



# Oregon

Kate Brown, Governor

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Bruce Polley, Chair  
Government Relations Committee  
Coastal Conservation Association of Oregon  
1006 West 11<sup>th</sup> Street  
Vancouver, WA 98660

Dear Mr. Polley:

Thank you for contacting us regarding trawling near shore in the Cape Kiwanda/Pacific City area. We share your view that it is critical that Oregon's resources (including both species and habitats) are managed sustainably, for all current and future generations. Your letter raises questions about the management of the trawl fishery and impacts on nearshore species and habitats, and emphasizes a willingness to engage with us on these issues and to seek constructive solutions to a continued coexistence of gear and vessel types off our coast.

As you know, fishery management in Oregon (and along the West Coast) is complex on many levels, including state fisheries, federal fisheries, ESA species (fish, mammals, birds), overfished species, and many fishery sectors working under distinct management regimes. The complexity can obscure the fact that all fishery sectors and managers share a simple overarching goal of achieving long-term sustainability of both the resource and of harvest. While the goal is the same, the tools to achieve the goal are not, and it is this paradox which results in regulatory and management complexity. To illustrate this situation more explicitly, I offer some explanation of how the trawl industry is currently regulated.

The west coast groundfish trawl fishery is one of the most closely managed fisheries in the world. Comprehensive federal regulations for the groundfish trawl fishery specify individual quotas (IFQ, or "trawl catch shares"), 100% on-board observer coverage (or electronic substitute), 100% shoreside observer coverage of landings, vessel monitoring system (VMS) requirements, limitations on gear types, closure areas and seasonal specifications. Collectively, these measures control and oversee every aspect of the trawl fishery, keeping harvest at sustainable levels and minimizing bycatch and habitat impacts.

The defining feature of the trawl fishery is the individual fishing quota (IFQ) program, which has been in place since 2011. Each IFQ trawl permit (147 active in 2016) receives a share of the overall sector quota for every species managed under the program (overall sector quota adjusting to periodic rigorous stock assessments conducted to estimate harvestable stock); each permit

owner is individually responsible for limiting target catch and bycatch (both landings and estimated mortality) to the amount of quota they own. If the vessel operation exceeds that amount, the vessel may not fish in the fishery until it acquires enough quota to clear that quota debt. This is a significant incentive for each permit owner and vessel to be extremely strategic about both catch and bycatch.

An additional defining feature of the trawl fishery management toolbox is gear restrictions and related reduction of impacts on habitat and bycatch. Since 2000, trawlers have been required to use nets with a footrope diameter no greater than eight inches when fishing shoreward of 100 fathoms; this regulation was put into place specifically to address concerns about gear impacts on rocky reef habitat and species. Operationally, small-footrope nets cannot hop over reef or rocky outcroppings without the net getting snagged, damaged, or lost. This gear requirement, coupled with the economic risk of gear loss (trawl nets are currently priced in the many 10's of thousands of dollars each) has effectively moved all nearshore trawling to areas with a flat unconsolidated substrate (mud, sand, etc.).

As you are familiar, there are spatial regulatory constraints on fishing as well, in the form of area closures - Oregon's Marine Reserve system provides the primary example within our state waters. The trawl industry must comply with these as well as additional closed areas off our coast. Through the Pacific Fishery Management Council process, Essential Fish Habitat (EFH) Conservation Areas and Rockfish Conservation Areas (RCA) are established and maintained specifically to restrict trawl access to large areas offshore. Of note, the Council is currently considering adjustments to the boundaries and restrictions of both EFH and RCA closures across the West Coast. This item will be on the Council agenda during the November meeting.

I offer the above description of the regulatory and operational limitations on the trawl fleet as context for the observations recently made of the F/V Calamari fishing activity off Cape Kiwanda. As you have pointed out in your letter, nearshore rocky reefs and kelp beds are important habitats for fish and invertebrates (described in some detail in our Oregon Nearshore Strategy <http://oregonconservationstrategy.org/oregon-nearshore-strategy/habitats/rocky-subtidal/>). Although vulnerable to damage from trawl nets, rock reefs and species are protected by the small footrope restriction described above, which provides a significant disincentive to trawling over such habitats. Your letter described bull kelp on the surface of the water for days after the F/V Calamari's nearshore fishing trips, yet the geo-location of the images provided was offset from the rock reef offshore of Cape Kiwanda. Logbook and observer records show that the F/V Calamari did not catch and retain or discard any black or blue rockfish, or other nearshore species associated with kelp that would indicate they had been operating over rock reef.

Potential alternative causes of damage to the kelp include, as you know, natural sources of storms and wave disturbance, especially as the growing season comes to an end and the kelp starts to senesce. Several spikes in wave height recorded by the NOAA meteorological buoys off Tillamook and at Stonewall Bank in the week before and between the F/V Calamari trips brought the largest swell since mid-May to the area. Rafting of detached kelp into the area could also occur, occluding the cause of observed floating kelp. We do know that we are observing early onset of many seasonal patterns both in the water and off the water this year due to El Niño conditions, which may also help explain the kelp detachment in August. Regardless of the cause of the kelp debris, we value kelp and rock reef habitat and have taken these recent observations very seriously.

As the resource managers, we prioritize the sustainability of the resource first, then defer to fishery sectors to define their values and desired fishing strategies as long as those choices are neutral relative to resource impacts. Recreational and commercial fisheries are both managed to keep total impacts under quotas, however, recreational and commercial fishermen value different outcomes for their fisheries. As I mentioned above, the primary tool used for the trawl sector is the trawl individual quotas. For the sport fishery, we set an overall quota for sport harvest through the Council and Oregon Fish and Wildlife Commission processes, then manage to the sport fleet values and goals to make sure we stay within the quota overall. Over the last decade or more, the sport fleet consistently has valued “opportunity”, defined as the number of days each year that harvest is allowed. We use a combination of bag limits, seasonal limits, depth closures (e.g. 20-fathom line) and species discards to achieve the greatest opportunity, yet stay within the overall quota.

However, each year brings its own unique challenges. You noted this year’s 20-fathom restriction to reduce yelloweye rockfish mortality in Oregon’s sport fisheries. Looking back a year to 2015, there were 126,104 groundfish and halibut angler-trips in Oregon, an increase of more than 30% from 2014. Sport effort levels are high again in 2016. We are adjusting our management tools as we can, to accommodate this increasing participation – and yelloweye rockfish impacts – in the sport fishery.

While overfishing of some species may be attributed to the trawl fleet (e.g. canary rockfish, which school over trawlable soft-bottom habitats), hook and line fisheries have been responsible for the majority of historical yelloweye catch. In 2015, sport fisheries in Oregon alone were responsible for over 100 times more yelloweye rockfish mortality (3.25 metric tons) than trawlers in Oregon, Washington, and California combined (0.03 metric tons). Even with increasing voluntary use of descending devices by sport fishermen, the discard mortality of yelloweye rockfish by Oregon’s recreational fisheries can easily exceed the quota due to the large number of people fishing. When increased effort or other factors lead to higher yelloweye rockfish impacts, the only tool available to slow the rate of yelloweye mortality without closing the sport fishery is to move anglers into shallow water where yelloweye are less abundant and where they better survive catch and release.

Lastly, you have raised the issue of social conflict over fisheries management strategies. One of our greatest on-going struggles as resource managers is to find balance (both real and perceived) in achieving harvest opportunity for both sport and commercial fisheries. Each is vital to our coastal communities and economies. For groundfish management, intense scrutiny and deliberations occur over finding this balance both on the Council floor and, perhaps more relevant, in the Council’s Groundfish Advisory Subpanel (GAP) chamber. The GAP has seats representing recreational, commercial, and tribal fisheries and conservation interests, and meets during all PFMC meetings at which groundfish topics are on the agenda. The current GAP chair is Mr. John Holloway of Oregon, representing recreational fisheries. I encourage you to attend a PFMC meeting, including a GAP meeting (all are open to the public), to observe the process and the degree to which sport and commercial representatives work together to develop recommendations for trawl and other fishery regulations. The next meeting of the PFMC is September 15<sup>th</sup> – 20<sup>th</sup> in Boise, Idaho.

The west coast groundfish trawl fishery has demonstrated a proactive and innovative approach to fishing cleanly, earning international recognition including Marine Stewardship Council certification as sustainable. This fishery plays an important role in Oregon and in sustainable, local seafood production. Current trawling practices are achieving significant reductions in bycatch and habitat impacts and meeting conservation and management goals. We support the

PFMC's management of the trawl fishery and the industry's approach to continual improvement and collaboration. And, we are always seeking to improve our approach.

Understanding and managing nearshore resources for conservation and sustainable use is a priority for ODFW, and so I very much value your willingness to share your views and be involved in fishery management in Oregon. Thank you also for your willingness to work to maintain the peaceful coexistence of commercial and sport harvest, both of which are critical to Oregon's economic and cultural fabric.

I welcome any questions or further discussion.

Sincerely,

A handwritten signature in cursive script, appearing to read 'C Braby', written in black ink.

Caren Braby, Manager

CC: Curt Melcher, Director ODFW  
Maggie Sommer, Manager Marine Fisheries ODFW  
Chuck Tracy, Executive Director PFMC  
John Holloway, Chair Groundfish Advisory Subpanel (GAP), PFMC  
Brad Pettinger, Director Oregon Trawl Commission