

----- Forwarded message -----

From: **Ryan King** <[ryanking.rwk@gmail.com](mailto:ryanking.rwk@gmail.com)>  
Date: Tue, Mar 22, 2016 at 9:39 AM  
Subject: Potential Devils Rock closure near Cape Mendocino  
To: "[pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)" <[pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)>

I would like to bring to the councils attention that the proposed closure for Devils Rock near Cape Mendocino will, in my opinion, not have any effect on the yelloweye rockfish catch limit.

I have been fishing that area by kayak for years and never once have I ever caught a yelloweye rockfish. Ive spoken with other locals that fish that area and they also know of no yelloweye rockfish being caught.

This area already receives little fishing pressure do to its remoteness. Very few power boats make the trip to this area. I fished there 4 times last year seeing only one power boat all year. I believe for these reasons the closure of Devils Rock is an ineffective way to reduce the yelloweye rockfish catch numbers.

I would rather leave the season length as is than have this area closed to make up for the change. This place is special and important to us. The majority of fisherman at Devils Rock are kayak fisherman, who in my opinion are honest responsible stewards of the land and water. Please do not take this area away from us.

Ryan King  
Eureka, CA

From: **Douglas Kaber** <[dkaber@kaberlaw.com](mailto:dkaber@kaberlaw.com)>  
Date: Tue, Mar 22, 2016 at 3:46 PM  
Subject: Public Comment for April 2016 PFMC Meetings  
To: [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)

Douglas D Kaber  
730 7th Street Suite E  
Eureka, CA 95501  
[707.441.1100](tel:707.441.1100); [dkaber@kaberlaw.com](mailto:dkaber@kaberlaw.com)

March 22, 2016

Pacific Fishery Management Council  
Groundfish Management Advisory Body  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

RE: Potential Yelloweye Rockfish Conservation Area Closure of Devil's Gate Rock, Humboldt County California

To Groundfish Management Advisory Body,

It has come to my attention that there are eight (8) areas proposed for Yelloweye Rockfish Conservation Area status in California for discussion at the upcoming April Pacific Fishery Management Council ("PFMC") meeting. I wish to specifically address the proposed closure of 2.5 km<sup>2</sup> around Devil's Gate Rock in Humboldt County, California.

Executive Summary:

- There is no evidence of yelloweye rockfish in the proposed Devil's Gate Rock Yelloweye Rockfish Conservation Area
- There is very light fishing pressure in the area, and almost all fishing effort there is done by kayak anglers
- Closure of the area would not accomplish the protection of many (if any) yelloweye rockfish given that those most familiar with the area have never seen one there.
- The stretch of coast is unique in its remoteness and its relative inaccessibility to all but experienced ocean kayak anglers. If it is closed it will take away an unique and irreplaceable outdoor experience with nothing to gain by the closure.

## DISCUSSION

Devil's Gate Rock is in a remote area of coastline referred to as "The Lost Coast", so named because there are no highways in the area and very few roads. For a stretch of approximately 80 miles, from Centerville Beach near Ferndale in Humboldt County to Westport in Mendocino County, there are only two places where there is a continuous stretch of road along the ocean. One is in the town of Shelter Cove. The other is just south of Cape Mendocino, and stretches for about 5 miles before turning inland to the town of Petrolia. It is a wild, beautiful stretch of ocean, home to a single ranch house and some ranging cattle. The northern extent of this road already is protected offshore by the State of California's system of Marine Protected Areas as the South Cape

Mendocino SMR and the Steamboat Rock special closure. The southern extent of the road has no protected areas offshore as of right now, and Devil's Gate Rock is located just offshore of this stretch of road.

Devil's Gate Rock experiences extremely light fishing pressure. It is quite rare for a power boat to fish nearby because the area is far from any port. The closest ports are Shelter Cove to the south and Eureka to the north, both about 25 miles away. There are productive and preferred fishing grounds closer to both ports, so there is little pressure from the recreational fishing fleets.

The vast majority of fishing pressure in the area comes from kayak anglers. Launching a kayak there isn't easy. It requires a surf launch through breaking waves while avoiding rocks. The launch is only achievable on relatively calm ocean days. Given the proximity of Cape Mendocino, which is famous for its rough seas and weather, calm days suitable for kayaking in the area are few and far between.

I am a member of a group of avid kayak anglers, and we are responsible for the vast majority of fishing pressure at Devil's Gate Rock. We are lawyers and doctors, nurses and students, biologists and fishing guides. We are conscientious of the resource. We utilize descenders and are good stewards of the sea. I can tell you, unequivocally, that none of us has ever caught a yelloweye rockfish at Devil's Gate Rock in the location of the proposed closure. We have caught yelloweye rockfish elsewhere including False Cape, Shelter Cove and Ocean Cove, but never in the proposed closure area. How it got listed as a hotspot for yelloweye rockfish is frankly beyond me.

It is my understanding that the proposal for creation of additional Yelloweye Rockfish Conservation Areas is to set aside yelloweye stocks in one area that would be impacted in other areas by extending the groundfish season and/or easing the fishing depth restrictions in the California Northern Groundfish Management Area. These are laudable goals and I generally support them, but it wouldn't be accomplished by creating a YRCA where the only people that fish there literally have never caught a yelloweye rockfish there. Furthermore, the closure would unduly place the burden on kayak anglers alone. It is the only accessible kayak launch location for 25 miles in either direction. The main launching point is directly east of Devil's Gate Rock, and the most popular fishing grounds are within the proposed closure area. The depth in that area is between 35-80 feet. Yelloweye are usually found deeper, hence the 20 fathom depth restriction that in fact protects far more yelloweye than a 2.5 km<sup>2</sup> YRCA in shallower water ever could.

In summation:

- There is no evidence of yelloweye rockfish in the proposed Devil's Gate Rock Yelloweye Rockfish Conservation Area
- There is very light fishing pressure, and almost all fishing effort there is done by kayak anglers
- Closure of the area would not accomplish the protection of many if any yelloweye rockfish given that those most familiar with the area have never seen one there.
- The stretch of coast is unique in its remoteness and its relative inaccessibility to all but experienced ocean kayak anglers. If it is closed it will take away an unique and irreplaceable outdoor experience with nothing to gain by the closure.

Sincerely, Douglas D. Kaber

Cc: California DFW representative Joanna Grebel

----- Forwarded message -----

From: <[barclayd@comcast.net](mailto:barclayd@comcast.net)>

Date: Sun, Mar 27, 2016 at 12:39 PM

Subject: resending public comments Regarding China and Deacon rockfish (with personal information)

To: [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)

Cc: [pirkfan@gmail.com](mailto:pirkfan@gmail.com)

My name is Derek Barclay. I reside at 1030 Alexander Ave, Corvallis, Oregon.

I am concerned that commercial harvest of China rockfish in Oregon's Fixed Gear Black and Blue rockfish with endorsement fishery is significantly overfishing this solitary, territorial, demersal species. Near shore summaries for this fishery show a continuous steep decline in catch.

	Year	China rockfish		Comb. lbs	Number of fish (based on 2.2 lbs/fish)
		Live	Fresh		
	2012	16,345	2,936	19281	8764
	2013	11,931	3,457	15388	6994
	2014	8,027	1,619	9646	4384
	2015			8506	All ports 3866*
Total					24,008

\*2015 numbers are from reporting of all ports, the summary for this fishery is not yet available for this year

I have heard arguments that effort declined as salmon fishing improved for those ports engaged in the live fish fishery. For purposes of demonstrating effort in this fishery, I am also including a chart of Black rockfish landings for the same time period, which demonstrate no statistically significant change.

Trips	Year	Black rockfish		Comb. lbs	# of fish (based on 2.4 lbs/fish)
		Live	Fresh		
2522	2012	142,500	71,784	214,284	89,285
2,703	2013	152,261	94,635	246,896	94,637
2,355	2014	162,669	108,788	271,457	113,107
	2015			268,672	All ports 111,046*
Total					408,075

\*2015 numbers are from reporting of all ports, the summary for this fishery is not yet available for this year

I have expressed my concerns to the ODF&W groundfish manager and biologists. I have also testified before the Oregon State Fish & Wildlife Commission regarding this fishery. While china rockfish as well as copper and quillback rockfish were removed from the Oregon sport fishery in 2015, the majority of sport ground fish fishery is nearer the centers of population on the central and northern coast, while the majority of commercial china rockfish landings are now and always have been concentrated on the far southern coast. At least for the central coast they are not a common fish, In High Definition video lander studies, in a total of 722 landings at 6 different rocky reef formations, only one china rockfish was reported. Commercial landings of China rockfish center on the southern Oregon ports with Bandon, Gold Beach, Brookings and Port Orford reporting the majority of the catch by a large margin. This may indicate preferential habitat for that species near those ports, if so, they are rapidly being fished down.

This is a highly targeted fish, and so Data Moderate population analysis, such as the current stock assessment. use somewhat circular reasoning. Landing data would intuitively indicate a much healthier population than may well exist. If similar assessment is used for deacon rockfish, the new species described in 2015, a similar concern might be formulated, that catch statistics show declines in “blue” rockfish from the commercial near shore fishery. Assuming that many of the reported “blue” rockfish are deacon rockfish:

	Year	Blue rockfish		Comb. lbs	# of fish (based on 1.6 lbs/fish)
		Live	Fresh		
	2012	466	13,235	13701	8563
	2013	596	9,984	10580	6613
	2014	468	7,215	7683	4802
	2015			2754*	
<b>Total</b>					19,978

\*2015 numbers are from reporting of all ports, the summary for this fishery is not yet available for this year

This seems to indicate a precipitous decline in “blue” (quite possibly primarily deacon rockfish since no effort was made in any of these years to differentiate them) landings. However the following snip from an individual trying to sell his Black and Blue Oregon permit on a fishing chat group probably indicates the actual condition which is active avoidance (and possibly high discard rate with concomitant mortality.)

03-25-2016, 04:24 PM #7

**riverratt33**  
Steelhead



Join Date: Sep 2012  
Location: Langlois Or  
Posts: 383

**Re: What is a Black & Blue Rockfish Permit ???**

Pirk fan thanks for the info, but I didn't start this thread to debate the impact of commercial fishing on nearshore rockfish. I prefer to leave that up to the biologist. If you have something to add pertaining to the original post please do. As far as the Blue rockfish none of the commercial nearshore fisherman I know target them. We see them as a nuisance fish, not much market value and they interfere with a productive work day. There are so many of them I find myself leaving otherwise productive areas due to the fact you can't get your jig to the bottom without hooking a Blue.



If things seem under your control, your not going Fast enough!!!

reply

I believe that all harvest of China, quillback and copper rockfish should be stopped north of 40 degrees 10 minutes North. The 2015 Status review for China rockfish looks a lot like you can prove anything with statistics. If this is a species subject to depensatory mortality, recognition of the error of using “best available science” in the formation of this status review using data moderate statistics could come too late to avoid a population collapse with dire consequences for all near shore ground fish fisheries.

On a separate topic, I request that PFMC perform a status review on the newly recognized Deacon rockfish, and I personally favor it’s inclusion in the shelf assemblage of rockfish, not the minor near shore rockfish complex. Fully 8% of fish identified in video lander recordings on Stonewall banks were “blue” (almost certainly deacon rockfish), in the company of yelloweye, canary, and widow rockfish. No black rockfish (the archtypical nearshore rockfish species) were seen in these videos.

Inclusion of this fish in the near shore rockfish complex increased pressure on the black rockfish fishery, since Oregon reduced the allowable catch to 3 blue/deacon rockfish to comply with the 26% reduction in harvest of the complex. This is a very common fish, capable of supporting any harvest level commensurate with the 7 fish per day limits. It is also subject to considerable “high grading” due to smaller size compared to the more commonly retained black rockfish. Inclusion of the fish in the shelf assemblage would allow it to be any part of the daily sport limit, as is true of yellowtail, vermillion and other “shelf” species (other than those protected such as yelloweye and canary), and removing some pressure from the black rockfish whose quota was exceeded in 2015.

----- Forwarded message -----

From: **Douglas Kaber** <[dkaber@kaberlaw.com](mailto:dkaber@kaberlaw.com)>

Date: Fri, Apr 1, 2016 at 2:21 PM

Subject: Public comment for groundfish management PFMC April 2016 meeting

To: [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov)

Cc: [joanna.grebel@wildlife.ca.gov](mailto:joanna.grebel@wildlife.ca.gov)

Pacific Fishery Management Council  
Groundfish Management Advisory Body  
7700 NE Ambassador Place, Suite 101  
Portland, Oregon 97220-1384

RE: Potential Yelloweye Rockfish Conservation Area Closure of Devil's Gate Rock, Humboldt County California

I am writing to urge you to drop the closure of Devil's Gate Rock in Humboldt County, California from your consideration at the April meetings. The area has very light fishing pressure, and to my knowledge no one has ever caught a yelloweye rockfish in that area. The vast majority of fishing pressure in the area is by kayak anglers. Designating Devil's Gate Rock as an Overfished Species Hotspot is unwarranted by the experience of those of us who fish there. I agree with the highlights pointed out by Douglas D Kaber in his letter to the PFMC dated March 22, 2016 and submitted for public comment. Namely,

- There is no evidence of yelloweye rockfish in the proposed Devil's Gate Rock Yelloweye Rockfish Conservation Area
- There is very light fishing pressure in the area, and almost all fishing effort there is done by kayak anglers
- Closure of the area would not accomplish the protection of many (if any) yelloweye rockfish given that those most familiar with the area have never seen one there.
- The stretch of coast is unique in its remoteness and its relative inaccessibility to all but experienced ocean kayak anglers. If it is closed it will take away an unique and irreplaceable outdoor experience with nothing to gain by the closure.

Thank you for your consideration and your attention to this very important matter.

Sincerely,

Douglas D. Kaber, 730 7th St, Ste. E, Eureka CA 95501 [\(707\)441-1100](tel:7074411100) [dkaber@kaberlaw.com](mailto:dkaber@kaberlaw.com)

Ryan King Eureka, CA

Robert Bray, Lost Coast Kayak Fishing Adventures, 7205 Nunes Ln, Eureka, CA 95503 [\(707\)616-1923](tel:7076161923) [robpbray@hotmail.com](mailto:robpbray@hotmail.com)

Dale Della Rosa,

Greg Mann, 3861 Spring Street, Eureka, CA 95503 [707-443-0500](tel:7074430500) [lightlover@gmail.com](mailto:lightlover@gmail.com)