

WASHINGTON AND OREGON DEPARTMENTS OF FISH AND WILDLIFE REPORT ON  
2015-2016 BIENNIAL HARVEST SPECIFICATIONS AND MANAGEMENT MEASURES

The Washington and Oregon Departments of Fish and Wildlife would like to reiterate our understanding regarding the management of stocks in state waters and our concerns with the use of data moderate assessments for nearshore stocks north of 40°10' N. latitude, and describe our preferred management approach for 2015 and 2016 (and, potentially, beyond).

As we noted in March (Agenda Item D.5.b Supplemental WDFW/ODFW/CDFW Report), the Magnuson-Stevens Fishery Conservation and Management Act (MSA) clearly indicates that the states' jurisdiction and authority within its respective boundaries, to include state waters, is not diminished by the MSA. As such, our understanding is that the portions of nearshore rockfish and roundfish stocks (e.g., China, copper, and brown rockfish, cabezon, and kelp greenling) occurring in state waters are under the states' respective jurisdictions and are not subject to federal management.

While the Pacific Fishery Management Council (Council) process provides an opportunity for the states to share information, the states independently manage their nearshore fisheries through separate licensing/permitting requirements, data collection and research programs, and stakeholder communication efforts. The Council recognized this during development of the Groundfish Fishery Strategic Plan (plan), adopted in 2000. The plan envisions that "Council management may be simplified by removing some species from the FMP through delegation or deferral to state management" and there is a management policy recommendation to: "Consider delegating or deferring nearshore rockfish and other groundfish species, such as scorpionfish, greenling, and cabezon, to the States." The plan also discusses the complexity and enforcement challenges inherent in having differing fishery among the states and how the Council and National Marine Fisheries Service (NMFS) are not well suited to assess the biological requirements of many of these local populations, to assess the social and economic issues associated with them, or to monitor localized fisheries. We assert that these issues are perhaps even more relevant today.

Again, as stated previously in March, the states have concerns with the use of the data moderate assessment approach, which uses catch history and—in these cases—recreational fishery-dependent indices of abundance, to determine the status of nearshore stocks as our respective nearshore fisheries are significantly different and have changed over time. It is likely that the catch histories, on which these nearshore assessments were based, were affected by these state-specific regulatory changes, rather than reflective of changes in abundance.

We believe that these concerns could be addressed through the development of reliable full assessments to the extent that data are available, which we think would be the appropriate next step. These full assessments should provide coastwide and state-specific information useful to management. While most, if not all, of these particular stocks occur exclusively in state waters, those assessments could also apportion overfishing limits between state and federal waters for management purposes, as appropriate.

While the states have considered alternatives for non-retention of these stocks, which could be specified pre-season, the minor nearshore rockfish species are not targeted and our respective nearshore fisheries are the best (and, in some cases, the only) opportunity to collect biological data (e.g., age structures, maturity information, lengths and weights, etc.) on these stocks. Having non-retention restrictions in place at the start of our seasons would significantly hamper our abilities to have to full assessments in the future.

So, until those full assessments for nearshore stocks are completed and accepted for management, with the understanding that full assessments may not be available in the near future due to the lack of available data in some fisheries and areas, given the abilities of the states to monitor and manage our fisheries, we would propose the following management approach:

1. WDFW and ODFW commit to monitoring the harvest levels of their nearshore fisheries in-season and to coordinating with the other states if in-season action were needed.
2. Each state would manage its fisheries in a manner that would essentially treat “status quo” harvest levels as harvest guidelines.
3. Collectively, the states’ “status quo” harvest levels of nearshore rockfish would exceed the nearshore rockfish complex annual catch limits (ACLs) for 2015 and 2016; therefore, WDFW and ODFW commit to consult and coordinate with the other states upon attainment of 75% of our respective “status quo” harvest levels. Table 1 describes what the states’ harvest guidelines would be and what 75% of those respective guidelines are. We would conduct a conference call; each state would report its current harvest and projected catch estimate and decide whether any in-season action was needed.
  - a. As ODFW and WDFW can take in-season action expeditiously, the harvest guidelines for Oregon and Washington would be state harvest guidelines and would not be specified in federal regulations.
  - b. We would ask the California Department of Fish and Wildlife how they would like California’s harvest guideline for nearshore rockfish north of 40°10’ N. latitude specified and what their proposed management approach is, if different than this.
4. ODFW and WDFW commit to providing in-season updates on our respective nearshore fisheries to the Council at the September and November meetings in 2015 and 2016.

Table 1. Annual state-specific harvest guidelines (HGs) for the nearshore rockfish complex north of 40°10’ N. lat. for 2015-2016, and 75% of each HG that would trigger consultation and coordination.

	Harvest Guideline	75% of HG
Washington	10.5	8
Oregon	48.4	36
California	23.7	18
<b>Total</b>		<b>62</b>