

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON THE 2023-24 BIENNIAL MANAGEMENT MEASURES FOR THE OREGON RECREATIONAL FISHERY

As the Pacific Fishery Management Council (Council) develops federal groundfish management measures for 2023-2024, the Oregon Department of Fish and Wildlife (ODFW) provides this report to inform the Council on how federal and state management of our recreational fishery are coordinated. No changes to recent practice are anticipated: ODFW will continue working through the Council's biennial process to develop federal measures that provide an overarching framework of regulations that achieve conservation and opportunity objectives related to the Magnuson-Stevens Fishery Conservation and Management Act, and through a complementary annual process to consider adopting federal regulations into state rule, along with any additional rules necessary to achieve state-specific fishery goals and objectives.

State Goals and Objectives

Oregon manages its fisheries to achieve conservation, economic, and social goals and objectives similar to those in the [Pacific Coast Groundfish Fishery Management Plan](#). State management is guided by policies established by the Oregon Legislature and the Oregon Fish and Wildlife Commission (Commission), including the [Native Fish Conservation Policy](#), [Food Fish Management Policy](#), [Wildlife Policy](#), and [Climate and Ocean Change Policy](#); as well as public input. The goals of these policies are to prevent the serious depletion of native species, to maintain and restore fish stocks in order to provide substantial ecological, economic, and cultural benefits for present and future generations, and to provide equitable fishery opportunities. Public input on the recreational groundfish fishery has consistently identified year-round opportunity as a key objective, and ODFW develops annual and inseason measures to maximize that opportunity without exceeding federal or state harvest specifications.

Regulatory Authority

Federal jurisdiction extends from three miles to 200 nautical miles offshore, in the US Exclusive Economic Zone (EEZ). Oregon has authority within its territorial sea (from shore out to three nautical miles), and also exerts authority over anglers fishing up to 50 miles from shore by specifying in ODFW's annual [sportfishing regulations](#) that:

- 1) "The sport fishing regulations apply within the state's Fisheries Conservation Zone, which extends 50 miles from shore," and
- 2) "Persons coming ashore in Oregon with ocean caught fish or shellfish are subject to all Oregon sport fishing and licensing regulations."

Oregon's Fisheries Conservation Zone was enacted by the state legislature in the 1970s "for the maintenance, preservation and protection of all coastal species of fish and other marine fisheries resources between the mean high-water mark of the state and a straight-line extension of the lateral boundaries of the state drawn seaward to a distance of 50 statute miles."

Most Oregon recreational groundfish fishing occurs in nearshore waters, within the state's territorial sea. Even when anglers fish only in federal waters, they transit through state waters when returning and come ashore in Oregon ports and are therefore required to abide by state regulations.

State Management Process

Federal groundfish regulations are generally adopted into Oregon Administrative Rule (OAR) by the Oregon Fish and Wildlife Commission. The Commission usually adopts additional measures in OAR on an annual basis to achieve conservation and fishery objectives within Oregon. For example, the federal daily marine bag limit for Oregon is ten fish per angler; the state may (and has) set a general marine bag limit lower than that (5 fish), but does not intend to set a higher limit. The higher federal bag limit allows the state to fine-tune its bag limit structure, for example by offering a 10-fish bag for select midwater rockfish species in the recreational “longleader” fishery, while setting a lower general marine bag limit to avoid exceeding limits for black rockfish or other stocks. This allows ODFW to provide for as much harvest opportunity as possible while keeping total impacts within harvest specifications.

To support the Commission’s groundfish rulemaking in December of each year, staff solicit public input in the late summer and early fall, develop and analyze potential management measures, and provide the results and recommendations to the Commission. The public can also provide written or verbal testimony. Permanent rules remain in effect unless changed by subsequent action.

ODFW monitors the fishery inseason (see below) and can adjust OARs through a temporary rulemaking process, with adequate need and justification related to conservation and fishery objectives. Temporary rules can usually be implemented within a week or less.

ODFW Sampling and Data Availability for Inseason Management

Oregon’s inseason management relies on timely and accurate catch estimates. ODFW’s Ocean Recreational Boat Survey¹ (ORBS) observes effort, interviews anglers, and collects biological data. Preliminary monthly catch estimates are available approximately 10 days after the end of each month. In 2017, ODFW staff began examining sampling data and preliminary estimates for key species earlier and more often, following unexpectedly rapid catches in July and August of that year which resulted in approaching the Oregon black rockfish OFL and exceeding the Oregon cabezon OFL. This allows staff to more quickly identify a potential need for inseason adjustment, and improved ODFW’s ability to keep total mortality under the limits while maximizing opportunity. For example, in 2018 through 2020, weekly monitoring alerted staff to the need to prohibit retention of cabezon in the recreational fishery in mid-August, preventing another OFL or ACL overage. ODFW intends to continue this inseason monitoring and management approach in 2023-2024.

Management Tools

The types of measures available for annual or inseason use in Oregon state rules include bag limits and sub-bag limits (including non-retention), length limits, gear restrictions, and time and area closures (e.g., season, days per week, depth, and area closures). The choice of tool(s) depends on the need and the species involved.

Bag limit, season, depth, and area closures are the primary tools used in state rule to keep total impacts within the Oregon recreational sector-specific harvest targets. If catch rates indicate that a harvest target is likely to be reached prematurely, adjustments to the marine fish daily bag limit

¹ https://www.dfw.state.or.us/mrp/salmon/docs/ORBS_Design.pdf

(or sub-bag limits) may be made. Management lines at 40, 30, 25, or 20 fathoms can be used to implement depth-based closures. Days per week may be closed to reduce mortality without completely closing the season and could help lengthen the duration of a fishery approaching an HG.

For Oregon cabezon, which has no swim bladder and has very high survival after release (93%), a delayed season start, minimum length, and non-retention inseason (if needed) are used in state rule to limit total mortality.

Descending devices are required to be carried on any vessel participating in the recreational bottomfish or Pacific halibut fisheries off of Oregon and are required to be used when releasing any rockfish seaward of the 30-fathom regulatory line.

If a closure or significant depth restriction of the entire Oregon recreational groundfish fishery was necessary, for example due to early attainment of federal or state specifications for black rockfish, opportunities may remain open for the midwater rockfish species allowed with longleader (“Holloway gear”) gear, and/or for flatfish, as occurred in 2017.

Groundfish Seasons and Area Restrictions

Season Structure

Under the No Action Alternative for federal harvest specifications in 2023-2024, federal regulations for the Oregon recreational groundfish fishery would continue to allow fishing at all depths year-round and maintain the same bag limits as in 2021 and 2022 (Figure 1).

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bottomfish Season	Open all depths											
Marine Bag Limit ^{a/}	Ten (10)											
Lingcod Bag Limit	Three (3)											
Flatfish Bag Limit ^{b/}	Twenty-Five (25)											

a/ Marine bag limit includes all species other than lingcod, salmon, steelhead, Pacific halibut, flatfish, surfperch, sturgeon, striped bass, pelagic tuna and mackerel species, and bait fish such as herring, anchovy, sardine, and smelt; no more than one may be cabezon. Bag limits may be lower in state rules.

b/ Flounders, soles, sanddabs, turbot and halibuts except Pacific halibut

Figure 1. Oregon recreational groundfish season structure and bag limits proposed for federal rule under all harvest specifications alternatives for 2023-24.

Maintaining the federal regulations as shown in Figure 1, even though the state often adopts more restrictive measures in state rule, enables ODFW to tighten or ease restrictions inseason based on quota status and projected mortality. The federal rules serve as a backstop, while state rules can be adjusted more rapidly in response to inseason circumstances, improving management responsiveness and the ability to achieve conservation and opportunity objectives.

Some of the more restrictive state rules in recent years have included a summer depth restriction, a lower marine bag limit and lingcod bag limit, and sub-bag limits for copper, China, and quillback rockfish. The Oregon Fish and Wildlife Commission adopted similar rules for 2022 (Figure 2), with changes from 2021 described below.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bottomfish Season	Open all depths				< 40 fm							
Marine Bag Limit ^{a/}	Five (5)											
China & Copper Rockfish	1-Fish Sub-Bag Limit											
Cabezon	CLOSED						1-Fish Sub-Bag Limit					
Lingcod Bag Limit	Two (2)											
Flatfish Bag Limit ^{b/}	Twenty-Five (25)											
Longleader Gear	Ten (10) ^c											
Quillback & Yelloweye Rockfish	PROHIBITED											

a/ Marine bag limit includes all species other than lingcod, salmon, steelhead, Pacific halibut, flatfish, surfperch, sturgeon, striped bass, pelagic tuna and mackerel species, and bait fish such as herring, anchovy, sardine, and smelt; of which no more than one may be cabezon.

b/ Flounders, soles, sanddabs, turbot and halibuts except Pacific halibut

c/ of 10 midwater rockfish species: yellowtail, widow, canary, redstripe, greenstriped, silvergray, chilipepper, blue, deacon and bocaccio rockfishes

Figure 2. Oregon recreational groundfish season structure and bag limits in place via state regulations for 2022.

Oregon prohibited retention of quillback rockfish in the recreational fishery (and all non-trawl commercial fisheries) beginning January 1, 2022, based on the results of the 2021 assessment of the stock off Oregon. While the assessment indicated that the stock is healthy (47 percent of unfished spawning biomass, above the 40 percent target), the total biomass estimate was smaller than previously thought, and the available yield is lower than recent harvest levels. Oregon determined that lowering fishing mortality beginning in 2022 was in the best interest of the quillback rockfish stock and the fishery. ODFW anticipates continuing the prohibition in 2023-24.

The seasonal depth restriction has been used to reduce overall mortality of yelloweye rockfish by limiting fishing during part of the year to shallower waters where encounters are less common and post-release survival is higher. As harvest guidelines for yelloweye rockfish have increased with the stock’s successful rebuilding trajectory and modeling showed the depth restriction was no longer necessary, the Council approved ODFW’s recommendation to remove it from federal regulation beginning in 2021. Oregon has cautiously eased its duration and depth more gradually in state rules, with 2022 rules limiting fishing to shoreward of 40 fathoms from July 1 – August 31. More all-depth opportunity provides access to desirable offshore fishing, and may reduce pressure on black rockfish and other nearshore species.

For state rules in 2023 and 2024, ODFW staff will examine data from 2021 and 2022 to determine whether any changes should be proposed to the Commission for its annual consideration of groundfish rules each December.