

GROUND FISH ADVISORY SUBPANEL REPORT ON UNMANAGED FORAGE FISH REGULATIONS

The Groundfish Advisory Panel (GAP) received information from Mr. Mike Burner about the purpose and need underlying the Pacific Fishery Management Council's (PFMC) consideration of new regulations related to unmanaged forage fish. The GAP also heard from Ms. Yvonne deReynier about the National Marine Fisheries Service (NMFS) supplemental report and proposed regulations (Agenda Item D.2.a, Supplemental NMFS Report, September 2015). Ms. Kelly Ames provided to the GAP a summary of potential Groundfish Management Team (GMT) thoughts and recommendations that could be included in the final GMT report.

The GAP highlights that, while the stated purpose of this action is to "prohibit new directed commercial fishing in Federal waters on unmanaged, unfished forage fish species," the PFMC is explicit that this action shall not constrain existing directed groundfish fisheries. The GAP is concerned that the regulations proposed by NMFS could constrain existing directed fisheries. The GAP is also concerned about adding, potentially significant, management and enforcement burdens without a compelling conservation need. Therefore, the GAP recommends the PFMC delay deeming of unmanaged forage fish regulations until details about how any new restrictions will be managed and enforced are clarified.

One of the concepts the GAP heard the GMT was considering was the use of harvest guidelines on an interim basis as a way to monitor shoreside landings and at-sea processing of these species against a value that would not trigger an immediate enforcement response. If, after a period of time, individual vessels were consistently exceeding these harvest guidelines then an appropriate management response could be developed. The GAP supports this concept. In the opinion of the GAP, there is a very low likelihood that new fisheries will develop for these species. Moreover, if new fisheries did develop it would occur slowly, at a pace that would accommodate management and enforcement responses.

If the PFMC chooses to deem regulations at this meeting then the GAP notes that prior to implementation of the regulations significant monitoring and enforcement adjustments will be necessary. Specific to the shoreside landing restrictions, there currently appears to be wide disparity amongst how these species are handled on fish tickets by the three states. If the fish ticket will be the enforcement tool to ensure compliance with the shoreside landing restrictions then it is critical that this system be as robust as possible. Specific to the at-sea processing restrictions, the GAP was informed that to determine the processing prohibition limits NMFS used catching synonymous to processing to analyze historic occurrence of these unmanaged forage fish species in the at-sea whiting sectors. While it might have been marginally appropriate for analytical purposes, it is wholly inappropriate to use catch to measure processed amounts against the regulatory prohibitions. To catch is not synonymous with to process. General practice in the at-sea whiting sectors is to not retain for processing the species at issue here. Moreover, the enforcement metric for shoreside is landed catch, which provides the ability to discard these species prior to landing. It is inappropriate to use total catch as the enforcement metric for at-sea processing because catching does not equal processing and it is inconsistent with the enforcement metric used shoreside. The GAP recommends that at-sea processing restrictions be based on retained catch. In addition, it appears that the intent of the proposed 10 mt and 30 mt landing limits

is that these limits would be applied to shoreside landings; the PFMC should clarify that these limits do not apply to catcher vessel deliveries to mothership processors.

PFMC
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