

OREGON DEPARTMENT OF FISH AND WILDLIFE REPORT ON INSEASON ADJUSTMENTS

Based on recent conversations between the Oregon Department of Fish and Wildlife (ODFW) and National Marine Fisheries Service (NMFS) West Coast Region (WCR), inseason action may be needed to adjust the daily bag limit in federal regulations for the Oregon longleader gear (Holloway Gear) fishery for 2024.

At the beginning of 2023, the bag limit was ten fish in both state and federal regulations. In the spring the federal limit was increased to fifteen fish, with state regulations following a couple days later. The increased bag limit was intended to further incentivize anglers to target the healthy offshore midwater rockfish species such as yellowtail and widow rockfishes and reduce pressure on more nearshore rockfish stocks such as quillback and black rockfishes. In August, ODFW staff noticed higher than expected catches of canary rockfish in the longleader gear fishery. To keep canary rockfish impacts below the Oregon recreational share of the non-trawl allocation and not impact the main bottomfish fishery, the longleader gear bag limit was reduced back to ten fish after Labor Day, in state regulation. ODFW did not request concurrent federal action.

Based on a slightly reduced canary rockfish allocation for 2024, ODFW staff will be recommending the Oregon Fish and Wildlife Commission (OFWC) adopt a twelve fish bag limit for 2024 in state regulations. This bag limit should still be high enough to entice anglers to the longleader gear fishery while reducing impacts to canary rockfish to stay within the lower canary rockfish allocation for 2024.

State Regulations and Jurisdiction

ODFW has been managing the recreational bottomfish fishery with state-specified regulations that are the same as, or more conservative than, federal regulations for many years. While there may be a mismatch between the regulations at times, vessels that fish in federal waters must transit through state waters and eventually land into Oregon ports, in which case they would need to follow the state of Oregon possession regulations.

Additionally, Oregon Administrative Rule (OAR) [635-004-0210](#) outlines the Authority of Enforcement in Fishery Conservation Zone (0-50 nautical miles offshore of Oregon) and Exclusive Economic (3-200 nautical miles of the United States).

1. Pursuant to [ORS 506.750 \(Policy for ORS 506.755\)](#) and [506.755 \(Fisheries Conservation Zone\)](#), regulations including but not limited to inspection of catch, methods of fishing, gear restrictions, seasons, closures and restricted areas are applicable in the Fishery Conservation Zone (0-50 nautical miles offshore of Oregon), and federal commercial fishing regulations are applicable in the Exclusive Economic Zone (3-200 nautical miles offshore of the United States).

2. For the purposes of this rule, “Fishery Conservation Zone” means the zone between the mean high water mark of tidally influenced bodies of water of the state of Oregon to 50 nautical miles offshore of Oregon, as pursuant to [ORS 506.755 \(Fisheries Conservation Zone\)](#).

Both the coming ashore piece and Fisheries Conservation Zone (0-50 miles) are specified in the annual Sport Fishing Regulations Book, published by ODFW (Figure 1), and on the ODFW website, which are the primary sources of regulatory information for most recreational anglers. Therefore, ODFW does not think that there is much potential for confusion by anglers on what the bag limit is.

Marine Zone

Description

The Marine Zone consists of the Pacific Ocean, coastal bays, and beaches.

Marine Zone Regulations

1. The ocean is separated from rivers and bays by:
 1. Normal high tide lines along coastal beaches, where there are no jetties;
 2. The visible ends of the jetties, where they exist, except for the Columbia River;
 3. A north-south line running through Buoy 10 in the Columbia River.
2. License requirements for those 12 years or older for this zone are:
 1. An Oregon angling license is required to angle for or land any fish species.
 2. A shellfish license is required to harvest shellfish or other marine invertebrates.
 3. Children 12 to 17 years old may obtain a youth license equivalent to angling, shellfish, and hunting licenses combined (new in 2016).
 4. Additional tags or permits are required to harvest salmon, steelhead, sturgeon, Pacific halibut, scallop or the mechanical harvest of shrimp (see [License Information](#), and Marine Zone Regulations).
3. Persons coming ashore in Oregon with ocean caught fish or shellfish are subject to all Oregon sport fishing and licensing regulations.
4. The sport fishing regulations apply within the state’s Fisheries Conservation Zone, which extends 50 miles from shore. In addition, some fisheries are co-managed with the federal government, so the regulations may apply out to 200 miles from shore.
5. All areas are open to harvest except those areas listed in Season (see Marine Zone Regulations), indicated in Management Designations for Marine Areas (see maps), or closed by a Public Health Advisory.
6. Shellfish Public Health Advisories (Oregon Dept. of Agriculture):
 1. Harvest of any species with a shellfish public health advisory will be closed immediately within the area specified and will remain closed until the advisory is removed;
 2. For current information concerning shellfish public health advisories, see [Advisories & Consumption Guidelines](#) and please call 503-986-4728 or 800-448-2474.

Figure 1. Screen grab of the Marine Zone section of the online 2023 Oregon Sportfishing Regulations. (<https://www.eregulations.com/oregon/fishing/marine-zone>)

Inseason Management Timelines

The federal groundfish inseason process requires a Pacific Fishery Management Council (Council) meeting, Council action, and NMFS rulemaking. There are only five Council meetings annually:

March, April, June, September, and November. Once Council action is taken, it takes several weeks for the NMFS process and regulation publication. The highest effort and landings in the Oregon recreational bottomfish fishery occur between Memorial Day and Labor Day. There is only one Council meeting during that time period, and it is at the very beginning, before much of the effort and landings have occurred. This limits the opportunities to make inseason changes during the time period when they would be most useful or needed.

Through the state temporary rule process, ODFW can make inseason changes to fishery regulations in two to four business days. This allows ODFW to be more flexible and timely in management inseason, with the ability to adjust regulations (more or less restrictive) based on progress of the fishery. By the time the September Council meeting occurs, any changes will have minimal benefits to anglers or conservation impacts due to much lower effort and catches after Labor Day.

An additional consideration as part of the Climate and Communities Initiative the need for flexible, nimble, and timely management of fisheries was identified as a key issue. The Oregon state process is much more timely and able to react to changing conditions inseason than the federal process.

Recommendation

Therefore, ODFW would like to keep the fifteen fish bag limit in federal regulations while putting the twelve fish limit in state regulations to allow for more flexibility and timeliness in the inseason management. **However, if it is determined to be necessary to have the same regulations in state and federal regulation, then ODFW recommends that the longleader gear fishery bag limit for 2024 be set at twelve fish.** If in December, the OFWC adopts something other than the staff recommended bag limit (twelve fish), ODFW will come back to the Council in March to adjust, again, the bag limit in federal regulations for the longleader gear fishery in 2024.