



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
Sustainable Fisheries Division F/NWR2  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115-0070

Agenda Item F.9.b

NMFS Letter 1

June 2013

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Dr. Donald O. McIsaac  
Executive Director  
Pacific Fishery Management Council  
7700 Ambassador Place, Suite 101  
Portland, OR 97220-1384

PFMC

Dear Dr. McIsaac:

This is in response to the Pacific Fishery Management Council's (PFMC) transmittal letter dated April 19, 2013, regarding recommendations for inseason adjustments to 2013 groundfish fisheries from the April, 2013 meeting, including the issuance of surplus carryover in the Pacific Coast Individual Fishing Quota (IFQ) Program from 2012 to 2013.

The National Marine Fisheries Service (NMFS) decided to issue surplus carryover from 2012 to 2013 for the vast majority of IFQ species/area categories. The exceptions are Pacific whiting, lingcod and petrale sole. Consistent with the PFMC recommendation, NMFS will not issue surplus carryover for Pacific whiting due to the need for adherence to the international whiting agreement, where a method for addressing carryover of unused Pacific whiting already exists. Surplus carryover will not be issued for lingcod at this time because the PFMC needs to first recommend a method to transition surplus carryover methods from the 2012 coastwide IFQ species category to the area-specific ones that currently exist for 2013. Surplus carryover pounds of petrale sole will not be issued due to risk of exceeding the 2013 ACL for this stock, which is currently in overfished status.

#### Petrale sole

Petrale sole is currently listed in 2013 as an overfished species under a rebuilding plan, and as such it is imperative to keep harvests within the ACL. Attainment of the petrale sole allocation in the 2012 season of the IFQ program, as shown on the IFQ Program public website (<https://www.webapps.nwfsc.noaa.gov/ifq/>) was 100.3 percent. Consistent with the policy set on May 11, 2012, NMFS will not issue carryover of this species, in accordance with the associated risk of exceeding the 2013 ACL. That policy is, for IFQ species with overall attainment at or above 100 percent (of the IFQ Program allocation) in a given year, NMFS will not issue surplus carryover for the subsequent year.

NMFS estimates that if surplus carryover pounds were issued for petrale sole, this would lead to a projected 97.5 percent attainment of the 2013 ACL (2,526 mt/2,592 mt). Without surplus carryover, the projected attainment of the petrale sole ACL is 96.7 percent (2,507 mt/2,592 mt). Since the petrale sole ACL increases from 2012 to 2013 (from 1,160 mt in 2012, to 2,592 mt in 2013), the amount of potential surplus carryover (20 mt) from 2012, relative to the 2013 ACL is



small (0.7 percent). The fact that the ACL more than doubles (an increase of 223 percent) means that the fishery sees a huge increase in targeting opportunity for this species in 2013.

It should be noted that changes to RCA boundaries are unlikely to be effective at curtailing petrale sole catch in the IFQ fishery as an inseason accountability measure. Petrale sole's highest density is reported to be between 160 and 250 fathoms (fm), and adults migrate seasonally between deep winter spawning areas to shallower spring feeding grounds (Status of the Pacific Coast Groundfish Fishery, Vol. 1, 2008, PFMC, [http://www.pcouncil.org/wp-content/uploads/SAFE\\_2008\\_March.pdf](http://www.pcouncil.org/wp-content/uploads/SAFE_2008_March.pdf)). Modified RCA boundaries exist that can be used specifically to allow or deny access to those shallow spring feeding grounds. However, by the time managers could become aware that a conservation concern due to high catch has developed, the opportunity to use RCA boundaries will have already passed, and petrale sole will have left their spring feeding grounds, and returned to deeper waters. On average, half of the annual petrale sole catch each year has occurred during four winter months in the IFQ program (November through February), and 28 percent of the annual catch happens in November and December alone (2011-2012). Moving the seaward RCA to outside the area of highest density (deeper than 250 fm), although potentially somewhat effective, would be a severe accountability measure, which would make fishing very difficult for many target species, and should only be undertaken as a last resort. Taken together, this means that RCAs are not an effective tool to mitigate annual catch of petrale sole, given the likely timing of the need for implementation of an accountability measure, to stay within the ACL.

The sum of these factors, together with the policy established by NMFS in May of 2012, leads us to conclude there is a potentially high risk of exceeding the petrale sole ACL in 2013, and NMFS will not further increase this risk by issuing surplus carryover for this species.

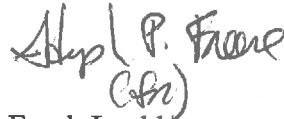
### Lingcod

The coastwide IFQ species/area category for lingcod was divided north and south of 40°10' N. lat., effective 2013. Methods for converting the surplus coastwide pounds from 2012 into area-specific pounds for 2013, and potentially related issues surrounding the method for proportional reduction of the surplus carryover pounds, according to the reduction in the ACLs for lingcod, should be recommended by the PFMC and approved by the NMFS before surplus carryover can be issued for lingcod from 2012 to 2013. Recommending a general method that could be applied to any IFQ species/area category would prevent similar complications in the future, when management lines for other species are changed. NMFS has explored this topic, and recommends, as stated in the 2013-2014 harvest specifications and management measures final rule (78 FR 580, 1/3/2013), that the PFMC and NMFS need to consider how reallocations affect surplus carryover, QS control limits (including aggregate non-whiting groundfish species), and potentially, a different solution to deficit carryover. (p.584) The PFMC and NMFS have not yet addressed how to issue surplus carryover when an IFQ species management area is subdivided between years, like lingcod.

Such a method should be consistent with how the lingcod ACL change was approached in the 2013-2014 harvest specifications (see proposed rule 77 FR 67974, 11/14/2012, p.67979) where a shift was made from 42° to 40°10'. A method recommended by the Council at the June 2013 meeting could be applied in order to distribute surplus carryover pounds of lingcod to vessel accounts at the next practical opportunity during 2013.

If you have any questions or comments regarding this letter, please contact me directly.

Sincerely,

Handwritten signature of Frank Lockhart in black ink, appearing to read "Frank P. Lockhart" with a stylized flourish.

Frank Lockhart  
Assistant Regional Administrator  
Sustainable Fisheries Division  
Northwest Region  
National Marine Fisheries Service

cc: Chairman Dan Wolford  
Dr. Sean E. Matson  
Kevin C. Duffy  
Dr. Stephen Freese  
Mariam McCall

