

## GROUND FISH MANAGEMENT MEASURES FOR COUNCIL CONSIDERATION

Under Agenda Item G.6 the Council is scheduled to prioritize groundfish workload priorities. This Attachment contains information on the current groundfish workload based on completed Council actions (Table 1). Table 2 contains immediate and long term commitments previously established by the Council, excerpted from the June 2016 Council agenda (Agenda Item A.4), the Preliminary Year-at-a-Glance Summary (Agenda Item F.6, Attachment 1) for groundfish, Pacific halibut, and ecosystem based management, and Groundfish Workload Priorities (Agenda Item F.6, Attachment 3). Table 3 contains the unprioritized list of potential groundfish management measures, based on the September 2014 omnibus list and additions that have occurred since that list was first compiled. Table 4 summarizes omnibus management measures that have been analyzed since September 2014 but rejected for implementation. It is our understanding these items should no longer remain as unscheduled groundfish priorities on future omnibus lists and on the Groundfish Workload Priorities document (Agenda Item F.6, Attachment 3).

Acronyms and abbreviations used in the following table:

CA - California	OA – Open Access
COP – Council Operating Procedure	OR – Oregon
CP – Catcher Processor	POP – Pacific ocean Perch
DRK – Darkblotched rockfish	QP – Quota Pounds
EC – Ecosystem Component	QS – Quota Shares
EM – Electronic Monitoring	RCA – Rockfish Conservation Area
ESA – Endangered Species Act	Rec – Recreational
FPA – Final Preferred Alternative	SFFT – Selective Flatfish Gear
IFQ – Individual Fishing Quota	TOR – Terms of Reference
LEFG – Limited Entry Fixed Gear	WA - Washington
LE – Limited Entry	VMS – Vessel Monitoring System
MS – Mothership	

**Table 1. Items on which Council action has been completed and implementation is in progress.**<sup>1</sup> The original omnibus numbering from [Agenda Item J.1.a, September 2014](#) is included for reference. Bolded items were specifically identified by the Council as omnibus priorities in September 2014 to be accomplished in the near term. The timeline for implementation can be found under Agenda Item G.1.a, NMFS Report 2, June 2016.

2016 #	2014 #	Sector	Short Title
1	2014-3	Trawl, Non-Trawl	Clarify Catch Accounting Rules for Amendment 21
2	2014-10, 2014-15, 2014-16, 2014-17, 2014-4	Trawl, Non-Trawl	Phase 1 Sablefish Rule: Joint Registration and Prohibition of Processing IFQ Sablefish At-Sea, Revise Limited Entry Fixed Gear Permit Control Rule, Require E-Tickets for Sablefish Landings, Sablefish North of 36 Degrees - Allocation Correction, Fishery Declaration Enhancements
3	<b>2014-67</b>	<b>Trawl, Non-Trawl</b>	<b>Amendment 26 Blackgill Rockfish Trawl and Non-Trawl Allocations</b>
4	<b>2014-39, 2014-43, 2014-47b</b>	<b>Trawl, Non-Trawl</b>	<b>Vessel Movement Monitoring: Monitoring Restricted Areas with VMS, Fishery Declaration Enhancements<sup>2</sup>, Movement of IFQ Fish Pot Gear Across Management Lines</b>
5	2014-5	Trawl	Cost Recovery Corrections
6	2014-6	Trawl IFQ, MS	Electronic Monitoring Exempted Fishing Permits (ongoing though 2018)
7	2014-30	Trawl IFQ, MS	Electronic Monitoring Regulations for Whiting and Fixed Gear
8	2014-7	Trawl IFQ, MS	Pacific Dawn Lawsuit Appeal to 9 <sup>th</sup> Circuit Court (Whiting Allocation)
9	2014-19	Trawl CP	Glacier Fish Co Lawsuit Appeal to 9 <sup>th</sup> Circuit Court (Cost Recovery); and Glacier Fish Co Lawsuit in District Court (2016 Fee Percentage).
10		Trawl IFQ	Pacific Choice Lawsuit, District Court (Divestiture)
11	2014-13	Trawl IFQ	Update eTicket for Web-based Submissions (deeming completed as part of the Phase I sablefish rule)
12	<b>2014-52</b>	<b>Trawl IFQ</b>	<b>Widow Rockfish QS Reallocation and Divestiture Deadlines</b>
13	<b>2014-46, 2014-48</b>	<b>Trawl IFQ</b>	<b>Trawl Gear Changes: Carrying and Using Multiple Trawl Gears on a Single Trip, Eliminating Minimum Mesh Size, Eliminating Chafing Gear Restrictions, Eliminating Codend Restrictions, Allowing a New Haul to be Brought Onboard Prior to Stowing a Previous Haul, Changing SFFT Definition and Restrictions</b>
14	2014-18	LEFG, OA	Logbooks for Fixed Gear
15	<b>2014-60</b>	<b>Recreational</b>	<b>Mid-water Sport Fishery in OR</b>

<sup>1</sup> Workload primarily involves NMFS and Council staff; however the Groundfish Management Team and state staffs may be involved.

<sup>2</sup> Allows Pacific whiting vessels to change declarations while at-sea and provides a declaration for gear testing.

**Table 2. Immediate and Long-Term Commitments.**<sup>3</sup> Includes updated time frames based on the June Council Agenda (Agenda A.4), the Year at a Glance (Agenda Item F.6., Attachment 1), and Groundfish Workload Priorities (Agenda Item F.6, Attachment 3). Bolded items were specifically identified by the Council as omnibus priorities in September 2014 to be accomplished in the near term. Shaded items indicate topics that are anticipated to be final at the June Council meeting and thus will be moving into the implementation phase.

2016 #		Sector	Short Title
16		Tribal, Trawl, Non-Trawl, Rec	2017-2018 Harvest Specifications and Management Measures <sup>4</sup> , including New Management Measures <sup>5</sup> and Amendment 27 (June 2016)
17		Tribal, Trawl, Non-Trawl, Rec	Adopt Final Stock Assessment Plan and TOR for 2017 (June 2016)
18		Tribal, Trawl, Non-Trawl, Rec	2017 Pacific Halibut Catch Sharing Plan (June, Sept, and Nov 2016) <sup>6</sup>
19		Tribal, Trawl, Non-Trawl, Rec	Stock Assessment Methods Review Topic Selection (Sept, Nov 2016)
20		Tribal, Trawl, Non-Trawl, Rec	Salmon ESA Consultation (Sept, Nov 2016)
21		Tribal, Trawl, Non-Trawl, Rec	Fishery Ecosystem Plan Indicators Initiative (Sept 2016, Mar 2017)
22		Tribal, Trawl, Non-Trawl, Rec	Sablefish Ecosystem Indicators (Sept 2016)
23		Tribal, Trawl, Non-Trawl, Rec	Bmsy Stock Productivity, Historical Catch Reconstruction Workshop Report (Mar 2017)
24		Tribal, Trawl, Non-Trawl, Rec	Fishery Ecosystem Plan Identify New Indicators (Mar 2017)
25		Tribal, Trawl, Non-Trawl, Rec	California Current Ecosystem Report (Mar 2017)
26		Tribal, Trawl, Non-Trawl, Rec	Endangered Species Workgroup Report (Apr 2017)
27		Tribal, Trawl, Non-Trawl, Rec	Inseason Management (June 2016 and beyond, excluding Mar 2017)
28		Tribal, Trawl, Non-Trawl, Rec	Pacific Whiting Harvest Specifications and Set-Asides (Apr 2017)
29		Tribal, Trawl, Non-trawl, Rec	Stock Assessments for 2019-2020 Biennium (June 2017)
30		Tribal, Trawl, Non-Trawl, Rec	Start of the Process to Establish 2019-2020 Specifications and Regulations (June 2017)
31	2014-47,	Trawl	<b>Trawl Gear Regulation Changes – Fishing in Multiple Management Areas on the Same Trip (June 2016)</b>
32	2014-24	Trawl	<b>Essential Fish Habitat and Rockfish Conservation Area Adjustments (Sept 2016, Mar 2017)</b>
33		Trawl	Amendment 21 Allocation Revisions for POP and DRK, Set-Asides (June, Sept 2016)

<sup>3</sup> This list contains groundfish, Pacific halibut, and ecosystem based management items. Several matters contained in the “Other Category” on the Year at a Glance may also involve groundfish staff but were excluded from the list (e.g., the Bycatch Strategy and Reporting Plans, Regional Operating Agreement, Electronic Technology Plan, etc.).

<sup>4</sup> Including the Platt/San Francisco Community Fishing Association and The Nature Conservancy EFPs, except the EM EFPs.

<sup>5</sup> New management measures include reclassifying big skate as in the fishery, retention of flatfish at any depth during the seasonal depth closure in Oregon, new inseason process for California, overfished species hotspot closures in California, retention of petrale sole and starry flounder during the season depth closure in California.

<sup>6</sup> Item may involve groundfish considerations and/or staff that also work on groundfish.

<b>2016 #</b>		<b>Sector</b>	<b>Short Title</b>
34	2014-32	Trawl	Five Year Trawl Catch Share Review Including Scoping for Intersector Allocation Review (Sept, Nov 2016 & June 2017)
35		Trawl	Trawl Cost Recovery Report (Apr 2017)
36		Trawl IFQ	EM Bottom and Non-Whiting Midwater Trawl EFP Update and Confirm FPA (Nov 2016)
<b>37</b>	<b>2014-68</b>	<b>Non-Trawl, Rec</b>	<b>Nearshore Species Management (Mar 2017)</b>
<b>38</b>	<b>2014-69, 2014-72, 2014-74</b>	<b>LE FG</b>	<b>LE Fixed Gear Sablefish – Phase 2 (Sept 2016, Apr 2017)</b>
39		LE FG	2017 Incidental Regulations for Pacific Halibut (Mar and Apr 2017)
	<i>Items on the Horizon</i>		
40		Trawl IFQ	QS/QP Control Rule - Safe Harbor for Risk Pools - post 5-year review
41		Trawl IFQ	Resolve Long-term Whiting Surplus Carryover Provision - post 5-year review
42		Trawl IFQ	Develop Criteria for Distributing Adaptive Management Program QP

**Table 3. Candidate Items for Prioritization in September.** This list contains the unprioritized list of potential groundfish management measures, based on the September 2014 omnibus list and additions that have occurred since that list was first compiled. New numbers have been established for the 2016 omnibus process.

2016 #	Sector	Short Title
43	Tribal, Trawl, Non-Trawl, Rec	Rebuilding Revision Rules (signal vs. noise)
44	Tribal, Trawl, Non-Trawl, Rec	Further Consideration for Reorganizing Stock Complexes
45	Tribal, Trawl, Non-Trawl, Rec	Ecosystem Port Sampling White Paper
46	Tribal, Trawl, Non-Trawl, Rec	Further Consideration for Ecosystem Component Species
47	Tribal, Trawl, Non-Trawl, Rec	Analysis of a Multi-Year Average Catch Policy
48	Trawl, Non-Trawl, Rec	Create 60-Mile Bank RCA Lines
49	Trawl, Non-Trawl	Groundfish Conservation Areas for Rougheye Rockfish
50	Trawl, Non-Trawl	New Dressed to Round Conversion Factors for Sablefish
51	Trawl, Non-Trawl (LE)	Eliminate Permit Size Endorsements
52	Trawl, Non-Trawl	Seabird Avoidance Devices for Vessels less than 55 feet
53	Trawl, Non-Trawl	Move the Seaward Non-Trawl RCA Line Closer to Shore for Pot Vessels
54	Trawl IFQ, MS, CP	Allow Between Sector Transfer of Unneeded Overfished Species
55	Trawl IFQ, MS	Allow Between Sector Transfer of Rockfish from IFQ to MS
56	Trawl IFQ, MS, CP	Revise Length of Time Required for the Trawl Fleet to Retain Records
57	Trawl IFQ, MS, CP	Year Round Whiting Season and Other Season Date Modifications
58	Trawl IFQ	Remove Certain Midwater Area-Management Restrictions
59	Trawl IFQ	Remove Certain Restrictions on Trawl Gear Configuration (Gear Regs Update II)
60	Trawl IFQ	Resolve Long-term Non-Whiting Surplus Carryover Provision
61	Trawl IFQ	Carryover when Management Units Change
62	Trawl IFQ	Allow Trading of Previous Year Quota Pounds in Current Year
63	Trawl IFQ	Discard Survival Credit for Lingcod and Sablefish
64	Trawl IFQ	Require Posting of First Receiver Site Licenses
65	MS, CP	Eliminate the Prohibition on At-Sea Processing S. of 42°
66	Non-Trawl	Discard Mortality Rates for Commercial Nearshore Fisheries
67	LEFG, OA	Commercial Gear Restriction for Targeting Flatfish in CA
68	LEFG, OA	Retain Halibut in the Sablefish Fishery (South of Pt. Chehalis)
69	Recreational	Discard Mortality Rates for the Recreational Fisheries
70	Recreational	50 fm Depth Restriction (WA and OR)

**Table 4. Management Measured Analyzed but Rejected for Implementation.**

	<b>Sector</b>	<b>Short Title</b>	<b>Package</b>	<b>Rationale</b>
2014-70	Trawl, Non-Trawl	Provide for Retrieval of Derelict Crab Pots in RCAs	Vessel Movement Monitoring	Existing programs are sufficient
2014-75	Trawl IFQ (gear switched)	Require all Pot Gear to be Returned to Shore at the End of Each Trip	Vessel Movement Monitoring	Council wants to allow vessels to move pot gear without returning it to shore <sup>a/</sup>
2014-47	Trawl IFQ	Remove small footrope requirement shoreward of the RCA	EFH, Gear Regs	The Council affirmed the existing regulations as consistent with Amendment 19

a/ The proposal that vessels be required to bring all fish pots to shore at the end of each trip was suggested in [public comment \(June 2014\)](#) in response to a grounds pre-emption concern attributed to vessels in the IFQ fishery that were switching to pot gear and pre-empting the grounds of local small scale pot fishermen. Under the Councils' vessel movement monitoring package, the Council took action to allow vessels to move pots across management lines without making trips to return them to shore. Because that action contravenes consideration of a provision to require vessels to return pots to shore after every trip this issue has been tentatively placed in the category of rejected actions.

## **Detailed Description for Table 1. Items on Which Council Action Has Been Completed Which Still Entail Some Workload**

### **1. Trawl, Non-Trawl - Clarify Catch Accounting Rules for Amendment 21**

At its June 2012 meeting, as part of the preferred alternative for the 2013-2014 harvest specification and management measures, the Council recommended reinstating catch accounting language in the Fishery Management Plan (FMP) that was inadvertently deleted when Amendment 21 was implemented. Changes to the FMP language were also recommended to further clarify the decision rules for determining the allocation against which a vessel's catch would count (i.e., whether it would count against the limited entry allocation or the open access allocation). Council and National Marine Fisheries Service (NMFS) staffs have made progress on some draft FMP language; however, due to competing workload, language for Council consideration has not yet been fully developed.

### **2. Trawl, Non-Trawl - Phase 1 Sablefish Rule**

The proposed Sablefish Rule is scheduled for May 2016 with the final rule expected in late summer for implementation on January 1, 2017 (Agenda Item G.1, NMFS Report 2, June 2016). This rule proposes to allow joint permit registration (trawl and fixed gear), continues the prohibition on at-sea freezing of individual fishing quota (IFQ) caught sablefish, provides opportunity to apply for a limited exemption to the control limits, and requires electronic fish tickets for all limited entry and open access sablefish landings. Also, included in the package are requirements that vessels make a fishery declaration upon registration of a new Vessel Monitoring System (VMS) unit, an adjustment to the "other fishery" declaration, adjustments to the regulations for e-ticket submissions to match current web-based practices, and miscellaneous corrections and housekeeping matters.

### **3. Trawl, Non-Trawl - Amendment 26 Blackgill Rockfish Trawl and Non-Trawl Allocations**

Blackgill rockfish south of 40°10' N. latitude is managed in the Slope Rockfish Complex south of 40°10' N. latitude. The Amendment 21 sector allocation of the harvestable surplus of species managed in the Slope Rockfish Complex south of 40°10' N. latitude are 63 percent to LE trawl and 37 percent to non-trawl sectors based on average 2003-2005 total catches of species in this complex. Blackgill rockfish was assessed in 2011 and, starting in 2013, a harvest guideline was established equal to the 40-10 adjusted annual catch limits (ACLs) calculated for the stock. The Groundfish Advisory Subpanel (GAP) informed the Council that complications have arisen between the traditional non-trawl fixed-gear fleet and the IFQ fixed-gear fleet in the Conception management area due to increased targeting of blackgill by the IFQ fleet. In November 2015, the Council took final action to remove blackgill rockfish from the Slope Rockfish complex south of 40°10' N. latitude and reallocate blackgill rockfish and the remaining species in the southern Slope Rockfish complex to trawl and non-trawl sectors as follows:

- Blackgill sector allocations: 41% to LE Trawl and 59% to Non-Trawl sectors;
- Remaining Southern Slope Rockfish sector allocations: 91% to LE Trawl and 9% to Non-Trawl sectors.

No change was made to accumulation limits for these species. Implementation of this initiative is tentatively scheduled for January 1, 2018 pending NMFS approval of Amendment 26.

#### **4. Trawl, Non-Trawl – Vessel Movement Monitoring**

The Council developed a suite of VMS options for owners and operators to choose from to monitor their movements. These include:

- 1) Increase ping rate to four times per hour with NMFS type-approved units;
- 2) Maintain ping rate of one per hour with electronic monitoring (EM) System with NMFS type-approved units;
- 3) Allow use of enhanced VMS units (not NMFS type-approved).

These new requirements apply to vessels that are currently required to have VMS under regulation including salmon troll, California halibut, ridgeback prawn, and sea cucumber. The proposed rule is expected in the summer of 2016 and the final rule on January 1, 2017 (Agenda Item G.1, NMFS Report 2, June 2016).

#### **5. Trawl - Cost Recovery Corrections**

After cost recovery was implemented for the trawl rationalization program in January 2014, NMFS announced clarifications to the regulations through a public notice (see NMFS public notice, NMFS-SEA-14-12, March 20, 2014). The clarifications were on (1) fish buyer's use of principal from a deposit account in cases of credit card payment to Pay.gov (IFQ & mothership (MS)), and (2) in the catcher-processor (CP) sector, only retained groundfish are subject to the cost recovery fee. In the future, NMFS intends to revise the associated regulatory language for these issues and, if further issues arise, may have additional cost recovery corrections or clarifications.

#### **6. Trawl IFQ, MS - Electronic Monitoring Exempted Fishing Permits**

The Council recommended that NMFS allow up to 20 additional vessels to use EM exempted fishing permits (EFPs). The Council also recommended that NMFS extend the expiration date of all EM EFPs for the bottom trawl, non-whiting mid-water trawl, whiting mid-water trawl, and fixed gear catch share fisheries through 2018.

#### **7. Trawl IFQ, MS – Electronic Monitoring Regulations for Whiting and Fixed Gear**

The Council reaffirmed their final preferred alternative for EM for the midwater trawl whiting (Nov 2015) and fixed gear fisheries (Apr 2016). The Council also deemed the draft regulations (Apr 2016) as meeting the intent of the whiting final preferred alternative and for the fixed gear fishery. A proposed rule is expected to be published in mid-summer 2016, with the intent that regulations would be effective by January 1, 2017.

#### **8. Trawl IFQ, MS - Pacific Dawn Lawsuit Appeal to 9<sup>th</sup> Circuit Court (Whiting Allocation)**

On May 13, 2014, an appeal to the Ninth Circuit Court was filed in the Pacific Dawn lawsuit challenging the allocation of whiting IFQ and MS sector catch history allocations. Responding to this appeal will require the time of NOAA General Counsel (GC) attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions. Oral arguments were heard on May 10, 2016.



## **9. Trawl CP - Glacier Fish Co Lawsuit Appeal to 9th Circuit Court (Cost Recovery); and Glacier Fish Co Lawsuit in District Court (2016 Fee Percentage).**

On January 9, 2014, [Glacier Fish Company LLC filed a suit](#) in relation to the cost recovery regulations challenging the categorization of the CP co-op program as a limited access privilege program, challenging the status of co-op members as limited access privilege holders, claiming that the cost recovery regulations were not properly promulgated, and claiming adequate documentation of the basis of the cost figure has not been provided. The court ruled favorably for the Secretary of Commerce; and on January 28, 2016, Glacier Fish filed an appeal in the 9<sup>th</sup> Circuit Court. Additionally, on January 18, 2016, Glacier Fish filed a challenge to the 2016 cost recovery fee percentages. Responding to these suits will require the time of NOAA GC attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions.

## **10. Trawl IFQ - Pacific Choice Lawsuit, District Court (Divestiture)**

On December 4, 2015, Pacific Choice Seafood Company filed a suit in relation to the requirement that individuals divest down to their control limits by November 30, 2015. Responding to this law suite will require the time of NOAA GC attorneys, as well as other NMFS staff, who are also integral to making progress on the development and implementation of groundfish actions.

## **11. Trawl IFQ - Update eTicket for Web-based Submissions**

Pacific States Marine Fisheries Commission is improving the trawl IFQ e-Ticket system by moving to a web-based platform. This will require some regulatory changes which the Executive Director has deemed as part of the proposed Sablefish Rule. The proposed rule is scheduled for May 2016 with the final rule expected in late summer for implementation on January 1, 2017 (Agenda Item G.1, NMFS Report 2, June 2016).

## **12. Trawl IFQ - Widow Rockfish QS Reallocation and Divestiture Deadlines**

At its [April 2015 meeting](#), the Council [approved](#) a reallocation of widow rockfish quota share (QS) among those who initially received QS. A moratorium on the trading of widow QS will remain in place until the reallocation is implemented (including the resolution of appeals). Once trading commences, any entity receiving widow QS in excess of the widow QS control limit will have approximately one year to divest themselves down to that limit. Additionally, if the widow QS reallocation pushes an entity over the aggregate non-whiting control limit, it will have the same period to divest down to that limit. With respect to the QS control limits for all other species and the aggregate nonwhiting QS control limit, divestiture down to those limits was required by the November 30, 2015 deadline already in regulation. The proposed rule is scheduled for June 2016 and the final rule is expected in the fall of 2016 (Agenda Item G.1, NMFS Report 2, June 2016).

## **13. Trawl IFQ – Trawl Gear Changes**

At its March 2016 meeting, the Council recommended that trawl gear regulations be updated to reflect the individual accountability provided by the trawl catch share program but deferred action on one issue until its June 2016 meeting. Specifically, the Council recommended: allowing vessels to carry and use multiple trawl gear types on a single trip (fish caught using different gears must be stowed separately); eliminating minimum mesh size regulations for the codend and body of the

net; eliminating restrictions on codends; eliminating chafing gear restrictions; allowing a new haul to be brought onboard and dumped before all catch from previous haul has been stowed; and changing the selective flatfish trawl gear definition and restrictions. The selective flatfish trawl gear definition would be changed to allow the use of four seam nets and the restriction that requires use of selective flatfish trawl gear shoreward of the Rockfish Conservation Area (RCA) in the area north of 40° 10' N. latitude would be replaced by a restriction that requires use of small footrope trawl in that area. At its June 2016 meeting, the Council will consider whether to allow vessels to fish in more than one ACL management area on the same trip (see Item 31). When the Council completes action on Item 31, it will be combined with the rule making process for this gear package. The Council also considered recommending a revised procedure for measuring mesh size in the body of the net but that issue will not move forward since the mesh size regulation will be eliminated. The proposed rule is scheduled for the summer of 2016 and the final rule is expected in the fall of 2016 (Agenda Item G.1, NMFS Report 2, June 2016).

#### **14. LEFG, OA - Logbooks for Fixed Gear**

At its June 2008 meeting, as part of the preferred alternative for the 2009-2010 harvest specification and management measures, the Council recommended that NMFS develop and implement a mandatory Federal logbook for limited entry and open access fixed gear vessels. The Council's Groundfish Management Team, the West Coast Groundfish Observer Program, NMFS, and state staffs worked with Pacific States Marine Fisheries Commission to prepare a draft fixed gear logbook. The logbook has not been finalized and implemented due to concerns raised by NMFS, including lack of funding.

#### **15. Recreational - Mid-water Sport Fishery (OR)**

At the March 2016 meeting, the Council adopted Alternative 1, where midwater long-leader recreational groundfish fishing would be authorized seaward of a line approximating the 40 fm depth curve exclusively off the coast of Oregon from April-September to target abundant and healthy midwater species while avoiding or minimizing interactions with overfished rockfish species. The adopted gear configuration includes no more than one line with three hooks, a minimum of 30 feet between the sinker and the lowest hook, and a non-compressible float required above the hooks. Small plastic worms and flies are allowed along with weighted hooks; bait and large lures would be prohibited. Further, lingcod retention is prohibited. All other existing state and Federal groundfish regulations, such as bag limits, RCA, etc., would remain in effect. This alternative would be monitored with the existing Oregon Recreational Boat Survey program. The proposed rule is scheduled for the summer of 2016 and the final rule is expected in winter/spring of 2017 (Agenda Item G.1, NMFS Report 2, June 2016).

### **Detailed Description for Table 2. Immediate and Long-Term Commitments**

#### **16. Tribal, Trawl, Non-Trawl, Rec – 2017-2018 Harvest Specifications and Management Measures, Including New Management Measures and Amendment 27 (June 2016)**

At this meeting, the Council is scheduled to take final action to implement the 2017-2018 harvest specifications and management measures. This action includes Amendment 27 which proposes to reclassify big skate from an ecosystem component species to “in the fishery”. Under the Council’s preliminary preferred alternative from April, deacon rockfish would be listed in Table 3-1 of the FMP and the FMP would be revised to describe a new inseason process to restrict California

recreational and commercial fisheries take of black rockfish, canary rockfish, and yelloweye rockfish outside of a Council meeting. Additionally, under the preliminary preferred alternative, the following new management measures would be implemented: retention of flatfish at any depth during the seasonal depth closure in Oregon, overfished species hotspot closures in California, and retention of petrale sole and starry flounder during the seasonal depth closure in California. The proposed rule is expected in the summer of 2016 and the final rule on January 1, 2017 (Agenda Item G.1, NMFS Report 2, June 2016).

**17. Tribal, Trawl, Non-Trawl, Rec - Adopt Final Stock Assessment Plan and TOR for 2017 (June 2016)**

In April and June of the even numbered years, the Council develops a stock assessment plan for the upcoming biennium and a Terms of Reference (TOR) for conducting and reviewing the assessments.

**18. Tribal, Trawl, Non-Trawl, Rec – 2017 Pacific Halibut Catch Sharing Plan (June, Sept, Nov 2016)**

The Council is scheduled to consider allocation changes for the 2017 Pacific Halibut Catch Sharing Plan (CSP) during a three meeting process (June, Sept, Nov 2016). In particular, the California Department of Fish and Wildlife requested the Council consider increases to the California recreational allocation. This allocation consideration would be conducted along with the standard process to consider minor allocation changes among areas or gear groups and proposed changes related to recreational season structures (e.g., opening dates, days per week, early season/late season ratios, and port/area sharing).

**19. Tribal, Trawl, Non-Trawl, Rec – Stock Assessment Methods Review Topic Selection (Sept, Nov 2016)**

In September of even years, new assessment methodologies and impact projection models (typically developed by the GMT) are proposed and those deemed potentially useful are selected for a formal methodology review by the Science and Statistical Committee (SSC). In November, the SSC proposes the timing of methodology reviews. Those methodologies endorsed by the SSC can then be considered in assessments and GMT analyses conducted the next year and into the future.

**20. Tribal, Trawl, Non-Trawl, Rec - Salmon Consultation (Sept, Nov 2016)**

NMFS Sustainable Fisheries Division is drafting an Endangered Species Act (ESA) Biological Opinion on the take of listed salmonids in the groundfish fishery. NMFS has worked with the Council to develop the proposed action upon which the consultation would be based. NMFS expects to provide a draft biological opinion for the Council to review in the second half of 2016. The consultation is expected to be completed in late 2016 or early 2017.

**21. Tribal, Trawl, Non-Trawl, and Rec - Fishery Ecosystem Plan Indicators Initiative (Sept 2016, Mar 2017)**

Under the Fishery Ecosystem Plan the Council is undertaking the Coordinated Ecosystem Indicator Review Initiative. This initiative will refine and improve the ecosystem indicators presented in the Annual State of the California Current Ecosystem Report. Advice from the

Council's advisory bodies about ecosystem indicators relevant to fishery management has been solicited. In order for Council recommendations to be incorporated into the 2017 Report, the Council will need to finalize its recommendations in September 2016.

## **22. Tribal, Trawl, Non-Trawl, Rec – Sablefish Ecosystem Indicators (Sept 2016)**

In September 2015 the Council asked the NOAA Integrated Ecosystem Assessment Team to work with sablefish assessment scientists and members of the Scientific and Statistical Committee to initiate a comprehensive review of the sablefish stock throughout its range and to explore potential relationships between stock status and ecosystem changes that could help inform the next assessment. NMFS will periodically update the Council on progress toward completing this task. The next sablefish stock assessment has not yet been scheduled.

## **23. Tribal, Trawl, Non-Trawl, Rec – Bmsy Stock Productivity, Historical Catch Reconstruction (Mar 2017)**

Two workshops are planned for later this year: a  $B_{MSY}$ /Stock Productivity workshop and an Historical Catch Reconstruction workshop. Both workshops seek to refine data and modeling approaches for future stock assessments. The  $B_{MSY}$ /Stock Productivity workshop is tentatively scheduled for early December with the primary objective of determining best practices for modeling productivity in stock assessments. Results of this workshop could also inform different  $B_{MSY}$  proxies than are used today for managing groundfish species. The Historical Catch Reconstruction workshop is intended to review methods used to reconstruct historical catches in California, Oregon, and Washington. The primary objective of this workshop is to review and consider endorsing the historical catch time series of groundfish species based on these methods for use in assessments and other catch-based analyses.

## **24. Tribal, Trawl, Non-Trawl, Rec - Fishery Ecosystem Plan Identify New Indicators (Mar 2017)**

The Council will identify focal areas for future ecosystem indicator reporting related to Council decisions.

## **25. Tribal, Trawl, Non-Trawl, Rec- California Current Ecosystem Report (Mar 2017)**

NMFS provides the Annual State of the California Current Ecosystem Report Council's to the Council, typically in March. The purpose of the Report is to present ecosystem information for the California Current Ecosystem to the Council in a succinct, straightforward format so that the Council may take into account ecosystem variability in its decisions. The Report synthesizes data to present key environmental, biological, and socioeconomic indicators. Trends in physical, biological, and socioeconomic components of the ecosystem – taking into account the effects of fisheries and other human activities – are thus highlighted. The fifth report will be delivered to the Council in March 2017. Information in the Report is intended to inform Council fishery management decisions.

## **26. Tribal, Trawl, Non-Trawl, Rec – Endangered Species Workgroup Report (Apr 2017)**

In 2012 NMFS published an ESA Biological Opinion analyzing the effects of the groundfish fishery on green sturgeon (*Acipenser medirostris*), eulachon (*Thaleichthys pacificus*), humpback

whales (*Megaptera novaeangliae*), Steller sea lions (*Eumetopias jubatus*), and leatherback sea turtles (*Dermochelys coriacea*). The Biological Opinion directed NMFS to establish the Pacific Coast Groundfish and Endangered Species Workgroup. According to the terms and conditions, the Workgroup will meet at least biennially and develop recommendations on listed species take monitoring and mitigation, and the need to reinitiate consultation under Section 7. The Workgroup met in 2015 and is expected to meet again in early 2017 and report to the Council at the March or April 2017 meeting.

**27. Tribal, Trawl, Non-Trawl, and Rec - Inseason Management (June 2016 and beyond, excluding Mar 2017)**

Management measures for groundfish are set by the Council with the general understanding that these measures will likely need to be adjusted within the biennium to attain, but not exceed, the ACLs. Inseason adjustments are usually scheduled to be discussed at the April, June, September and November meetings.

**28. Tribal, Trawl, Non-Trawl, and Rec – Pacific Whiting Harvest Specifications and Set-Asides (Apr 2017)**

Every April the Council reviews the Pacific whiting assessment conducted and reviewed in the international process outlined in the U.S.-Canada Pacific Whiting Treaty agreement. The Council has the ability to lower the U.S. total allowable catch (TAC) of Pacific whiting from that recommended by the Joint Management Committee (the main decision-making body in the treaty agreement). While the Council has not reduced the recommended U.S. TAC since implementation of the U.S. Canada Pacific Whiting Treaty agreement, the Council usually decides the amount of Pacific whiting yield to set aside from the directed allocation to U.S. trawl sectors to accommodate research catches and expected bycatch of whiting in non-whiting fisheries at its April meeting.

**29. Tribal, Trawl, Non-Trawl, Rec - Stock Assessments for 2019-2020 Biennium (June 2017)**

At this meeting, under Agenda Item G.8, the Council is scheduled to adopt the list of stocks to be assessed in 2017 for use in 2019 and beyond and a stock assessment review schedule. Stock assessments conducted and reviewed in 2017 are scheduled for Council adoption in June and September of 2017. Any stock assessments relegated to the mop-up review panel (typically scheduled in late September) are scheduled for Council adoption in November 2017.

**30. Tribal, Trawl, Non-Trawl, Rec - Start of the Process to Establish 2019-2020 Specifications and Management Measures (June 2017)**

In most cycles, the start of the process to establish the biennial regulations begins in June of the odd numbered years (e.g., June 2017).

**31. Trawl – Trawl Gear Regulation Changes – Fishing In Multiple Management Areas on the Same Trip (June 2016)**

At its March 2016 meeting, the Council completed its recommendations on 7 of 8 issues included in the trawl gear regulation package (see Table 1, Item 13). The one issue left outstanding was fishing in multiple management measures on a single trip. The Council is scheduled to take final action at the June 2106 Council meeting on this measure. During the process of developing the gear

package, additional gear related issues were identified for potential council consideration but were not included in this package in order to ensure that the package could be implemented in 2017. Those issues have been slated for a second gear regulation package (see Item 60).

### **32. Trawl - Essential Fish Habitat and Rockfish Conservation Area Adjustments (Sept 2016, Mar 2017)**

Pacific Coast Groundfish essential fish habitat (EFH) description was most recently revised in 2006, as part of Amendment 19 to the Groundfish FMP. After completion of a periodic EFH review in 2014, the Council determined that new information warranted consideration of changes to groundfish EFH, and initiated a process to develop alternatives. Additionally, the Council has been considering changes to the trawl RCA. Because the actions and effects of the two actions are interrelated (i.e., restricting or allowing bottom trawling in designated areas), the Council merged the two efforts into a single action which will be Amendment 28. Selection of a preliminary preferred alternative is tentatively scheduled for September 2016 with final action in March 2017.

### **33. Trawl – Amendment 21 Allocation Revisions for Pacific ocean Perch and Darkblotched Rockfish, Set-Asides (June, Sept 2016)**

A new Council initiative to consider either changing the Amendment 21 allocations of darkblotched rockfish and Pacific ocean perch to the at-sea whiting sectors or accounting for the bycatch of these species by the at-sea whiting sectors by setting aside the yield from the trawl allocation before allocating harvestable surplus to the IFQ sector was introduced in April. Since making any of these changes to the trawl allocation scheme for these two species requires an FMP amendment and a three-meeting process to decide, the Council proposed a fast-track decision-making process that would culminate in a final decision in September 2016. This would enable the FMP amendment process and rulemaking to be done in time to implement any changes to how these species are managed in the at-sea whiting fisheries by the start of the 2017 whiting season on May 15.

### **34. Trawl – Five Year Trawl Catch Share Review, Including Scoping for Intersector Allocation Review (Sept, Nov 2016 & June 2017)**

The trawl rationalization program completed its fifth year at the end of 2015. The Council is scheduled to adopt a plan the five year review at its June 2016 meeting. The review process is expected to take two years and be completed by the spring of 2018.

### **35. Trawl – Cost Recovery Report (Apr 2017)**

The Council’s final recommendation on cost recovery is available on the trawl trailing action webpage and included the following statement: “The Council should have an ongoing, periodic role in the cost recovery program, including reviewing cost recovery levels, after the cost recovery program becomes established.” Each year NMFS develops a report which provides the Council an opportunity to review the cost recovery levels established by NMFS.

### **36. Trawl IFQ – EM Bottom and Non-Whiting Midwater Trawl EFP Update and Confirm FPA (Nov 2016)**

NMFS will continue to gather fishery information under the EFPs to further the development of EM policy for these two fisheries. At the November 2016 meeting the Council is scheduled to confirm the FPAs that were selected in September 2015.

### **37. Non-Trawl, Rec - Nearshore Species Management (Mar 2017)**

In developing regulations for 2015-2016, several complications arose regarding the data used to inform harvest specifications and management measures for nearshore species.<sup>7</sup> This management measure would explore a range of nearshore management approaches, including deferral of nearshore management to the West Coast states. During the September 2014 omnibus discussions, the Council recommended establishing an ad hoc committee to develop alternatives for the nearshore management approaches topic. If the Council maintains this item as a near term omnibus priority, then the Council may wish to outline the tasks and identify seats for the ad hoc committee.

### **38. LE FG – LE Fixed Gear Sablefish – Phase 2 (Sept 2016, Apr 2017)**

In September 2014, the Council identified the following topics to be considered as part of the Phase 2 action for the limited entry fixed gear sablefish catch share program review (the permit stacking system). Identification of the range of alternatives for this item is tentatively scheduled for September 2016 with selection of a preliminary preferred alternative scheduled for April 2017:

#### *(2014-69) LE FG – Combine the Fixed Gear Limited Entry Daily Trip Limit Fishery and Tier Fishery*

This measure would analyze the impacts of discontinuing the limited entry daily trip limit (DTL) fishery by moving the sablefish allocated for the DTL fishery (15%) into the tier fishery and adding a new tier for unendorsed sablefish permits (frequently referenced as the “zero-tier” permits). The analysis would include selection of a window period and conversion of the pounds caught during that period to specific permits. The GAP believes such a measure would increase economic efficiency.

#### *(2014-72) LE FG – Require Permit Price Reporting for LE FG Permit Transfers*

The SSC recommended, and the Council added to the omnibus list, the collection of permit price data when limited entry fixed gear permits are transferred ([Agenda Item F.6.b, Supplemental SSC Report, September 2014](#)).

#### *(2014-74) LE FG – Combine Longline and Fishpot into a Single Fixed Gear Limited Entry Endorsement*

This measure would allow the existing tier permits to be fished either with longline gear or pot gear. The GAP believes this measure could reduce rockfish bycatch, which is increasingly necessary given the reallocation of yelloweye rockfish from the non-nearshore to the nearshore sector as well as the request to reduce catches of shortraker and roughey rockfishes. This measure was scoped in the 2009-2010 biennial specifications Environmental Impact Statement and would require an FMP amendment.

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<sup>7</sup> See [Agenda Item D.5.b Supplemental WDFW/ODFW/CDFW Report, March 2014](#); [Agenda Item D.5.b Supplemental WDFW Report, March 2014](#); [Agenda Item C.4.b, ODFW Report, April 2014](#), [Agenda Item C.4.b, WDFW Report, April 2014](#); [Agenda Item F.7.b, Supplemental WDFW/ODFW Report, June 2014](#) and [Agenda Item F.7.b, Supplemental CDFW Report 1, June 2014](#)

### **39. LE FG – 2017 Incidental Regulations for Pacific Halibut (Mar and Apr 2017)**

Regulations governing incidental harvest of halibut in the salmon troll fishery and primary fixed gear fishery for sablefish north of Point Chehalis require the Council to adopt halibut landing restrictions to allow incidental harvest while assuring quotas are not exceeded. The Council is scheduled to recommend incidental halibut regulations for sablefish north of Point Chehalis at the March 2017 meeting. The limits for the salmon troll fishery are discussed at the March and April 2017 meetings.

### **40. Trawl IFQ - QS/QP Control Rule - Safe Harbor for Risk Pools - post 5-year review**

At its September 2011 meeting, the Council recommended providing risk pools a safe harbor from the QS control rules. At its September 2013 meeting, the Council agreed that risk pools appeared to be functioning adequately under current regulations and that implementation of this recommendation could wait until the five year program review.

### **41. Trawl IFQ - Resolve Long-term Whiting Surplus Carryover Provision - post 5-year review**

A workshop was held on November 2, 2012 to explore possibilities for fully implementing whiting surplus carryover in 2013 and a report was presented to the Council at its November 2012 meeting. The Council decided that it will review this issue again during the 5-year program review, scheduled to begin in 2016, with any action coming after the review is completed.

### **42. Trawl IFQ - Develop Criteria for Distributing Adaptive Management Program QP**

Under the Amendment 20 trawl rationalization program, the shoreside IFQ program includes a set aside of 10 percent of the nonwhiting QS (including halibut individual bycatch quota, IBQ) for an Adaptive Management Program (AMP). The AMP quota pounds (QP), issued each year for those QS, are to be distributed to address any of the following objectives: community stability; processor stability; conservation; unintended/unforeseen consequences of IFQ management; and facilitating new entrants. However, to date, the QP associated with this program have been passed through to QS holders on a pro rata basis in proportion to their QS holdings. It will take some time to develop and analyze alternative criteria for distribution of the AMP QP. The Council has recommended that the pass through continue until after the upcoming 5-year review has been completed but may wish to prioritize beginning work on these criteria.

## **Detailed Description for Table 3. Candidate Items for Prioritization in September**

### **43. Tribal, Trawl, Non-Trawl, Rec - Rebuilding Revision Rules (signal vs. noise)**

The Council recommended consideration of rebuilding revision rules during Amendment 24 and the 2015-2016 harvest specifications and management measures process. Such rules involve assessing adequacy of progress toward rebuilding and “rules” for revising established rebuilding plans, given future changes in stock status. Some have referred to the rebuilding revision rules as separating the “signal” (actual changes in spawning stock biomass and status (i.e., depletion)) from



the statistical noise (variability in estimates of spawning stock biomass and depletion). The management strategy evaluation necessary to inform potential rebuilding revision rules is ongoing and was not completed in time to be implemented under Amendment 24. The Council encouraged further development of this management strategy evaluation and decided they may revisit the consideration for rebuilding revision rules in the future.

#### **44. Tribal, Trawl, Non-Trawl, Rec - Further Consideration for Reorganizing Stock Complexes**

During the past few management cycles, the Council has made progress evaluating the performance of the existing stock complexes relative to the revised National Standard 1 Guidelines. In the event the Council wishes to further consider reorganizing the stock complexes, such work should be completed prior to the start of the biennial analysis (e.g., June 2017, prior to the 2019-2020 cycle).

#### **45. Tribal, Trawl, Non-Trawl, Rec – Ecosystem Port Sampling White Paper**

At its March 2015 Council meeting, the Council reviewed and prioritized work on ecosystem plan initiatives. The GMT statement recommended that an initiative document state port sampling procedures and establish a coast-wide coordination process to meet a variety of sampling needs across the FMPs. The Council agreed with the GMT recommendation but recommended that such a task be done through a white paper (vs. an initiative). This topic is listed as a groundfish workload, but would involve more than just groundfish staff.

#### **46. Tribal, Trawl, Non-Trawl, Rec - Further Consideration for Ecosystem Component Species**

In June 2014, the Council designated the following as ecosystem component species (EC): all the endemic skates<sup>8</sup>, except longnose skate; all endemic grenadier; spotted ratfish; soupfin shark; and finescale codling. The GMT recommended, and the Council added to this list, consideration of management measures for EC species. For example, sorting and reporting requirements could be implemented to ensure adequate monitoring for EC species. Management measures could also be developed to minimize bycatch and bycatch mortality of EC species consistent with National Standard 9. This exploration should be done after the Ecosystem Port Sampling White Paper (item 45) is completed.

#### **47. Tribal, Trawl, Non-Trawl, Rec - Analysis of a Multi-Year Average Catch Policy**

National Standard 1 Guidelines (see 74FR3178) references an approach whereby management performance and the need to adjust management measures would be evaluated by comparing the multi-year average catch against an average ACL. Such an approach could provide stability for industry, reduce inseason workload for the Council and NMFS, and might allow full implementation of the trawl IFQ program carryover provisions.

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<sup>8</sup> As noted under item 16, big skate is proposed to be reclassified from an EC species to “into the fishery” based on recent data.

#### **48. Trawl, Non-Trawl, Rec – Create 60-Mile Bank RCA Lines**

An area known as the 60-mile bank is a cowcod-rich area along the U.S./Mexico border. This area is not marked with RCA lines, leaving it unenforceable. In September 2014, the GAP requested the Council establish coordinates for defining the 60-mile bank due to concerns over cowcod bycatch. In September 2014, this item was prioritized by the Council for near term implementation and paired with the area modifications proposed under the EFH process (see [Agenda Item I.6.a, Supplemental Joint Council/NMFS Staff Report, September 2014](#), item # 66). However, during scoping of the EFH/RCA Amendment in April 2015 the Council did not forward it for inclusion. As such, it remains on the unprioritized omnibus list.

#### **49. Trawl, Non-Trawl - Groundfish Conservation Areas for Roughey Rockfish -**

During the development of the 2015-2016 harvest specifications and management measures, the Council recommended an analysis be conducted to explore the impacts of implementing a Groundfish Conservation Area to reduce the catch of roughey and blackspotted rockfish. Due to complexities in the analysis and competing workload in the 2015-2016 process, the Council recommended that this measure be discussed and prioritized accordingly during the omnibus regulation changes process.

#### **50. Trawl, Non-Trawl - New Dressed to Round Conversion Factors for Sablefish**

New information may be coming available on dressed to round conversion factors for sablefish, including conversion factors for product forms that are currently not covered with existing factors.

#### **51. Trawl, Non-Trawl (LE) – Eliminate Permit Size Endorsements**

Gear Workshop Report from the November 2012 Council meeting ([Agenda Item I.5.a, Attachment 4 – Gear Workshop Report](#)) stated: “The trawl permit length endorsement and associated permit transfer provisions are no longer needed as vessel capacity is no longer an issue under the IFQ program. However, there may be impacts to non-target species and to target species taken with fixed gear under gear switching that will need to be taken into account.” It has also been suggested that the size endorsements are no longer needed for the fixed gear sablefish endorsed permits. This issue was also been identified in The Trawl Rationalization Regulatory Evaluation Committee (TRREC) Report from the November 2011 Council meeting ([Agenda Item E.7.b, Supplemental TRREC Report](#)).

## **52. Trawl, Non-Trawl – Seabird Avoidance Devices for Vessels less than 55 feet**

In 2012, the U.S. Fish and Wildlife Service (USFWS) published a biological opinion considering the effects of West Coast groundfish fisheries to Endangered Species Act (ESA) listed marine species, including seabirds. The opinion includes reasonable and prudent measures (RPMs), terms and conditions, and conservation recommendations to minimize take of seabirds, particularly the endangered short-tailed albatross. The RPMs stipulate that NMFS shall 1) minimize the risk of short-tailed albatross interactions with commercial hook and line gear, 2) establish a work group as an advisory body to NMFS and USFWS for the purposes of reducing risk to short-tailed albatross (and other ESA-listed species), 3) monitor and report all observed, reported, and estimated short-tailed albatross take as well as report on the efficacy of avoidance and minimization measures, and 4) facilitate the salvage of short-tailed albatross carcasses taken by longline gear. In 2013, the Council recommended streamer line regulations for vessels 55 feet and greater; however regulations may be needed for vessels less than 55 feet.

## **53. Trawl, Non-Trawl - Move the Seaward Non-Trawl RCA Line Closer to Shore for Pot Vessels**

This measure would reduce the seaward extent of the non-trawl RCA for pot vessels but not for longline vessels. For example, the seaward boundary might be changed from 100 fm to 75 fm, thus allowing pot gear to be deployed shallower. Movement of the line for pot gear may be feasible because pot gear has demonstrated lower rockfish bycatch rates than longline gears. This measure may provide greater access to target species without substantial increases in rockfish bycatch.

## **54. Trawl IFQ, MS, CP – Allow Between Sector Transfer of Unneeded Overfished Species**

This measure would be specific to the within trawl use of choke species and is not intended to include discussion or promote changes to any of the existing allocations. The goal of this suggestion is to begin the conversation about how choke species can be better utilized and/or shared within the trawl sectors to ensure attainments of optimum yield for all target species. Item 55 of this list is a narrower version of this policy issue.

## **55. Trawl IFQ, MS – Allow Between Sector Transfer of Rockfish from IFQ to MS**

This measure would allow participants in the MS sector access to QP in their shorebased IFQ accounts for four rockfish species (canary, darkblotched, widow and POP). The total QP that could be transferred to the MS sector would be limited to the total associated with the QS amount allocated equally to permits from the buyback that also received a MS catcher vessel endorsement. An analysis of this issue was provided to the Council at its April 2016 meeting as part of the biennial specification management measures agenda item, but the Council did not include it among its preliminary preferred alternatives.

## **56. Trawl IFQ, MS, CP - Revise Length of Time Required for the Trawl Fleet to Retain Records**

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), consider revising regulations that require the trawl fleet to retain records for three years and make them available upon request (660.113(a)(2)) to clarify how that works with regulations that require retention of records on board for 15 days into the next cumulative limit period (660.13(c)).

## **57. Trawl IFQ, MS, CP – Year-Round Whiting Season and Other Season Date Modifications**

The November 2011 [TRREC Report](#) recommended as a first priority the movement of all shorebased whiting season start dates to May 15 and elimination of the 5 percent cap on the early season California fishery. Council action to move the shoreside season openings for the area north of 40°30' north latitude has been implemented but the April 15 start date for the area south of that line remains, along with the 5 percent cap due to the need for a FMP amendment to modify these provisions). The TRREC recommended as a secondary priority the consideration of a year round whiting season.

## **58. Trawl IFQ - Remove Certain Midwater Trawl Area-Management Restrictions**

The [TRREC](#) report recommended that the Council consider allowing year round use of midwater gear to target non-whiting in the RCA, including south of 40°10' N. latitude. And, it recommended that the use of midwater gear be allowed in all groundfish essential fish habitat conservation areas coastwide and year round (except that targeting on whiting would be subject to whiting regulations).

## **59. Trawl IFQ - Remove Certain Restrictions on Trawl Gear Configuration**

At its September 2015, meeting the Council endorsed a [GAP report](#) that included a number of items for the gear regulatory package. Three of the issues covered by that report could not be moved forward in the gear package without risking a delay of that package:

- Allow the targeting of whiting with non-midwater trawl gear.
- Eliminate the distinction between midwater whiting and midwater nonwhiting trips.
- Eliminate the distinction between midwater and bottom trawl gear.

A fourth issue that was discussed as part of the gear package, the use of midwater trawl gear to target nonwhiting within the RCAs south of 40°10' N. latitude, is covered above in Item 58.

## **60. Trawl IFQ - Resolve Long-term Non-Whiting Surplus Carryover Provision**

The trawl IFQ program allows up to 10 percent of a vessel's QP to be carried from one year to the next, either as a deficit covered with following year QP or an unused surplus which can be fished in the following year. Concern that the surplus carryover provision might be interpreted as violating allowable catch limits has led NMFS to not issue surplus carryover for some species in some years. To inform the NMFS decision process about whether or not to issue the surplus carryover, a consultative process between NMFS and the Council was developed as part of the 2013-2014 biennial specifications. However, there continues to be uncertainty each year as to whether or not surplus QPs from the previous year will be reissued. The uncertainty may be encouraging vessels to fish into deficit to avoid the loss of QP that would occur if surplus QP are not reissued. The Council has requested further analysis and development of options to ensure that, in the long term, the surplus carryover provisions can be implemented with greater certainty.

## **61. Trawl IFQ - Carryover When Management Units Change**

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), the regulations do not cover how carryover should be handled when there is a reallocation of QS as a result of changes in

management areas (area subdivision, combination, or line movement) or a subdivision of a species group that causes shifts in the distribution of QS. This issue was identified with the recent geographic subdivision of lingcod and relates to 660.140(c)(3)(vii).

## **62. Trawl IFQ - Allow Trading of Previous Year Quota Pounds in Current Year**

At the April 2013 Council meeting, it was proposed that the trading of QP issued for a previous year be allowed to occur in the current year up until the last landings data for the previous year is in the catch and QP accounting system. This would allow greater flexibility for the fleet as a whole to use unused QP from a previous year to cover catch in that year. For example, in situations where a vessel was in deficit at the end of the year, during the subsequent calendar year it might acquire QP from a vessel that had a surplus at the end of that same year, rather than having to use QP from the subsequent year to cover previous year catch.

## **63. Trawl IFQ - Discard Survival Credit for Lingcod and Sablefish**

The annual estimates of groundfish mortality, prepared by the West Coast Groundfish Observer Program, include discard survival credits for sablefish and lingcod. However, within the shorebased IFQ program, total catch, regardless of survival, is debited from vessel QP accounts and tracked inseason against the trawl allocation and ACLs, and there is no postseason QP adjustment. Industry has requested the consideration of an IFQ survival credit for discarded lingcod and sablefish, and particularly for the discard of small sized lingcod—for which discard is currently required. Such a measure may increase total utilization.

## **64. Trawl IFQ - Require Posting of First Receiver Site Licenses**

As described in September 2013 ([Agenda Item G.9.a, Attachment 1](#)), add a requirement that first receivers possess and display a valid first receiver site license at each processing site. This would be similar to existing requirements at 660.12(d)(1) and 660.25(b)(1)(iii) that require vessels registered to limited entry permits to carry a valid permit(s) onboard the vessel.

## **65. MS, CP – Eliminate the Prohibition on At-Sea Whiting Processing S. of 42**

This issue arose in the context of the at-sea whiting fleet's need to avoid bycatch. NMFS recommended that the issue be explored through an EFP but workload constraints, especially salmon consultation, prevented the EFP proposal from moving forward in November 2015.

## **66. Non-Trawl – Discard Mortality Rates for Commercial Nearshore Fisheries**

Starting in the 2009-2010 management cycle, surface discard mortality rates were implemented for several species encountered in the commercial nearshore fishery. In March 2014, the Council adopted new depth-based mortality rates for cowcod, canary rockfish, and yelloweye rockfish discarded in recreational fisheries using descending devices to mitigate barotrauma, which may also be applicable to the rod and reel component of the nearshore fishery. New research may also be available that would warrant updates to both the surface and descending device discard mortality rates. Additionally, there is interest in expanding the number of species with discard mortality rates associated with the use of descending devices. Updates to discard mortality rates require SSC review and Council adoption, however they do not require regulatory amendments.

## **67. LEFG, OA - Commercial Gear Restriction for Targeting Flatfish in CA**

In California, commercial vessels using a specific gear configuration designed to target flatfish species are authorized to fish in several Groundfish Conservation Areas, including the non-trawl RCA, Cowcod Conservation Area, Farallon Islands, and Cordell Banks. During the development of the 2015-2016 harvest specifications and management measures, the Council recommended an analysis be conducted to explore the impacts of either removing or modifying restrictions on the gear and where those vessels can fish. Due to complexities surrounding the analysis and competing workload in the 2015-2016 process, the Council recommended that this measure be discussed and prioritized accordingly during the omnibus regulation changes process.

## **68. LEFG, OA - Retain Pacific Halibut in the Sablefish Fishery (South of Pt. Chehalis, WA)**

At the September 2010 meeting, the Council recommended an analysis be conducted to explore the impacts of allowing incidental Pacific halibut retention in the sablefish fixed gear fishery south of Point Chehalis, Washington; which could include both limited entry and open access sectors. The analysis was intended to be completed in time to inform the development of the 2012 CSP, though there was some discussion such a timeline was ambitious. Initial queries indicate that no analysis of the measure has been completed to date.

## **69. Recreational - Discard Mortality Rates for the Recreational Fisheries**

Starting in the 2009-2010 management cycle, surface discard mortality rates were implemented for several species encountered in the recreational fishery. In March 2014, the Council adopted new depth-based mortality rates for cowcod, canary rockfish, and yelloweye rockfish discarded in recreational fisheries using descending devices to mitigate barotrauma. New research may be available that would warrant updates to both the surface and descending device discard mortality rates. Additionally, there is interest in expanding the number of species with discard mortality rates associated with the use of descending devices. Updates to discard mortality rates require SSC review and Council adoption, however they do not require regulatory amendments.

## **70. Recreational - 50 fm Depth Restriction (WA and OR)**

Federal regulations provide coordinates for a 50 fm recreational RCA line. During the development of the 2015-2016 harvest specifications and management measures, Washington and Oregon recommended analyzing the impacts of implementing the 50 fm line, if recommended. Due to the complexities surrounding the analysis and competing workload in the 2015-2016 process, the Council recommended that this measure be discussed and prioritized accordingly during the omnibus regulation changes process.