

## ECOSYSTEM WORKGROUP SUMMARY REPORT ON PROTECTING UNFISHED AND UNMANAGED FORAGE FISH SPECIES INITIATIVE

At its September 2013 meeting, the Pacific Fishery Management Council (Council) directed the Ecosystem Workgroup (Workgroup) to draft alternatives for preventing future fisheries from developing without advance scientific assessment for forage species that are currently unfished and unmanaged in the U.S. Exclusive Economic Zone (EEZ, 3-200 nm offshore). Our main report, Agenda Item I.1.a., Attachment 1, includes the following:

Chapter 1, *Introduction*, provides the Purpose and Need statement that the Workgroup recommended and the Council adopted at its September 2013 meeting in Section 1.2. The Workgroup recommends that the Council consider slightly revising that statement. At its September 2013 meeting, the Council adopted a list of species as potential subjects of this action. Subsequent to that meeting, the Workgroup researched available background information on those species, and on their fisheries off the U.S. West Coast and worldwide. At its meeting in February 2014, the Workgroup reviewed the Purpose and Need statement and discussed whether that statement should be revised in light of what the Workgroup had learned about these species and their fisheries. Section 1.2 of the Workgroup's main report provides both the September 2013 version of the Purpose and Need statement and the following revision to that statement, which the Workgroup thinks more directly addresses the Council's intent for this action:

*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 EEZ in recognition of the importance of these forage fish to the species managed under the Council's FMPs and to the larger CCE.*

Chapter 2, *Description of the Alternatives*, provides suggested alternatives for review by the Council, its advisory bodies, and the public. Alternative 1 is the No Action Alternative, using the List of Authorized Fisheries and Gear at 50 CFR 600.725 to prohibit the use of certain gear types without advance Council consultation. Under Alternative 2, the action alternative, fishing for any species subject to this action would be prohibited until and unless the Council has adequate scientific information available that supports allowing a fishery for the species to occur. This April 2014 draft provides three pathways for prohibiting directed fisheries for the subject species within Federal waters. These pathways are not separate alternatives that the Workgroup is suggesting for future analysis. Rather, they are different ways of thinking about how the subject species may be connected to the Council's Fishery Management Plans (FMPs). The Workgroup recommends that the Council choose one of these pathways for Alternative 2 before assigning the Workgroup to analyze the potential effects of that alternative. Alternative 2 would bring these species into the Council's FMPs and make them subject to Federal regulation under those FMPs. The Workgroup recommends that the Council not choose a "mix-and-match"

approach to the pathways under Alternative 2, because doing so could raise alternative regulatory requirements for species managed under the different pathways.

Chapter 3, *Status of the Affected Environment*, provides background information on the species subject to this action and on fisheries, if any, for those species within state waters off the U.S. West Coast. Chapter 3 also provides information on bycatch of these species, if known, and on worldwide fisheries for these species. Section 3.4 is a summary of connections between the species subject to the action and the Council's FMP species or fisheries. There is little available information for some of the species subject to the action and none of the species have been subject to large-scale or persistent fisheries off the U.S. West Coast. As a result, some of the connections between the subject species and the FMPs are tentative or speculative. The Workgroup would appreciate comments from the Council and its advisory bodies on whether there are other or better connections to be drawn between the subject species and the FMPs.

Chapter 4, *Recommendations on Incorporating Forage Species into the FMPs* suggests, as above, that the Council choose a pathway for Alternative 2, and consider a process for amending multiple FMPs simultaneously in its development of Initiative 1. Chapter 4 also suggests a work plan for the Workgroup's next report to the Council, tentatively scheduled for September 2014:

*For its next report, the Workgroup proposes to revise Chapters 1-3 of this document in accordance with the Council's April 2014 direction, and to draft a new Chapter 4 to analyze the potential effects of the alternatives. The Workgroup could also provide the Council, its advisory bodies, and the public with draft amendatory language for each of the FMPs to be amended.*

The states of Oregon and California both have fishery management programs that automatically bring state regulations into conformance with Federal regulations. Washington has conforming regulations as well for some fisheries, but at this time does not see conflicts with this Initiative. FMP amendatory language and Federal regulations would have to be carefully crafted to ensure that Federal regulations to prohibit the directed take of the species subject to this action do not inadvertently result in the closure of state waters fisheries. Depending on the pathway the Council chooses for Alternative 2, the Workgroup plans to review how state and Federal management programs would intersect for these species as part of its next report to the Council.

PFMC  
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