

## OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON THE MIDWATER RECREATIONAL FISHERY REGULATIONS

After reviewing the National Marine Fisheries Service (NMFS) report ([Agenda Item H.1.a. NMFS Report](#)), the Oregon Department of Fish and Wildlife (ODFW) would like to address some of the issues, and offer clarification on how we see the midwater recreational fishery operating off of Oregon.

### **Purpose and Need**

As we stated in the [Agenda Item H.1.a., ODFW report](#) in the advanced briefing book materials, this longleader fishery is designed to allow anglers the opportunity to fish for underutilized midwater rockfish stocks (i.e., widow and yellowtail rockfish) that primarily occur in the deeper areas currently closed to recreational fishing seasonally off of Oregon due to yelloweye rockfish bycatch concerns. Since yelloweye rockfish live on the bottom, whereas yellowtail and widow rockfish tend to live higher up in the water column, a gear configuration was developed that keeps hooks at least 30 feet above the bottom. It was hypothesized that this configuration, aptly named “longleader” gear due the unusual length of line between hooks and sinker, could be an effective method to selectively fish for midwater species in deep water, while still avoiding the more benthic yelloweye rockfish.

This longleader fishery could also help reduce fishing pressure on the nearshore reefs, and associated species (i.e. China, copper, quillback rockfish), by providing offshore opportunities on currently underutilized species.

Additionally, the longleader fishery could be valuable in the event of a significant decline in opportunity in any of the other recreational fisheries. Since these other fisheries (e.g., salmon, Pacific halibut, and the traditional groundfish fishery) are already at full capacity, there is no room to absorb lost effort due to a reduction, or closure, in any one of them. This longleader fishery could potentially provide opportunity for a portion of the effort lost from other fisheries if reductions occurred, which would benefit coastal communities.

Further, the longleader fishery could provide immediate relief to ports in Oregon that only have reefs in the deep depths that are currently closed to fishing, during the seasonal depth restrictions (Florence and Winchester Bay). Currently, these ports are vulnerable since they are nearly entirely reliant on the salmon and tuna fisheries, which can vary considerably from year to year.

### **Allocation**

It is ODFW’s intent to have the longleader fishery off of Oregon operate within the existing Oregon recreational harvest guidelines (HGs) for overfished species, as well as non-overfished species that have a federal HG. The biennial harvest specifications and management measures process is the appropriate time/place to consider alterations to allocations between sectors, not this process. Yellowtail and widow rockfish do not currently have sector-specific allocations or HGs for the non-trawl sectors. There is one allocation for all of the non-trawl sectors. Table 1 shows that the 2015 annual catch limits (ACLs) for yellowtail and widow rockfish, respectively,

are 6,590 mt and 2,000 mt. The non-trawl allocations are 667 mt for yellowtail rockfish and 169 mt for widow rockfish. ODFW intends the longleader fishery to stay within the non-trawl allocations, without causing disruption to any of the other non-trawl sectors, possibly by implementing a state-specified cap through state processes.

**Table 1. Yellowtail and widow rockfish management thresholds and 2013 mortality for non-trawl sectors. Shaded cells are the sector specific mortalities that when added together result in the non-trawl mortality.**

	Yellowtail (mt)	Widow (mt)
2015 OY	7,218	4,137
2015 ABC	6,590	3,929
2015 ACL	6,590	2,000
Fishery HG	5,560	1,889
2015 Trawl Allocation	4,893	1,711
2015 Non-Trawl Allocation	667	169
2013 Non-Trawl Mortality <sup>a</sup>	37.87	18.82
<i>Nearshore FG</i>	<i>1.76</i>	<i>0.13</i>
<i>Non-Nearshore FG</i>	<i>0.33</i>	<i>0.78</i>
<i>WA Recreational</i>	<i>19.90</i>	<i>0.07</i>
<i>OR Recreational</i>	<i>15.24</i>	<i>--</i>
<i>CA Recreational</i>	<i>0.64</i>	<i>17.84</i>
Difference between 2015 non-trawl allocation and 2013 non-trawl mortality	629	150

<sup>a</sup> most recent annual mortality report available

ODFW will use state processes to determine the amounts of canary and yelloweye rockfish federal harvest guidelines and state harvest guideline of blue rockfish that will be allowed for this fishery. As with other measures mentioned, the intent is to allow for some opportunity in this new fishery with little impact to the traditional groundfish fishery. The longleader fishery will therefore be monitored inseason, and actions taken when any of those levels are approached.

If the longleader fishery is implemented in 2016, data from 2016 and at least the first half of 2017 would be available when the 2019-2020 biennial harvest specifications and management measures process begins. That would be the appropriate time to discuss and/or consider any changes to allocations between sectors, based on any new stock assessment information and the initial information from the longleader fishery. The first 2016 and 2017 information might also provide information for other areas that may wish to consider implementing a longleader fishery.

## Regulations

In the “Range of Alternatives” section, the NMFS report action item was to review and modify the potential range of alternatives for the recreational longleader fishery. Below is information on ODFW’s preferred alternative.

## Area: only Oregon, only California, or both

Based on [Agenda Item H.1.a., Supplemental CDFW Report](#), the California Department of Fish and Wildlife (CDFW) is not intending to pursue a longleader fishery off of California. ODFW and our constituents remain interested in pursuing this longleader fishery, therefore would like to see the process and analysis **continue for Oregon only**. Within Oregon waters (42° 00' N. lat. to 46° 18' N. lat.), to address enforcement concerns, the longleader fishery would be **restricted to seaward of the 40 fathom regulatory line**<sup>1</sup>. The regular recreational groundfish fishery is restricted to shoreward of the management line approximating the 30 fathoms curve<sup>2</sup> from April 1 through September 30. This 10 fathom buffer zone is intended to aid in on the water enforcement.

## Participants

The exempted fishing permit (EFP) that tested this gear type was restricted to only charter vessels. This was done to allow for an onboard observer, as well as enough anglers per trip to provide a large enough sample size to determine if this longleader gear worked as intended. However, the proposed longleader fishery would not be restricted to only charter vessels. It would be available to anglers fishing from **both charter and private vessels**. In Oregon, all recreational anglers purchase the same fishing license regardless if they are going to be fishing from a charter boat or private boat (or shore). Creating a new fishery that is open to only one type of angler or another is contrary to how ODFW manages all other fisheries within Oregon. It would create equity and allocation issues, as well as have the potential to pit different groups of anglers against each other.

## Monitoring

The new longleader fishery would be monitored via the same methods as the current recreational groundfish fishery. The Oregon Recreational Boater Survey<sup>3</sup> (ORBS) is the shoreside sampling program for all Oregon recreational ocean boat fisheries. ORBS samplers do not know the trip type (salmon, halibut, bottomfish, etc.) until they begin interviewing a vessel. Therefore, participants in the longleader fishery would be **subject to the same sampling by ORBS as anglers on any other recreational trip type**. The ORBS program, and associated data, would need to add something to identify these trips from the traditional groundfish trips, such as a new trip type. This will ensure that impacts associated with the longleader fishery are tracked as such.

ODFW also has an onboard observer program for charter vessels. Approximately 100 observer trips are taken annually, primarily to get biological information on discards at sea. Consideration could be given for transferring a portion of the observer coverage to longleader trips. However, this has not been discussed with that program in regards to their sampling needs as of yet.

## Gear

In Oregon, current regulations for groundfish state that no more than **one line with three hooks** attached may be used. The longleader fishery would follow that regulation as well. Additional gear requirements are: **a minimum of 30 feet between the sinker or weight and the lowest**

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<sup>1</sup> [http://www.dfw.state.or.us/MRP/regulations/sport\\_fishing/docs/40fmwaypts.pdf](http://www.dfw.state.or.us/MRP/regulations/sport_fishing/docs/40fmwaypts.pdf)

<sup>2</sup> [http://www.dfw.state.or.us/MRP/regulations/sport\\_fishing/docs/30fmwaypts.pdf](http://www.dfw.state.or.us/MRP/regulations/sport_fishing/docs/30fmwaypts.pdf)

<sup>3</sup> [http://www.dfw.state.or.us/MRP/salmon/docs/ORBS\\_Design.pdf](http://www.dfw.state.or.us/MRP/salmon/docs/ORBS_Design.pdf)

**hook; use of plastic worms and shrimp flies would be allowed; weighted hooks and bait would be prohibited; and a non-compressible float may be required,** as was used in the EFP.

### Open Time Periods

It is ODFW's understanding that the Groundfish Advisory Panel will be proposing a range of alternatives in regards to time periods that the longleader fishery would be open. This range is from the status quo regulations to **being allowed for six months, April-September**. Options for alternatives within that range could look at being open for **a period of time less than six months**, which month(s) would be determined after consultation with ODFW's Sport Fish Advisory Committee and constituents. An additional alternative could be to **set up open and closed periods**, such as two weeks open followed by two weeks closed, to allow for development of catch estimations. ODFW believes that this range of alternatives should be included in the analysis.

### Other

When participating in the longleader fishery, anglers would be **prohibited from retaining lingcod, or all benthic species**. These benthic species, particularly lingcod, which if allowed, might tempt some angler to improperly fish the gear (i.e. get the hooks closer to the bottom) which could increase impacts to yelloweye rockfish. **Alternately**, the regulations could state specifically which species would be allowed, such as: **only yellowtail, widow, black, blue, and canary (current sub-bag limit) are allowed to be retained**. ODFW could work with constituents and enforcement to determine which method would be the easiest to follow and enforce. Both accomplish the same goal of allowing fishing for and retention of semi-pelagic rockfish species while limiting impacts to the more benthic yelloweye rockfish.

**All other existing state and federal groundfish regulations, such as bag limits, rockfish conservation areas, etc would remain in effect.**

### Inseason Monitoring and Management

The longleader fishery would be monitored inseason in the same manner as the traditional groundfish fishery. Estimates are made monthly on an approximately month lag. As an example June data is usually available the first week in August. Preliminary data may be available during the first week after a month has concluded, however that data has not been thoroughly error checked. The preliminary estimates are normally not too different from the final estimates, and are appropriate to determine catch trends, as well as rough estimates of impacts. In some instances, ORBS interview data can be examined on a weekly basis. This data cannot be used to develop estimates of impacts, but can provide some information on trends in effort and encounters.

The Oregon Fish and Wildlife Commission (OFWC) has delegated authority to ODFW to take emergency actions, via temporary or emergency rules, to make changes to fisheries inseason. Inseason actions can be taken quickly, usually within two days. ODFW has a variety of protocols in place to notify anglers of inseason changes to regulations: news release, e-mail list (currently has approximately 8,000 contacts), a Sport Advisory Committee, weekly recreational

fishing reports, the ODFW sport groundfish website<sup>4</sup>, as well as posting yellow fisheries notice signs in strategic locations throughout Oregon ports.

### **Enforcement**

ODFW will continue to work with the Oregon State Police and the Council's Enforcement Consultants (EC) to address their concerns, as well as to define the gear configuration within state regulations. ODFW believes that this longleader fishery is unlikely to generate substantial new recreational fishing effort, but rather is more likely to result in replacement of effort that would otherwise be lost in the event of declines in Oregon's salmon or groundfish fisheries. Therefore, we are hopeful that the new longleader fishery will not require a significant net increase in enforcement effort.

### **Moving Forward**

ODFW is committed to assisting NMFS in completing a thorough EA for council consideration in a timely manner.

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<sup>4</sup> [http://www.dfw.state.or.us/MRP/finfish/groundfish\\_sport/index.asp](http://www.dfw.state.or.us/MRP/finfish/groundfish_sport/index.asp)