



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
7600 Sand Point Way N.E.
Seattle, Washington 98115

Agenda Item I.8.a
Supplemental NMFS Letter
November 2015

October 29, 2015

Ms. Dorothy Lowman, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Dear Chair Lowman:

This letter is to inform the Pacific Fishery Management Council (Council) that NOAA's National Marine Fisheries Service (NMFS) is implementing the inseason actions recommended at the September 9-16, 2015 Council meeting and transmitted in a letter dated September 24, 2015, but with a modification to one of the measures.

Actions recommended by the Council included closure of the limited entry fixed gear and open access sablefish fisheries, and prohibition of retention of Pacific halibut in the limited entry fixed gear sablefish primary fishery. These two actions were implemented via inseason action in a *Federal Register* notice that published on October 13, 2015 (80 FR 61318). The Council also recommended redistribution of darkblotched rockfish from the off-the-top deductions to the Mothership (MS) and Catcher/Processor (C/P) sectors via inseason action. Based on new catch information obtained after the Council meeting, NMFS has concluded that the 8 mt transfer recommended by the Council is not fully available, and is consequently distributing 7 mt of darkblotched rockfish, in a manner consistent with the Council's recommendation.

After the September Council meeting, NMFS received information on 2015 bycatch rates of darkblotched rockfish in the pink shrimp trawl fishery from the West Coast Groundfish Observer Program on September 29, 2015. Bycatch rates observed in 2015 (April through July) were much lower than in 2014, and similar to levels seen in 2011-2013. NMFS applied the bycatch rates (actual, observed bycatch rate from April through July 2015 and the 2011-2014 average bycatch rate for August-October) to the best estimates of pink shrimp landings (actual landings for the first half of the season when available and 2011-2014 average landings for the second half of the season when landings data was incomplete or unavailable).

Based on this information, NMFS projected that the incidental open access fisheries, including the pink shrimp trawl fishery, will harvest 5.7 mt out of the 18.4 mt off-the-top deduction set aside for them (Table 1). When combined with the projected impacts from other components of the off-the-top deductions, including scientific research, exempted fishing permits (EFPs), and tribal fisheries, it is anticipated that approximately 7.4 mt of the off-the-top deduction will go



unharvested through the end of 2015 (13.4 mt harvested out of 20.8 mt). Given this new best available information, released after the Council's recommendation was made, NMFS has determined that the full 8 mt that was recommended by the Council cannot be released.

Table 1. NMFS' estimate of projected total catch of darkblotched rockfish (mt) in 2015, across all off-the-top deductions.

	Incidental Open Access	Research	EFP	Tribal	Total
Deduction	18.4	2.1	0.1	0.2	20.80
Projection	5.72	7.4	0.1	0.2	13.42
Remainder	12.68	-5.3	0	0	7.38

As described in public comment received at the September Council meeting ([Agenda Item H.9.b, Public Comment, September 2015](#)) bycatch rates of darkblotched rockfish in the MS sector have been more than double the rate seen in 2014, when the fishery temporarily closed upon attaining their 2014 darkblotched rockfish set-aside. Additionally, on September 24, shortly after the conclusion of the September Council meeting, a 4 mt bycatch event of darkblotched rockfish occurred in the C/P sector, increasing the likelihood of early closure of the C/P sector if additional darkblotched rockfish were unavailable (PacFIN, September 29, 2015). For both sectors, if the catch ratio of darkblotched rockfish to Pacific whiting that has occurred to date continues, their darkblotched rockfish set-asides will be harvested before all of the Pacific whiting is harvested. Based on this information, there is need for additional darkblotched rockfish in both the MS and C/P sectors to prevent closure prior to harvesting their full allocations of Pacific whiting.

Based on the information presented at the September meeting, the Council's recommendation, the best information on the available amount of darkblotched rockfish from the off-the-top deductions, and the best available information on bycatch rates in the MS and C/P fisheries, NMFS is redistributing 7 mt of darkblotched rockfish that is anticipated to go unharvested in the incidental open access fisheries through the end of 2015. Darkblotched is being distributed to the MS and C/P sectors in equal amounts, 3.5 mt to each sector. To buffer against uncertainty in the estimates, 0.4 mt of darkblotched rockfish will remain in the off-the-top deductions.

Dividing the redistributed 7 mt of darkblotched rockfish equally between the MS and C/P sectors and adding it to their darkblotched rockfish set-asides of 6.5 mt and 9.2 mt, respectively, results in increased darkblotched rockfish set-asides of 10 mt for the MS sector and 12.7 mt for the C/P sector. This action reduces the risk of closure of the MS and C/P sectors before their Pacific whiting allocation is reached if higher than anticipated bycatch rates of darkblotched rockfish continue late in 2015.

NMFS supports the Council's efforts to provide opportunities for industry to harvest a larger proportion of available target species, and inseason management of groundfish fisheries through a single *Federal Register* notice, based on the best available fishery information and requests from industry. The decision described above is consistent with the Council's intentions to increase the darkblotched rockfish set-asides for the MS and C/P sectors and prevent premature

closure. This action is also consistent with fishery regulations at 50 CFR 660.60(c)(3)(ii), which allow for the non-tribal amounts deducted from the annual catch limit to be made available to other fisheries during the year, if the fish would otherwise go unharvested.

NMFS will continue to work with the Council for successful implementation of routine management actions inseason, using the best available science. The deliberations by the Council and its advisory bodies, and the work of the members of the public at Council meetings and in their home-ports, demonstrate an impressive commitment to the principles of the Magnuson-Stevens Conservation and Management Act.

Thank you for your time and effort.

Sincerely,

A handwritten signature in blue ink that reads "William W. Stelle, Jr." The signature is written in a cursive style with a clear, legible font.

William W. Stelle, Jr.
Regional Administrator

cc: Pacific Fishery Management Council – D. McIsaac