the specifications process using the established Council approaches to scoping and evaluation will provide for a comprehensive review and analysis of groundfish alternatives that will best meet the state's needs.

At this time, CDFW supports continued development of a range of alternatives which includes considering a future mid-water fishery for Oregon only. CDFW recognizes that the Oregon Department of Fish and Wildlife faces different needs and challenges, and that a midwater fishery may be a viable alternative to provide additional opportunities for their constituents.

APPENDIX A: CDFW Concerns Pertaining to Authorization of a Mid-Water Sport Fishery in California.

1. **Seasonality of Fishery** – The California recreational fishery has seasonal closures whereas Oregon maintains a year round fishery with depth restrictions only in the summer. If the analysis of a midwater fishery were to go forward for California, it would need to address whether the fishery would be authorized only during the open groundfish season, only during closed season, or year round. This would add complexity to the analysis and decision making.
2. **Species Retention** – It is not clear what rockfish species could be retained if this fishery were authorized (i.e., all nearshore, shelf, and slope rockfish, a sub-set of rockfish, only specifically-defined midwater rockfish, or only yellowtail rockfish), or whether other non-midwater species such as lingcod would be allowed in this fishery. Further discussion on species retention would be needed adding complexity to the analysis and decision making.
3. **Increased Regulatory Complexity** – A precise definition and description of the new gear needs to be developed with sufficient clarity to allow for easy compliance, prevent unintentional bycatch, and minimize likelihood of unintentional violations. This will require adequate description of the distance between weights, hooks, and the float, with diagrams to help anglers comply with regulations. Adding this additional definition of legal recreational gear will increase regulatory complexity for all recreational anglers, as the current allowable gear for groundfish is defined simply as “not more than two hooks and one line”.
4. **Economics/Value** –It is not clear whether there would be any realized economic or social benefits at this time from authorizing this fishery (i.e. increased revenue into local ports or increased number of private or CPFV trips solely as a result of this new fishery). While the species that would be the target of a mid-water fishery do appear in California’s historical recreational catch records, catches were generally infrequent, at low levels, and mixed with other common rockfish target species. Additionally, CDFW has received few public comments indicating interest in pursuing new mid-water opportunities in the future, while there has been ongoing and continuous stakeholder interest in seeing increased opportunities for bottom fishing by allowing for deeper depths, longer seasons, and allowable retention of canary and other overfished rockfish species that are currently prohibited.
5. **Fishery Monitoring and Biological Sampling** – CDFW does not have resources to monitor and sample this new fishery. Without re-designing CDFW’s recreational sampling program to collect additional information, it may be challenging to tease out catch and effort data from mid-water fishery activities versus the traditional recreational fishery, leading to difficulties and uncertainty when it comes to generating catch estimates for two different recreational groundfish fisheries open at one time. Alternatively, if a midwater fishery occurred during a closed season, significant additional resources would be needed statewide to monitor this new fishery at expected 20 percent coverage levels.

6. Modeling Catch Projections and Application to Management – It is not clear to CDFW staff whether projected impacts from this fishery or projected angler trips could be modeled to inform necessary biennial or inseason decision making.
7. Salmon Interactions and Management – Because the proposed midwater fishing activity would be conducted in the water column and in depths where contact with salmon might be expected, analysis of the proposed new midwater fishery would need to include examination of possible impacts to the salmon resource and fishery, such as catch/bycatch, changes in effort, retention requirements, and consistency with existing consultation standards.
8. Take and Possession of Salmon - State regulations currently state that no rockfish may be in possession when taking salmon inside an RCA and barbless hooks must be used when taking and salmon. Further discussions would be needed to flesh out issues related to allowing salmon and rockfish retention if this fishery were authorized, which would further complicate the analysis and decision making.
9. Outreach and Education –CDFW does not have resources to conduct proper outreach, education or enforcement for this new fishery. Given complexities associated with gear regulations and design, open/closed areas, retention requirements for non-target species such as salmon and lingcod, transit requirements, and other new provisions would require significant outreach needs that CDFW cannot accommodate.
10. Allocation Issues – EFP data collected in Oregon suggest that widow rockfish are caught in this fishery. At this time it is unclear whether the current recreational widow allocation is sufficient to accommodate this new fishery. It is also unclear whether allocations for canary rockfish would need to be revisited to accommodate this new fishery. Would a canary allocation to this new fishery need to come out of a state’s current recreational allocation or would a new midwater allocation (and new line in the scorecard) be needed? Formally reallocating widow rockfish or canary rockfish, if needed, would add significant complexity to the analysis and decision making.
11. Modification to Bag Limits - Currently the 10 fish Rockfish, Cabezon, Greenling (RCG) bag limit off California applies to all rockfish and does not differentiate between nearshore or shelf rockfish. At this time, even without midwater fishery considerations, it is not clear whether a reduction to the current 10-fish RCG bag limit will be needed to keep catches within allowable limits for the upcoming 2017-2018 season if the current open seasons are maintained. Further discussions would be necessary to implement a differential bag limit for this new fishery which would further complicate analysis and decision making
12. Possession of Rockfish in Closed Areas – California regulations state that in a closed area, rockfish cannot be possessed unless in transit and no fishing gear is deployed in the water. If this midwater fishery were authorized, a new open area would be created allowing rockfish to be possessed, regardless of where the rockfish were taken. Modifications to state regulations would be necessary.

13. On-the-Water Enforcement Will be the Only Effective Enforcement Tool – Currently rockfish can only be taken in waters shallower than the recreational RCA. If this fishery was authorized in the RCA using a specified gear, there is an increased likelihood that individuals will take and possess rockfish in the RCA both with and without the specified gear. In addition, given that an individual can reel up or cut lines when they see an enforcement officer, it will be difficult to prove whether any rockfish found in possession were taken using the authorized gear or on the bottom, unless fishing activities are witnessed firsthand by officers.

14. At Sea Inspections - Sea conditions can make close and personal contact with a fishing vessel difficult, and conditions don't always allow for at-sea boardings. An up-close contact will be needed to inspect this type of gear. It is not as simple as observing the type of hook that is being used from a distance, because measuring the length of the leader and examining weight/hook arrangements will be necessary to determine if there is a violation. The need for such detailed inspections will increase enforcement time and costs above those for the existing recreational groundfish fishery.