

## GROUND FISH MANAGEMENT TEAM REPORT ON THE OREGON MID-WATER SPORT FISHERY REGULATIONS

The Groundfish Management Team (GMT) reviewed the draft environmental assessment (EA) on the Oregon midwater sport fishery regulations, received an overview from Mr. Patrick Mirick of the Oregon Department of Fish and Wildlife (ODFW) on behalf of the National Marine Fisheries Service (NMFS), and offers the following thoughts.

### **Purpose and Need**

The purpose of the Oregon midwater sport fishery is to provide opportunities to access underutilized species, while avoiding overfished species, which fits within the overall goals and objectives of the groundfish fishery management plan. The ability to diversify opportunities will also help mitigate against reduced opportunities in other fisheries (i.e., salmon), as well as potentially take some pressure off of more nearshore stocks. Therefore, **the GMT recommends adopting the draft purpose and need statement as specified in the draft EA.**

### **Open Season Alternatives**

The three alternative open periods proposed in the EA offer a range of months open seaward of a line approximating the 40 fathom line. Within each of these alternatives, the potential risk to overfished species will vary. However, the EA does not estimate projected impacts to overfished and non-overfished species under the three alternatives, in part due to the uncertainty about potential effort.

Alternative 1 allows for the most number of open months and most flexibility for ODFW to make adjustments inseason (April through September). However, having more months open also has the potential for greater overfished species impacts than shorter seasons, due to the potential increase in angler effort. Alternative 2 would allow the use of long-leader gear from July through September and may provide some reduced risk to overfished species compared to Alternative 1. Alternative 3, which would allow this gear to be used only during the month of August, is the most restrictive and allows the least flexibility. Alternative 3 also limits long-leader gear during the months with potential greatest need for this fishery, as attainments of quota in other fisheries are more likely to occur later in the year, such as August and September. However, Alternative 3 potentially has the lowest risk to overfished species, due to the lowest potential amount of angler trips. Allowing this fishery in the earlier months would provide additional fishing opportunity (especially for ports without shallow reefs), while keeping the midwater fishery open later in the year may provide an inseason tool if the Oregon recreational fishery yelloweye rockfish harvest guideline (HG) is at risk of being exceeded (explained in greater detail below). **The GMT recommends the Council consider the trade-offs between allowing opportunity and flexibility versus risk to overfished species when choosing a final preferred alternative.**

### **Overall Risk to the Yelloweye Rockfish ACL**

One concern the GMT discussed is that although bycatch rates of yelloweye rockfish were minor in the long-leader exempted fishing permit fishery (EFP; and a fraction of traditional groundfish fishery), the current Oregon sport fisheries (e.g., traditional groundfish gear, Pacific halibut) have little allocation to spare (Table 1; and 0.1 mt of yelloweye rockfish based on the scorecard

in the draft 2017-2018 analytical document). As such, how can one potentially allow for increased effort, even if bycatch is low, if there is none to spare?

**Table 1. Oregon recreational fishery yelloweye rockfish annual harvest guideline, total impacts, and difference between harvest guideline and impacts, 2004-2015.**

<b>Year</b>	<b>HG (mt)</b>	<b>Impacts (mt)</b>	<b>Difference (mt)</b>	<b>Difference (%)</b>
2004	3.2	2.7	-0.5	-15.6%
2005	4	4.1	0.1	2.5%
2006	3.2	2.5	-0.7	-21.9%
2004	3.3	2.8	-0.5	-15.2%
2008	3.3	3.2	-0.1	-3.0%
2009	2.5	2	-0.5	-20.0%
2010	2.9	2.8	-0.1	-3.4%
2011	2.4	2.1	-0.3	-12.5%
2012	2.9	3.08	0.18	6.2%
2013	2.6	2.7	0.1	3.8%
2014	2.6	2.1	-0.5	-19.2%
2015	2.6	3.4	0.8	30.8%
10-year avg.	2.83	2.7	-0.2	-5.7%
5-year avg.	2.62	2.7	0.1	2.1%

**Table 2. Yelloweye rockfish annual catch limit, total mortality and difference between catch limits and mortality, 2007-2015.**

<b>Year</b>	<b>ACL/OY (mt)</b>	<b>Total Mort (mt)</b>	<b>Difference (mt)</b>	<b>Difference (%)</b>
2007	23	19.0	-4.0	-17.4%
2008	20	12.0	-8.0	-40.0%
2009	17	10.7	-6.3	-37.1%
2010	14	7.6	-6.4	-45.7%
2011	17	8.9	-8.2	-47.9%
2012	17	11.6	-5.4	-32.0%
2013	18	10.7	-7.3	-40.6%
2014	18	16.8	-1.2	-6.7%
2015	18			

Oregon representatives on the GMT acknowledged this issue, and suggested that a benefit of the long-leader gear would be to help when impacts to yelloweye rockfish in the traditional Oregon recreational groundfish fishery are higher than anticipated. As described in the Purpose and Need in the draft EA, the long-leader fishery would provide additional fishing opportunities in mid-water areas that had previously been closed due to encounters with overfished species. In addition, fishing in deeper areas with long-leader gear could potentially act as a relief if impacts to nearshore or overfished species are being approached. Inseason tracking and timely estimates

are reported by all three states for the recreational groundfish fisheries on a monthly basis, with a month time-lag. ODFW staff explained that some preliminary information may be available from the sampling program on a weekly basis, which might provide early information on any trends that would indicate if inseason action might be needed to stay within HGs. This might be especially critical during high angler effort time periods. For example, yelloweye rockfish impacts may be reduced by shifting the seasonal depth restriction for the traditional groundfish fishery from 30 fathoms to 20 fathoms will maintain fishing opportunity in the longleader fishery (i.e., shifts effort to depths with lesser bycatch rates and discard mortality rates). The GMT has been informed that Oregon can institute the change to seasonal depth closures with as little as 48 hours notice. This potential reduction, identified as “effective quota” in the EA, could therefore be accomplished quickly if needed to provide the yelloweye rockfish for long-leader opportunity.

Since the long-leader fishery has lower bycatch rates of yelloweye rockfish than the traditional groundfish fishery, Oregon could potentially continue to provide fishing opportunities during years with high yelloweye rockfish bycatch by using regulations to shift effort to the long-leader gear, and away from the traditional groundfish fishery (to increase effective quota). For example, had the long-leader gear opportunity been available for Oregon last year, utilizing the above strategy of shifting focus from the traditional fishery to the long-leader gear with lower bycatch rates may have better allowed the Oregon recreational fishery to stay within its HG, without sacrificing angler trips. Decisions relative to shifting the focus of effective quota from the traditional fishery to the long-leader gear would be expected to be determined by Oregon through state processes, depending on need, to better stay within HGs and provide the most opportunity.

Total yelloweye rockfish impacts associated with the long-leader gear are difficult to project because it will depend on the degree of interaction with the traditional groundfish fishery. If anglers substitute traditional trips voluntarily to the long-leader trips, then yelloweye rockfish impacts could decrease due to lower bycatch rates. But if the number of traditional trips stays the same and new long-leader trips occur, then total yelloweye rockfish impacts could increase (although by relatively minor amounts as discussed in the EA). It is therefore difficult to project what total impacts for yelloweye rockfish could be. Oregon, via state process, would be relied upon to ensure that the cumulative effects of yelloweye rockfish for both the long-leader gear and the traditional fishery would be within Oregon recreational fishery Federal harvest guidelines.

Recreational managers in all three states share a common concern relative to fish identification for yelloweye and canary rockfish. These two species can be difficult to tell apart for less experienced anglers, and this difficulty has been a topic of discussion as the Council considers allowing canary rockfish retention after many years of this species being prohibited. Even if the midwater sport fishery is very successful in avoiding yelloweye rockfish, there is the potential for misidentification that may result in additional yelloweye rockfish impacts. There is not a clear explanation for how these additional impacts would be accommodated under restrictive HGs and small buffers for unanticipated issues.

The GMT supports the provision that prohibits retention of lingcod while fishing with long-leader gear seaward of 40 fathoms, which is designed to minimize fishing the gear incorrectly, and reduce potential impacts to yelloweye rockfish bycatch, as lingcod and yelloweye rockfish often live in similar habitats.

### **Stock assessment implications**

The GMT has some concerns regarding stock assessment implications. Relying on angler reported fishing depth introduces uncertainty in the ability to distinguish long-leader fishing from the traditional groundfish fishery. Although both fisheries use similar gear, it is not clear that these trips would have the same selectivity as the traditional fishery, since they occur in a different part of the water column. It is difficult to see how we would distinguish effort in mixed trips between the two areas and depths. In particular, species-composition based methods would be ineffective for assorting effort in these mixed trips. The impact on stock assessment is unclear at this time.

We recommend that data collection for this fishery ensure that the long-leader gear catch and effort data are recorded separately from the traditional fishery data. **This could be done by adding a question in the angler intercept survey asking if they participated in the long-leader fishery.** This flagging of long-leader trips would be useful for filtering datasets for assessment purposes, and also allows for the determination of total catch and effort for each of the fisheries (via post-stratification).

### **Summary**

In sum, the GMT appreciates the need for, and effort to maximize recreational fishing opportunity in a manner that minimizes impacts to overfished or constraining stocks. The GMT discussed at length that this new measure would be implemented without the benefit of additional yelloweye rockfish HG allocation, which is currently fully utilized under status quo management measures. Furthermore, it will be put into regulation without having been analyzed as part of a biennial harvest specifications and management measures process, given the timing of consideration. The GMT's primary concern is the potential for additional yelloweye rockfish impacts, whether due to increased fishing effort, species misidentification, or simply increased encounters with constraining stocks.

The GMT feels that inseason monitoring and management is a critical component to avoiding exceeding recreational HGs if usage of this gear outside of 40 fathoms is adopted into Federal regulation. Alternative 1 would allow ODFW more flexibility to adjust management measures inseason to respond to annual changes in stock abundance and fishing behavior. At the same time, the shorter seasons proposed under Alternatives 2 and 3 would likely come with less risk for increased impacts on overfished species and may provide a first step to implementing this gear outside 40 fathoms during currently restricted months.

### **GMT Recommendations**

- **The Council adopt the proposed Purpose and Need as presented in the draft EA.**
- **The Council consider the above issues when selecting their final preferred alternative.**

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