

ECOSYSTEM WORKGROUP REPORT
ON UNMANAGED FORAGE FISH PROTECTION FINAL ACTION

Summary of E.4.a, Attachment 1

The Council has scheduled its final decision on Comprehensive Ecosystem-Based Amendment (CEBA) 1 for this March 2015 meeting. CEBA 1 would amend all four of the Council's fishery management plans (FMPs) to bring the following species and species groups into all four of the Council's FMPs as ecosystem component (EC) species:

- Round herring (*Etrumeus teres*) and thread herring (*Opisthonema libertate*)
- Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*
- Pacific sand lance (*Ammodytes hexapterus*)
- Pacific saury (*Cololabis saira*)
- Silversides (family *Atherinopsidae*)
- Smelts of the family *Osmeridae*
- Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid, *Onychoteuthidae*, and *Thysanoteuthidae*)

The above species are collectively referred to as "Shared EC Species." CEBA 1 includes these FMP amendments, which would prohibit the future development of directed commercial fisheries for Shared EC Species: Amendment 15 to the Coastal Pelagic Species (CPS) FMP, Amendment 25 to the Groundfish FMP, Amendment 3 to the Highly Migratory Species (HMS) FMP, and Amendment 19 to the Salmon FMP. CEBA 1 also includes Council Operating Procedure (COP) 24, which specifies conditions for exempted fishing permits to collect scientific information on the feasibility of fisheries targeting Shared EC Species. COP 24 does not assume that future fisheries for Shared EC Species will occur; instead, it sets out conditions for collecting scientific information in case there is future public interest in beginning new fisheries for Shared EC Species.

Our main report, Agenda Item E.4.a, Attachment 1, includes the following:

Chapter 1, *Introduction*, provides the Council's CEBA 1 Purpose and Need statement, and the schedule and process for developing CEBA 1.

Chapter 2, *Description of the Alternatives*, summarizes the three alternatives reviewed in the EA:

- Alternative 1 (No Action): future fishery management for unfished and unmanaged forage fish species would be governed by the Federal list of authorized fisheries and gear at 50 CFR 600.725(v).
- Alternative 2 (Preferred): bring Shared EC Species into FMPs and prevent future directed fisheries from developing in Federal waters without appropriate scientific information on harvest sustainability and potential ecological effects of the fishery, *incidental retention allowed*.
- Alternative 3: bring Shared EC Species into FMPs and prevent future directed fisheries from developing in Federal waters without appropriate scientific information on harvest

sustainability and potential ecological effects of the fishery, *incidental retention prohibited*.

Chapter 3, *Status of the Affected Environment*, provides background information on Shared EC species, and on known marine predators of Shared EC Species. Chapter 3 also discusses directed fisheries for Shared EC Species off the U.S. West Coast, if any, incidental catch of Shared EC Species, if known, and worldwide fisheries for these species. This chapter has been revised since September 2014 to include additional background descriptions on the physical environment (at Section 3.1) and on the socio-economic environment (Section 3.3 introductory text).

Chapter 4, *Impacts on the Affected Environment* is a standard requirement for National Environmental Policy Act analyses and discusses the potential effects of the alternatives on the aspects of the environment described in Chapter 3. Since September 2014, this chapter has been revised to add a new discussion on the potential cumulative effects of the alternatives (Section 4.4).

Chapter 5, *Consistency with FMPs and Applicable Laws* was only in outline format at the September 2014 meeting and has been revised to discuss the consistency of the action with the Council's FMPs, with the Magnuson-Stevens Fishery Conservation and Management Act, and with a suite of other applicable laws.

Chapter 6, *Consistency with the National Environmental Policy Act* has been updated since September 2014 to provide a more complete *List of Agencies and Persons Consulted* (Section 6.4).

Chapter 7, *Draft FMP Amendatory Language and Draft Council Operating Procedure 24* has been updated based on the Council's direction at the September 2014. The Ecosystem Workgroup has not further revised this chapter since Council staff sent the FMP amendment language out for public review as the Council's November 2014 Informational Report 3.

Chapter 8, *Sources*, lists the references used throughout the document.

Ecosystem Workgroup Recommendations on FMP Amendment Language

At its September 2014 meeting, the Council gave the Ecosystem Workgroup direction on revisions to the CEBA 1 draft fishery management plan (FMP) amendment language and directed Council staff to send the revised FMP amendment language out for public review. As noted above, Council staff provided the revised FMP amendment language in the November 2014 briefing book as Informational Report 3, which is duplicated in Chapter 7 of our main report for this meeting, Agenda Item E.4.a, Attachment 1.

Jacksmelt

In the Council staff's October 21, 2014 letter to CEBA 1 reviewers, the Council asked for comments on whether to include jacksmelt (*Atherinopsis californiensis*) in the CPS FMP's existing list of EC species at Table 1-2, or to remove jacksmelt from that list in recognition that jacksmelt

is a member of the silversides family (*Atherinopsidae*), which is one of the Shared EC Species families. If jacksmelt is to be removed from Table 1-2, it would still be part of the Shared EC Species within the silversides proposed to be listed in the CPS FMP at Table 1-3 for Shared EC Species.

Jacksmelt was first listed in the CPS FMP as an EC species in 2011, via Amendment 13 to the FMP. Leaving jacksmelt listed individually in Table 1-2 would imply that the Council intends to treat that species differently than the other Shared EC Species. That difference may simply be that the Council wants to continue to highlight jacksmelt for its closer association to CPS FMP fisheries. Or, the Council may want to provide management measures for jacksmelt that are more aligned with those for Pacific herring (*Clupea pallasii pallasii*), the CPS FMP’s other EC species. If the Council does want the CPS FMP and its implementing regulations to treat jacksmelt differently from other Shared EC Species, then we recommend keeping jacksmelt in Table 1-2 as well as retaining the more broad category of silversides (which includes jacksmelt) in proposed Table 1-3. However, if the Council does not wish to single out jacksmelt for special recognition or potentially different monitoring or management requirements, then it does not need to be listed separately from the other silversides species of the Shared EC Species. If the Council keeps jacksmelt in Table 1-2, we further recommend a clarifying note for Table 1-3, as shown in underlined text below Table 1-3 as follows:

1.2.2 *Ecosystem Component Species*

Table 1-2 EC species under the CPS FMP include:

Common Name	Scientific Name
Pacific herring	<i>Clupea pallasii</i>
Jacksmelt	<i>Atherinopsis californiensis</i>

Table 1-3 EC species shared between all four of the Council’s FMPs, including the CPS FMP.

Common Name	Scientific Name
Round herring	<i>Etrumeus teres</i>
Thread herring	<i>Opisthonema libertate, O. medirastre</i>
Mesopelagic fishes	Families: <i>Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae</i>
Pacific sand lance	<i>Ammodytes hexapterus</i>
Pacific saury	<i>Cololabis saira</i>
Silversides*	<i>Atherinopsidae</i>
Smelts	<i>Osmeridae</i>
Pelagic squids	Families: <i>Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae</i> except Humboldt squid, <i>Onychoteuthidae, and Thysanoteuthidae</i>

*Silversides include jacksmelt, which is also listed in Table 1-2 as an EC species specific to the CPS FMP. Jacksmelt is subject to the same directed fishing prohibition as other Shared EC Species, but it may also be subject to additional management and monitoring requirements that the Council develops for the Table 1-2 EC species particular to this FMP.

Incidental Catch Allowance

Upon reviewing the proposed FMP amendment language, we also noted that proposed revisions to the CPS FMP at Section 5.1.7 included some useful clarifying language on allowing incidental (but not directed) catch of Shared EC Species that we should have also suggested for the other three FMPs. We apologize for any confusion this may have created for CEBA 1 reviewers. Following the Council's revisions at its September 2014 meeting, Amendment 15 to the CPS FMP would add a Section 5.1.7 to that FMP on allowing existing fisheries to continue to take Shared EC Species as incidental catch. The Workgroup recommends a slight revision to that language, with the words "for eulachon recovery" struck out, below, because the Council implements a wide variety of bycatch minimization regulations, not just those for eulachon. The revised Section 5.1.7 of the CPS FMP would read:

5.1.7 Incidental Catch Allowance for Shared EC Species

Shared EC Species could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations for eulachon recovery. The targeting of Shared EC Species is prohibited.

The Workgroup also recommends parallel language for the Groundfish, HMS, and Salmon FMPs, as follows:

GROUNDFISH FMP

6.5.2. Bycatch and Incidental Take of Non-Groundfish Species in Groundfish Fishery

IN ADDITION TO THE COUNCIL'S OCTOBER 2014 REVISION PROPOSED FOR SECTION 6.5.2.1 *ENDANGERED SPECIES ACT SPECIES*, ADD A NEW SECTION 6.5.2.4, *SHARED ECOSYSTEM COMPONENT SPECIES* TO READ AS FOLLOWS:

6.5.2.4 Shared Ecosystem Component Species

Shared EC Species, identified in Table 3-3, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

* * *

HMS FMP

ADD A NEW PARAGRAPH AT THE END OF SECTION 6.1.3, *BYCATCH (INCLUDING CATCH-AND-RELEASE PROGRAMS)* TO READ AS FOLLOWS:

* * *

Shared EC Species, identified in Section 3-3, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

* * *

SALMON FMP

ADD A NEW PARAGRAPH AT THE END OF SECTION 3.5.1, *DEFINITION AND MANAGEMENT INTENT [WITHIN SECTION 3.5 ON BYCATCH]* TO READ AS FOLLOWS:

* * *

Shared EC Species, identified in Table 1-4, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

* * *

Ecosystem Workgroup Recommendations on Updating FEP Appendix

The initiatives in the FEP's appendix will be discussed at this meeting under Agenda Item E.2. CEBA 1 grew out of the Council's first ecosystem initiative on protecting unfished and unmanaged forage fish. The FEP appendix includes a lengthy description of a potential process for developing FEP Initiative 1. If the Council finalizes CEBA 1 at this meeting, FEP Initiative 1 will be complete. Following Council final action on CEBA 1, we recommend updating Section A.1 of the FEP appendix to remove the outdated FEP Initiative 1 process discussion from 2013 and to include a brief discussion of the completed initiative, as follows:

* * *

A.1 FEP Initiative 1, Protection for Unfished Forage Fish

The Council began FEP Initiative 1 in September 2013 and completed it as Comprehensive Ecosystem-Based Amendment 1 (CEBA 1) in March 2015. The Council adopted the following purpose and need statement for CEBA 1:

The purpose of this action is to prohibit new directed commercial fishing in Federal waters on unmanaged, unfished forage fish species until the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem. This action is needed to proactively protect unmanaged, unfished forage fish of the U.S. West Coast Exclusive Economic Zone (EEZ) in recognition of the importance of these forage fish to the species managed under the Council's FMPs and to the larger CCE. This action is not intended to supersede tribal or state fishery management for these species, and coordination would still occur through the existing Council process.

CEBA 1 amends each of the FMPs to bring these species and species groups into the FMPs as ecosystem component (EC) species shared between all four of the Council's FMPs:

- Round herring (*Etrumeus teres*) and thread herring (*Opisthonema libertate* and *O. medirastre*)

- Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*
- Pacific sand lance (*Ammodytes hexapterus*)
- Pacific saury (*Cololabis saira*)
- Silversides (family *Atherinopsidae*)
- Smelts of the family *Osmeridae*
- Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid (*Dosidicus gigas*), *Onychoteuthidae*, and *Thysanoteuthidae*)

In the Council’s FMPs, this group of species is collectively referred to as the “Shared EC Species.” CEBA 1 includes these FMP amendments: Amendment 15 to the Coastal Pelagic Species (CPS) FMP, Amendment 25 to the Pacific Coast Groundfish FMP, Amendment 3 to the Highly Migratory Species (HMS) FMP, and Amendment 19 to the Pacific Coast Salmon FMP. CEBA 1 prohibits the development of new directed commercial fisheries for Shared EC species within the U.S. West Coast EEZ, while allowing existing incidental harvest of these species to continue to occur. However, CEBA 1 also includes Council Operating Procedure (COP) 24, which specifies conditions for exempted fishing permits to collect scientific information on the feasibility of future fisheries targeting Shared EC Species. COP 24 does not assume that future fisheries for Shared EC Species will occur; instead, it sets out conditions for collecting scientific information in case there is future public interest in beginning new fisheries for Shared EC Species.

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PFMC
2/17/15