

## GROUND FISH ADVISORY SUBPANEL REPORT ON CONSIDERATION OF INSEASON ADJUSTMENTS

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to discuss progress of this year's fishery and possible inseason adjustments. The GMT discussion was led by Dr. Sean Matson. The GAP offers the following recommendations and comments on proposed inseason adjustments to ongoing groundfish fisheries.

### **Washington Recreational**

The GAP discussed the supplemental Washington Department of Fish and Wildlife (WDFW) report found in Agenda Item D.8.b relating to inseason adjustments for recreational cabezon and lingcod. The GAP supports the WDFW proposals.

### **Halibut IBQ Release**

The GAP acknowledges there has been a delay in the release of halibut individual bycatch quota (IBQ) in 2013 and understands that IBQ will be released soon. The GAP recommends the Council urge the National Marine Fisheries Service (NMFS) to release halibut in a timely manner in the future, as these kinds of delays cause a serious hardship on the trawl individual quota (TIQ) fleet.

### **Trawl RCA Changes**

The GAP held a discussion with Mr. Frank Lockhart from the Northwest Region of the National Marine Fisheries Service about the Agency's view on a legally defensible way to make changes to the trawl rockfish conservation area (RCA).

It appears to be NMFS' view that the requested changes to RCA boundaries are not the result of recently available data that generally drive inseason recommendations and decisions. The fact that there are low attainments for many non-whiting annual catch limits (ACLs) post-implementation of the catch share program was well-known before and at each Council meeting. Ongoing catch reports demonstrate the low attainments; this is not "new" information that would dictate "inseason" action. Inseason actions are exempt from certain rulemaking processes because of the analyses done in the biennial specifications process. Despite this new interpretation, the GAP still believes the impacts associated with the trawl RCA boundaries have been adequately analyzed in past NEPA documents.

However, the GAP was apprised by NMFS that a more prudent and legally defensible approach for making changes to the trawl RCA would be to go through a formal rulemaking process that includes a Council recommendation to NMFS, then a proposed and final rule process that includes the opportunity for the public to provide their comments on the proposed changes. To

that end, the GAP requests a change to the trawl RCA that would last through the current management biennium, which is through 2014.

The GAP recommends making changes to the trawl RCA boundaries north of 40° 10' N. lat. to 48° 10' N. lat. through the remainder of 2014 beginning in period 6 of 2013. Specifically:

Period	Shoreward	Seaward
2013: Period 6	100 fathoms	150 fathoms
2014: Periods 1-6	100 fathoms	150 fathoms

The GAP requests the Council recommend NMFS engage in a formal rulemaking process following this meeting in order to make these changes. We would anticipate this would include a proposed and final rule in time for implementation by Nov. 1, 2013.

The GAP remains concerned that the current shoreward RCA configuration is too restrictive for fishermen north of 40° 10' N. lat. to effectively prosecute their intended fishing strategies. The GAP believes this is clearly demonstrated by the NMFS 2012 Annual Catch Report under Agenda Item D.2 that demonstrates the low attainments for 2011 and 2012 with cumulative non-whiting attainments for 2012 at 29 percent of the ACL, including economically important species such as Dover sole, lingcod and Pacific cod. Liberalizing the RCA lines will allow trawlers to take advantage of opportunities to maximize the potential of their business plans. The TIQ program has created a system where conservation is inherently addressed, thus minimizing risks to stocks of concern associated with liberalizing the RCA.

The changes would bring consistency to the regulations over the remainder of the biennium. The shoreward and seaward lines will remain the same beginning in period 3 of 2013 (periods 3, 4 & 5 already adhere to these lines) and remain in place throughout all of 2014. These changes would result in an open fishery area that is easier for the fleet to comply with, is easier to enforce, saves on agency workload and eliminates enforcement time to reprogram VMS maps each period.

While it is difficult to quantify what the increased opportunity is worth, if the change in the RCA boundary allowed a 10 percent increase in Dover sole, lingcod and Pacific cod, landings, revenues could increase by \$1.9 million in 2013 alone.

PFMC  
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