

NMFS Advice on Preliminary List of Management Measures for 2013-2014 Groundfish Fisheries

October, 2011

Council direction from the June, 2011 PFMC meeting was to reduce the scope and complexity of harvest specifications and management considerations for the 2013-14 biennium to be close to those in place in 2012, to not exceed the range of alternatives analyzed for the 2011-12 cycle, and to otherwise simplify and manage the process so as to ensure a January 1 fishery start date. With this in mind, NMFS reviewed the preliminary list of recommendations regarding potential management measures from the September, 2011 PFMC meeting. At the GMT meeting the week of October 3-7, NMFS members of the Project Team provided advice on which items to include in the harvest specifications process, and which items to address through future rulemakings. These notes summarize the NMFS direction that was provided.

Gear Regulation	Brief Description
1.) Chafing gear	Exempt midwater trawl gear when used in the primary whiting fishery from restrictions on the amount of chafing gear allowed on trawl nets
2.) 4 Seam Trawl nets	Allow the use of 4-seam bottom trawl nets
3.) Multiple Gears	Allow the use of multiple gears (trawl and non-trawl) on one trip in the IFQ fishery

1.) Chafing Gear: The 2007-2008 harvest specifications and management measures imposed restrictions on the amount of chafing gear that is allowed on trawl gears, including midwater trawl gear used to target Pacific whiting, consistent with the gear descriptions that were used during consultation on the impacts of the groundfish fishery on newly-designated groundfish essential fish habitat (EFH). Any changes to the amounts of chafing gear that are allowed to be used on trawl gears, including consideration of an exemption for midwater trawl gear from chafing restrictions, would require re-initiation of consultation on the effects of the Pacific whiting fishery on groundfish EFH. Consulting could jeopardize implementation of the 2013-2014 harvest specifications and management measures by January 1, 2013.

NMFS proposes to separate the above-listed change to gear regulations for IFQ fisheries from the 2013-2014 harvest specifications and management measures analyses and rulemaking. NMFS recommends that these issues be included in a future rulemaking; perhaps a separate gear-related rulemaking.

2.) 4-Seam Trawl Nets: Current regulations restrict trawl nets to 2-seams. While small-scale gear testing of a 4-seam trawl net occurred under an exempted fishing permit in the groundfish IFQ fishery in August 2011, data from those activities may not be available until December 2011. This information would be arriving late in the 13-14 biennial process, as the Council is scheduled to make a recommendation on “a

final set of new management measures for detailed analysis” at their November 2011 meeting. Therefore, it may be premature to consider removal of the 2-seam net restrictions across the entire groundfish trawl fishery at this time.

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3.) Multiple Gears: The request to allow the use of more than one type of gear on a single IFQ fishing trip has been forwarded to the TRREC for consideration at their October 27th meeting. A complete and thorough exploration must be conducted by NMFS staff to find out how extensive the ripple effects on groundfish fishing regulations and enforcement of RCA and EFH areas would be if more than one type of gear was allowed to be used during a single trip. There may also be effects of changes to these regulations on how catch data from the IFQ fishery is interpreted (e.g. managers may lose the ability to estimate bycatch rates for each gear type used in the fishery) that would also need to be considered and described. Since these ripple effects may not necessarily translate to direct or indirect effects on the human environment, this investigation and documentation of regulatory and management implications may not necessarily be required for inclusion in a NEPA document. Nonetheless, it would likely be a work intensive and time consuming process for NMFS staff to fully gauge the potential adjustments that would be necessary to groundfish fishing regulations to implement this increased level of gear flexibility in the IFQ fishery. Additionally, it has been pointed out that there are data concerns for both PacFIN and the WCGOP that would need to be addressed, as well as OLE concerns.

NMFS proposes to separate the above-listed change to gear regulations for IFQ fisheries from the 2013-2014 harvest specifications and management measures analyses and rulemaking. NMFS recommends that these issues be included in a future rulemaking; perhaps as a separate gear-related rulemaking.

Gear Regulation	Brief Description
4.) Blackgill MMs	If blackgill rockfish is given its own species specific harvest specifications (e.g., ACL, harvest guideline, etc.) then new species-specific management measures will be considered, as necessary, to keep catch within the ACL. These measures may include sorting requirements, catch tracking and reporting and exploration of routine management measures, particularly for the LEFG and OA fisheries.
5.) Longnose MMs	The longnose skate OY was exceeded in 2009. Consideration of new, additional management measures is necessary to keep mortality within the ACL.
6.) CA Nearshore RF	Updating routine management measures for nearshore rockfish in California that may be needed to keep mortality within the sub-complex ACL because of changes to the nearshore permitting system. Unlikely any NEW measures will be necessary.
7.) Remove lingcod length limit	Request from industry to remove the minimum size limit for lingcod in the IFQ fishery (both trawl and non-trawl gears). In 1995 a minimum size limit was implemented for lingcod and was intended to minimize harvest of immature fish that are needed to sustain the reproductive potential of the stock. The potential

	impacts to the population dynamics from a removal of a long-standing size limit should be analyzed (probably by stock assessment authors at the Science Centers).
8.) Modify lingcod length limit	Request from industry to reduce the minimum size limit for lingcod in the IFQ fishery to 20 inches. In the past, changes to the lingcod minimum size limits were used to influence landings (pre-IFQ).

Items 4-8 appear to meet the Council’s guidance for a narrow scope of new management measures, including prioritization of measures that are conservation oriented or respond to new scientific information. NMFS recommends that these issues be included in the 2013-2014 harvest specifications and management measures analyses and rulemaking.

Regulation and FMP Amendment	Brief Description
9.) Fishing opportunities in the CCAs	CDFG is proposing new management measures in the CA recreational fishery that would allow for shelf rockfish species to be retained in the CCAs, in areas only shallower than 20 fathoms.

9.) Fishing in CCAs: The Council recommended a similar change to species retention regulations in the California recreational fishery for these species in the 2011-2012 harvest specifications and management measures cycle. These measures were not implemented by NMFS, primarily due to the lack of new information that could inform the implications of consideration of such a change, as required per the Groundfish FMP.

NMFS proposes to separate the above-listed change to CCA fishing regulations from the 2013-2014 harvest specifications and management measures analyses and rulemaking. In addition, NMFS would like to explore with the Council and California the collection of new information through an EFP, in collaboration with the NW and SW fishery science centers, to inform consideration of additional fishing opportunities that could be allowed within the CCAs, while still meeting the requirements for cowcod rebuilding plans.

Regulation and FMP Amendment	Brief Description
10.) Catch Accounting in LE and OA fisheries	FMP Am 21 changed some Am 6 language regarding catch accounting in the Limited Entry (LE) and Open Access (OA) fisheries. This has left the FMP and regulations with contradictory language pertaining to accounting for allocations between LE and OA fisheries.

10.) Catch Accounting: Current catch accounting in both the LE and OA fisheries, even with the contradictory language, does not directly affect management of the LE and/or OA fisheries and does not pose a conservation concern. NMFS acknowledges the need to fix any inconsistencies in both the FMP

and related groundfish regulations. However, we believe this issue is best dealt with through a different rulemaking, given Council direction to make the 2013-2014 specifications process as simple as possible.

This is currently the only issue for the 2013-2014 specifications process that would require an FMP amendment. An FMP amendment would create a more complex rulemaking and clearance and review process. While the exact amount of work required to address this issue is unknown at this time, NMFS believes it could add a significant workload to the process. Not including this FMP Amendment would promote implementation of the 2013-2014 harvest specifications and management measures by January 1, 2013. Therefore, NMFS recommends the above listed issue be addressed in a future rulemaking.