



## Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

October 21, 2014

Re: Pacific Fishery Management Council Request for Comments on Draft Fishery Management Plan Amendments Protecting Unfished and Unmanaged Forage Fish Species

Dear Reviewer,

In April 2013, the Council adopted a Pacific Coast Fishery Ecosystem Plan (FEP) for the U.S. Portion of the California Current Large Marine Ecosystem as a vehicle for bringing ecosystem-based principles into the Council decision-making process under its existing Fishery Management Plans (FMPs). At the same time, the Council adopted an Ecosystem Initiatives Appendix, which provides examples of how the Council could address issues that affect two or more Council FMPs or coordinate major Council policies across the FMPs to fulfill identified FEP needs.

The Council is nearing completion of the first designated initiative. Initiative 1 is intended to recognize the importance of forage fish to the marine ecosystem off of the U.S. West Coast, and to provide adequate protection for unfished and unmanaged forage fish. The Council is not pursuing a permanent moratorium on fishing for forage fish. Instead, the Council's objective is to prohibit the development of new directed fisheries on forage species that are not currently fished within federal waters (3-200 nm offshore) or managed by the Council, until the Council has had an adequate opportunity to assess the science relating to any proposed fishery and any potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

At its September 2014 meeting, the Council chose a preliminary preferred alternative, Alternative 2, which would amend all four of the Council's FMPs to bring unfished and unmanaged forage species into the Council's FMPs and to prohibit future directed commercial fisheries for those species from developing without scientific information on harvest sustainability and potential ecological effects of the fisheries. This multi-FMP amendment is known as Comprehensive Ecosystem-Based Amendment 1 (CEBA 1) and will include 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 FMP, and Amendment 19 to the Pacific Coast Salmon FMP.

The following species and species groups are under Council consideration to become EC species shared (Shared EC Species) 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 *Osmmeridae*
- Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* (except Humboldt squid, *Dosidicus gigas*), *Onychoteuthidae*, and *Thysanoteuthidae*)

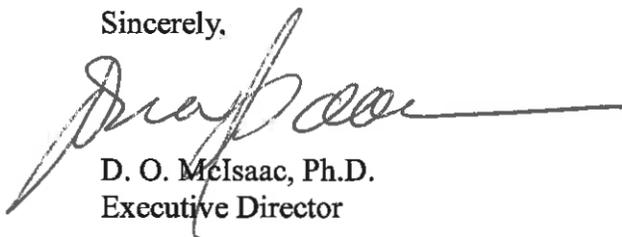
Enclosed for your review is the draft FMP amendment language and draft Council Operating Procedure (COP) 24, which the Council adopted for public review at its September 2014 meeting. Draft COP 24 is based on the Council's preliminary preferred alternative, which would allow the development of new fisheries for unfished species and is structured similarly to existing COPs associated with FMP fisheries. Should a U.S. citizen want to develop targeted fisheries for Shared EC Species at some future time, COP 24 would provide the Council and the public a framework for evaluating the potential impacts of such a fishery to existing fisheries, fishing communities, and the greater marine ecosystem.

The Council notes that jacksmelt (*Atherinopsis californiensis*) are an existing EC species in the CPS FMP. Jacksmelt are also a member of the silversides family (*Atherinopsidae*), a family proposed for inclusion as Shared EC Species in all four FMPs. In an effort to avoid duplication and in response to comments at the September Council meeting, the enclosed draft FMP language for CPS removes jacksmelt from the existing EC species list in recognition of their inclusion in the Shared EC Species list as a silverside. However, the Council has also heard recommendations to leave jacksmelt under both categories and is seeking additional input on the matter.

Comments can be mailed, faxed, or emailed to [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov). The Council is scheduled to take final action and adopt a final preferred alternative for this initiative at its March 2015 meeting in Vancouver, Washington. Comments received by 11:59 p.m. on February 9<sup>th</sup>, 2015 will be included in the March 2015 Briefing Book. Comments received by 11:59 p.m. on March 2, 2015 will be distributed at the March Council meeting and oral comments will also be received at the meeting. Please see the Council's web page for complete public comment guidelines.

Should you have any questions regarding the Council's Comprehensive Ecosystem-Based Amendment, please contact Mr. Mike Burner at the Council office.

Sincerely,



**D. O. McIsaac, Ph.D.**  
**Executive Director**

MDB:csp

Cc Council Members  
Ecosystem Workgroup  
Ecosystem Advisory Subpanel  
Mr. Chuck Tracy  
Mr. Mike Burner

# Draft FMP Amendment Language and Draft Council Operating Procedure 24

Comprehensive Ecosystem-Based Amendment 1 (CEBA 1) includes the following fishery management plan (FMP) amendments: Amendment 15 to the CPS FMP, Amendment 25 to the Groundfish FMP, Amendment 3 to the HMS FMP, and Amendment 19 to the Salmon FMP. This section provides draft amendment language for each of the Council’s four FMPs, plus draft Council Operating Procedure (COP) 24 on exempted fishing permits (EFPs) for Shared Ecosystem Component (EC) Species. While there are many similarities between the FMPs, each FMP is organized somewhat differently from the others, which means that different sections of the FMPs will need to be changed to implement CEBA 1 for each FMP. However, the ultimate effect of the amendments will be the same for all FMP species and fisheries. Draft amendment language, below, would: update each FMP’s list of FMP amendments, add the Shared EC Species as EC species to each FMP, and revise any relevant FMP discussion of ecosystem component species to explain the status of Shared EC Species and the process for evaluating any future fishery for those species through an EFP.

This draft FMP amendment document is divided into five sections: draft CPS FMP Amendment 15, draft Groundfish FMP Amendment 25, draft HMS FMP Amendment 3, draft Salmon FMP Amendment 19, and draft COP 24 –Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species. Each section excerpts those paragraphs of each FMP that would be amended by this action. Any text that is to be added to an FMP is shown underlined, like this. Any text that is to be removed from an FMP is shown struck out, ~~like this~~. A row of three asterisks (\* \* \*) indicates FMP text that is not re-printed here because it will not be affected by this action. Text written in small capitals, LIKE THIS, provides navigation instructions on which FMP text will be amended, but will not itself appear in the amended FMP. For example, navigation instructions might be something like “THIRD PARAGRAPH UNDER SECTION 3.3.3 WOULD BE REVISED TO READ AS FOLLOWS,” with those instructions followed by the proposed revisions to FMP text.

Draft COP 24 is based on CEBA 1’s Purpose and Need (see September 2014 Ecosystem Workgroup Report at Agenda Item H.1.a.) and on the Council’s policy on the development of new fisheries for unfished species (Fishery Ecosystem Plan Appendix at A.1.1), and is structured similarly to existing COPs associated with FMP fisheries: COP 19, *Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries*; COP 20, *Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species Fisheries*; and COP 23, *Protocol for Consideration of Exempted Fishing Permits for Coastal Pelagic Species Fisheries*. Should a U.S. citizen want to develop targeted fisheries for Shared EC Species at some future time, COP 24 would provide the Council and the public a framework for evaluating the potential impacts of such a fishery to existing fisheries, fishing communities, and the greater marine ecosystem.

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# Draft CPS FMP – Amendment 15 Revisions to the FMP

Amendment 15 to the CPS FMP would amend these sections of the FMP:

- 1.1 *History of the Fishery Management Plan* updated to briefly describe Amendment 15
- 1.2 *Stocks in the Fishery Management Plan* amended to add Shared EC Species
- 1.4 *Ecosystem Component Species* amended to add prohibition language for Shared EC Species
- 2.2.8 *Exempted Fishing* updated to reference potential EFPs for Shared EC Species
- 5.1.7 *Incidental Catch Allowance for Shared EC Species*, new section to describe potential incidental allowances for Shared EC Species

## Coastal Pelagic Species Fishery Management Plan

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### 1.0 INTRODUCTION

#### 1.1 History of the Fishery Management Plan

TO BE ADDED AFTER AMENDMENT 13 DESCRIPTION; AMENDMENT 14 DESCRIPTION TBD.

Amendment 15 was approved in 2015 and added a suite of lower trophic level species to the FMP’s list of ecosystem component (EC) species. Consistent with the objectives of the Council’s FMPs and its Fishery Ecosystem Plan, Amendment 15 prohibits future development of commercial fisheries for the suite of EC species shared between all four FMPs (Shared EC Species) until and unless 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.

#### 1.2 Stocks in the Fishery Management Plan

##### 1.2.1 Fishery Management Unit

Table 1-1. Stocks managed under this FMP include:

| Common Name  | Scientific Name               |
|--|-------------------------------|
| Pacific sardine  | <i>Sardinops sagax</i>        |
| Pacific (chub) mackerel  | <i>Scomber japonicus</i>      |
| Northern anchovy   | <i>Engraulis mordax</i>       |
| Central and northern subpopulations  |                               |
| Market squid   | <i>Loligo opalescens</i>      |
| Jack mackerel  | <i>Trachurus symmetricus</i>  |
| Krill or euphausiids   | All Species in West Coast EEZ |
| Including these eight dominant species.                                    | <i>Euphausia pacifica</i>     |
| First two species are common and are most likely to be targeted by fishing | <i>Thysanoessa spinifera</i>  |
|  | <i>Nyctiphanes simplex</i>    |
|  | <i>Nematocelis difficilis</i> |
|  | <i>T. gregaria</i>            |
|  | <i>E. recurva</i>             |
|  | <i>E. gibboides</i>           |
|  | <i>E. eximia</i>              |

Stocks may be added or removed from the management unit through the framework process described in Section 2.0.

## 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</i> , <i>O. medirastre</i>   |
| Mesopelagic fishes | Families: <i>Myctophidae</i> , <i>Bathylagidae</i> , <i>Paralepididae</i> , and <i>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</i> , <i>Gonatidae</i> , <i>Histioteuthidae</i> , <i>Octopoteuthidae</i> , <i>Ommastrephidae</i> except Humboldt squid, <i>Onychoteuthidae</i> , and <i>Thysanoteuthidae</i> |

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## 1.4 Ecosystem Component Species

Several criteria should be met for a species to be included in the EC category (Section 660.310(d)(5)(i)). These are: 1) be a non-target stock/species; 2) not be subject to overfishing, approaching overfished, or overfished and not likely to become subject to overfishing or overfished in the absence of conservation and management measures; and, 3) not generally retained for sale or personal use, although "occasional" retention is not by itself a reason for excluding a species from the EC category. Identifying and including EC species in the an FMP is not mandatory but may be done for a variety of purposes: Data collection; For ecosystem considerations related to specification of OY for the associated fishery; As considerations in the development of conservation and management measures for the associated fishery; and/or to address other ecosystem issues.

A 2010 review of bycatch species in CPS fisheries confirmed that incidental catch and bycatch in CPS fisheries is dominated by other CPS and that bycatch/incidental catch of non-CPS is extremely low. However, jacksmelt and Pacific herring are infrequently caught with CPS gear and were therefore added to the FMP under Amendment 13 to ensure continued monitoring of incidental catch and bycatch of these species in CPS fisheries through sampling and logbook programs. This information will continue to be reported in the Stock Assessment and Fishery Evaluation (SAFE) report.

The Council intends to continue and expand its consideration of ecological factors when developing SDCs and management measures for CPS management unit species. These considerations are expected to evolve as improved information and modeling of ecological processes become available. These considerations will likely include predator- prey relationships and the overall status and role of forage species including these the two EC species in Table 1-2.

### **1.4.1 Shared Ecosystem Component Species**

No directed commercial fisheries may begin for any Shared EC Species (Table 1-3) until and unless 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.

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## **2.0 FRAMEWORK MANAGEMENT**

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### ***2.2.8 Exempted Fishing***

"Exempted fishing" is defined to be fishing practices that are new to the fishery or not allowed under the FMP. Under this FMP, the NMFS Regional Administrator may authorize the targeted or incidental harvest of CPS for experimental or exploratory fishing that would otherwise be prohibited. The NMFS Regional Administrator may restrict the number of experimental permits by total catch, time, or area. The NMFS Regional Administrator may also require any level of industry-funded observer coverage for these experimental permits. EFP proposals targeting management unit species or CPS EC species will be subject to the protocol for EFPs for CPS Fisheries (Council Operating Procedure 23). EFP proposals targeting EC species shared between all four FMPs, including the CPS FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure 24). Exempted fisheries for euphausiids (krill) will not be considered.

## **5.0 BYCATCH, INCIDENTAL CATCH, AND ALLOCATION**

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NEW SECTION TO BE ADDED UNDER ALTERNATIVE 2 (*INCIDENTAL RETENTION ALLOWED*).

### **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.

## Draft Groundfish FMP – Amendment 25 Revisions to the FMP

Amendment 25 to the Groundfish FMP would amend these sections of the FMP:

- Section 1.1 *History of the FMP* updated to briefly describe Amendment 25
- Section 1.2 *How This Document is Organized* amended at the description of Chapter 3 of the FMP to add mention of EC species, in addition to the fishery management unit species already mentioned
- Section 2.2 *Operational Definition of Terms* amended to revise the definition of “Ecosystem Component Species” to include EC species that are shared between all four FMPs
- Section 3.1 *Species Managed by this Fishery Management Plan* amended to include Shared EC Species
- Section 4.4.4 *Ecosystem Component Stocks Without OFL Values* amended to add a paragraph on Shared EC Species
- Section 6.5.2.1 *Endangered Species Act Species* amended to add a sentence on eulachon
- Chapter 8 *Experimental Fisheries* amended to reference potential EFPs for Shared EC Species

### Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery

\* \* \*

#### 1.1 History of the FMP

\* \* \*

ADD A FINAL PARAGRAPH TO THIS SECTION THAT READS AS FOLLOWS:

Amendment 25 was approved in 2015 and added a suite of lower trophic level species to the FMP’s list of ecosystem component (EC) species. Consistent with the objectives of the Council’s FMPs and its Fishery Ecosystem Plan, Amendment 25 prohibits future development of directed commercial fisheries for the suite of EC species shared between all four FMPs until and unless 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.

#### 1.2 How This Document is Organized

\* \* \*

REVISE THIRD BULLET DESCRIBING CHAPTER 3 TO READ AS FOLLOWS:

Chapter 3 specifies the geographic area covered by this plan and lists the plan’s Fishery Management Unit (FMU) species and Ecosystem Component (EC) species, including those EC species shared between all four of the Council’s FMPs.

\* \* \*

#### 2.2 Operational Definition of Terms

REVISE DEFINITION OF “ECOSYSTEM COMPONENT SPECIES” TO READ AS FOLLOWS:

Ecosystem Component Species are FMP species that are not actively managed in the fishery (i.e., no harvest specifications are specified for these species). Ecosystem component species are not targeted, are not

generally retained for sale or personal use, are not subject to overfishing, and are not overfished or approaching an overfished condition (see section 4.4.4 for more detail). This FMP includes both EC species that are specific to the Groundfish FMP and EC species that are shared between all four of the Council’s FMPs (referred to as “Shared EC Species”).

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### 3.1 Species Managed by this Fishery Management Plan

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INSERT NEW TABLE 3-3 AND EXPLANATORY TEXT TO READ AS FOLLOWS:

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

**Table 3-3. Common and scientific names of EC species shared between all four of the Council’s FMPs.**

| Common Name        | Scientific Name   |
|--------------------|---|
| Round herring      | <i>Etrumeus teres</i>   |
| Thread herring     | <i>Opisthonema libertate</i> , <i>O. medirastre</i>   |
| Mesopelagic fishes | Families: <i>Myctophidae</i> , <i>Bathylagidae</i> , <i>Paralepididae</i> , and <i>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</i> , <i>Gonatae</i> , <i>Histioteuthidae</i> , <i>Octopoteuthidae</i> , <i>Ommastrephidae</i> except Humboldt squid, <i>Onychoteuthidae</i> , and <i>Thysanoteuthidae</i> |

No directed commercial fisheries may begin for any Shared EC Species until and unless 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.

\* \* \*

### 4.4.4 Ecosystem Component Stocks Without OFL Values

\* \* \*

INSERT A NEW FINAL PARAGRAPH IN SECTION 4.4.4. TO READ AS FOLLOWS:

EC species include both those species exclusive to this FMP (Section 3.2) and those species shared between all four of the Council’s FMPs (Section 3.3). EC species shared between all four FMPs may not become the subject of directed commercial fisheries until and unless 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. The Council may have additional data and analysis requirements for changing the species categorization of EC species that are shared between all four FMPs, beyond those requirements already applying to EC species specific to the Groundfish FMP.

\* \* \*

### 6.5.2.1 Endangered Species Act Species

Marine species protected under the ESA that are not otherwise protected under either the MMPA or the MBTA (see below) include various salmon and sea turtle species, as well as eulachon. Threatened and endangered Pacific salmon runs are protected by a series of complex regulations affecting marine and terrestrial activities. In the west coast groundfish fisheries, management measures to reduce incidental salmon take have focused on the Pacific whiting fisheries, which have historically encountered more salmon than the non-whiting groundfish fisheries. Salmon bycatch reduction measures include marine protected areas (MPA) where Pacific whiting fishing is prohibited (See Section 6.8.7), and an at-sea observer program intended to track whiting and incidental species take in season (See Section 6.4.1.1). Sea turtles are rare in areas where groundfish fisheries are prosecuted and no incidental take of sea turtles has been documented in any directed groundfish fishery. Eulachon sometimes occurs as incidental catch in the groundfish bottom trawl and at-sea whiting fisheries, and mortalities result from encounters with fishing gear. However, eulachon bycatch and bycatch mortality is low (or non-existent) in most years, and is monitored through the at-sea observer program.

\* \* \*

### Chapter 8 Experimental Fisheries

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REVISE THE 4<sup>TH</sup> INTRODUCTORY PARAGRAPH OF CHAPTER 8 TO READ AS FOLLOWS:

EFP applicants may have their proposals reviewed through the Council process in accordance with Council Operating Procedure #19, Protocol for Consideration of EFPs for Groundfish Fisheries, which applies to EFP proposals targeting management unit species (Table 3-1) or Groundfish EC species (Table 3-2). EFP proposals targeting EC species shared between all four FMPs, including the Groundfish FMP, will be subject to the protocol for Shared EC Species, Council Operating Procedure #24. ~~This~~ These protocols includes requirements for EFP submission, proposal contents, review and approval, and progress reporting. The Council will give priority consideration to those EFP applications that: \* \* \*

## Draft HMS FMP – Amendment 3 Revisions to the FMP

Amendment 3 to the HMS FMP would amend these sections of the FMP:

- Section 1.1 *Purpose of This Document* updated to briefly describe Amendment 3
- Section 3.3 *Species Included in the FMP as Ecosystem Component Species* amended to include Shared EC Species
- Section 6.1.11 *Exempted Fishing Permits* amended to reference potential EFPs for Shared EC Species

### Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species

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#### 1.1 Purpose of This Document

The FMP includes important species of tunas, billfish and sharks which are harvested by West Coast HMS fisheries. A complete list of species in the management unit is provided in Chapter 3. The FMP has been amended ~~one~~ three times. Amendment 1, approved in 2007, addresses overfishing of bigeye tuna, a management unit species. Amendment 1 also reorganized the FMP, which in its prior form was combined with the Final Environmental Impact Statement evaluating the effects of its implementation. The reorganized FMP is a more concise document containing those elements required by the Magnuson-Stevens Fishery Conservation and Management Act describing the management program. Amendment 2, approved in 2011, made FMP provisions (principally in Chapters 3-5) consistent with the revised National Standard 1 Guidelines (50 CFR 600.310) adopted pursuant to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. Amendment 3, adopted in 2015, added a suite of lower trophic level species to the FMP's list of ecosystem component (EC) species. Consistent with the objectives of the Council's FMPs and its Fishery Ecosystem Plan, Amendment 3 prohibits future development of directed commercial fisheries for the suite of EC species shared between all four FMPs ("Shared EC Species") until and unless 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.

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#### 3.3 Species Included in the FMP as Ecosystem Component Species

\* \* \*

HMS FMP EC species are:

Bigeye thresher shark, *Alopias superciliosus*  
Common mola, *Mola mola*  
Escolar, *Lepidocybium flavobrunneum*  
Lancetfishes, *Alepisauridae*  
Louvar, *Luvarus imperialis*  
Pelagic sting ray, *Dasyatis violacea*  
Pelagic thresher shark, *Alopias pelagicus*  
Wahoo, *Athoxybium solandri*

Bigeye and pelagic thresher sharks are landed by the drift gillnet fishery but in small amounts compared to common thresher and mako sharks. Originally included in the FMP as managed species, largely

because of concern that they have poor resilience to fishing, they were re-designated EC species under FMP Amendment 2, because of the low number caught in west coast commercial and recreational fisheries.

EC species shared between all four Council FMPs, including the HMS FMP are:

Round herring, *Etrumeus teres*

Thread herring, *Opisthonema libertate*, *O. medirastre*

Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*

Pacific sand lance, *Ammodytes hexapterus*

Pacific saury, *Cololabis saira*

Silversides, *Atherinopsidae*

Smelts of the family *Osmeridae*

Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid, *Onychoteuthidae*, and *Thysanoteuthidae*)

No directed commercial fisheries may begin for any Shared EC Species until and unless 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.

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#### **6.1.11 Exempted Fishing Permits**

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FIRST PARAGRAPH UNDER SUBSECTION “ADDITIONAL FMP REQUIREMENTS FOR AN EXEMPTED FISHING PERMIT” WOULD BE REVISED TO READ AS FOLLOWS:

Additional FMP Requirements for an Exempted Fishing Permit. This FMP places additional requirements for authorizing an EFP for targeting HMS species, including EC species shared between all four Council FMPs. An EFP proposal will be required to follow a specific Council protocol and be reviewed by the Council prior to application to NMFS. EFP proposals targeting management unit species or HMS EC species will be subject to the protocol for EFPs for HMS Fisheries (Council Operating Procedure 20). EFP proposals targeting EC species shared between all four FMPs, including the HMS FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure #24). ~~The intent of the protocol is~~ protocols are intended to ensure the Council has adequate information on all aspects of the proposed fishery and has adequate time to consider, review and formulate recommendations. ~~This protocol~~ These protocols will be available from the Council. ~~It~~ They will require additional detailed information and analysis beyond those specifically required for a NMFS EFP. The protocols will specify timing for submissions and timing for Council review.

\* \* \*

## Draft Salmon FMP – Amendment 19 Revisions to the FMP

Amendment 19 to the Salmon FMP would amend these sections of the FMP:

- *Introduction, Table 1, and Section 1* updated to briefly describe Amendment 19
- *1.1 Stock Classification and Table 1-4* amended to include Shared EC Species in the FMP
- *1.4 Ecosystem Component Species* amended to add prohibition language for Shared EC Species
- *6.6.6 Experimental Fishing* updated to reference potential EFPs for Shared EC Species

### **Pacific Coast Salmon Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California**

#### **Introduction**

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The primary amendment issues since 1984 have included specific spawner escapement goals for Oregon coastal natural (OCN) coho and Klamath River fall Chinook (Amendments 7, 9, 11, 13, and 15), non-Indian harvest allocation (Amendments 7, 9, 10, and 14), inseason management criteria (Amendment 7), habitat and essential fish habitat (EFH) definition (Amendments 8, 14, and 18), safety (Amendment 8), status determination criteria (SDC) (Amendments 10, 14, 16, and 17), management objectives for stocks listed under the Endangered Species Act (ESA) (Amendments 12 and 14), bycatch reporting and priorities for avoiding bycatch (Amendment 14), selective fisheries (Amendment 14 and 17), stock classification (Amendment 16 and 17), annual catch limits (ACLs) and accountability measures (AMs) (Amendment 16), de minimis fishing provisions (Amendments 15 and 16). Amendment 19 was approved in 2015 and added a suite of lower trophic level species to the FMP’s list of ecosystem component (EC) species. Consistent with the objectives of the Council’s FMPs and its Fishery Ecosystem Plan, Amendment 19 prohibits future development of directed commercial fisheries for the suite of EC species shared between all four FMPs (Shared EC Species) until and unless 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.

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SECOND PAGE OF TABLE 1 AS FOLLOWS

| DOCUMENT   | CONTENT SUMMARY   |
|--|---|
| ***  |   |
| <b>Amendment 17</b><br>(Effective January 1, 2013) | 1) Minor corrections from Amendment 16 and updating language to reflect current practices.<br>2) Approval of maximum fishing mortality threshold for Quillayute fall coho.  |
| <b>Amendment 18</b><br>(Effective date TBD)        | Update to reflect new information on EFH, including criteria for impassable barriers; addition of HAPCs; adjustments to geographic extent of EFH; addition of non-fishing activities and conservation measures; minor typographical adjustments and clarifications.   |
| <u>Amendment 19</u><br>(Effective date TBD)        | <u>Update to add a suite of lower trophic level species to the FMP's list of ecosystem EC species and to prohibit future development of commercial fisheries for the suite of EC species shared between all four FMPs (Shared EC Species) until and unless 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.</u> |

1 What the Plan Covers

ADD A PARAGRAPH AT THE END OF THE SECTION AS FOLLOWS

The FMP also includes a suite of EC species that are shared between all four FMPs (Shared EC Species) and prohibits future development of directed commercial fisheries for those species until and unless 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.

1.1 Stock Classification

ADD A PARAGRAPH AT THE END OF THE SECTION AS FOLLOWS

To the extent practicable, the Council has partitioned the coastwide aggregate of Chinook, coho, and pink salmon into various stock components and complexes with specific conservation objectives. A detailed listing of the individual stocks and stock complexes managed under this plan are provided in Tables 1-1, 1-2, and 1-3. Stocks designated as hatchery stocks rely on artificial production exclusively, while those designated as natural stocks have at least some component of the stock that relies on natural production, although hatchery production and naturally spawning hatchery fish may contribute to abundance and spawning escapement estimates. Table 1-4 lists the non-target Shared EC Species that are not in the fishery, for which future fishery development is prohibited until and unless 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.

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TABLE 1-4 WOULD BE ADDED TO SECTION 1 FOLLOWING TABLE 1-3

**Table 1-4. Common and scientific names of EC species shared between all four of the Council’s FMPs.**

| Common Name        | Scientific Name  |
|--------------------|--|
| Round herring      | <i>Etrumeus teres</i>  |
| Thread herring     | <i>Opisthonema libertate</i> , <i>O. medirastre</i>  |
| Mesopelagic fishes | Families: <i>Myctophidae</i> , <i>Bathylagidae</i> , <i>Paralepididae</i> , and <i>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</i> , <i>Goniatidae</i> , <i>Histioteuthidae</i> , <i>Octopoteuthidae</i> , <i>Ommastrephidae</i> except Humboldt squid, <i>Onychoteuthidae</i> , and <i>Thysanoteuthidae</i> |

## 6 Measures to Manage the Harvest

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### 6.6.6 Experimental Fisheries

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SECOND PARAGRAPH IN THIS SECTION AMENDED AS FOLLOWS

The Secretary may not allow any recommended experimental fishery unless he or she determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards of the MSA, and other applicable law. Each vessel that participates in an approved experimental fishery will be required to carry aboard the vessel the letter of approval, with specifications and qualifications (if any), issued and signed by the Regional Administrator of NMFS. EFP proposals targeting EC species shared between all four FMPs, including the Salmon FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure 24).

# Draft Council Operating Procedure 24 – Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species

## DEFINITION

An exempted fishing permit (EFP) is a one-year Federal permit, issued by the National Marine Fisheries Service (NMFS), which authorizes a party to engage in an activity that is otherwise prohibited by the Magnuson-Stevens Fishery Conservation and Management Act or other fishery regulations, for the purpose of collecting limited experimental data. The Pacific Fishery Management Council's (Council's) four fishery management plans allows for EFPs for Shared Ecosystem Component (Shared EC) species, consistent with Federal regulations at 50 CFR§600.475. EFPs can be issued to Federal or state agencies, marine fish commissions, or other entities, including individuals. An EFP applicant need not be the owner or operator of the vessel(s) for which the EFP is requested. The NMFS Regional Administrator may require any level of industry-funded observer coverage for these permits.

## PURPOSE

This Council Operating Procedure (COP) provides a standard process for the Council, its advisory bodies, and the public to consider EFP proposals for Shared EC Species. The specific objectives of a proposed exempted fishing activity may vary. EFPs can be used to explore ways to develop stock surveys and assessments, explore the potential for a new non-tribal commercial fishery on Shared EC Species, or to evaluate current and proposed management measures. The scope of this COP is limited to EFP proposals for exempted commercial fisheries intended to target species identified in all four of the Council's FMPs as Shared EC Species.

## PROTOCOL

### A. Submission

1. The Council and its advisory bodies [Ecosystem Advisory Subpanel (EAS), Scientific and Statistical Committee (SSC), and any applicable FMP-specific advisory bodies] should review EFP proposals prior to issuance; the advisory bodies may provide comment on methodology and relevance to management data needs and make recommendations to the Council accordingly. The public may also comment on EFP proposals.
2. Completed applications for EFPs from individuals or non-government agencies for Council consideration must be received by the Council for review at least two weeks prior to the November Council meeting.
3. Applications for EFPs from Federal or state agencies must meet the briefing book deadline for the November Council meeting.

### B. Proposal Contents

1. EFP proposals must contain sufficient information for the Council to determine:
  - a. There is adequate justification for an exemption to the regulations;
  - b. The potential impacts of the exempted activity have been adequately identified;
  - c. The exempted activity would be expected to provide information useful to management and use of Shared EC Species and other Council-managed resources.
2. Applicants must submit a completed application in writing that includes, but is not limited to, the following information:
  - a. Date of application;
  - b. Applicant's names, mailing addresses, and telephone numbers;

- c. A statement of the purpose and goals of the experiment for which an EFP is needed, including a general description of the arrangements for the disposition of all species harvested under the EFP;
- d. Valid justification explaining why issuance of an EFP is warranted;
- e. A statement of whether the proposed experimental fishing has broader significance than the applicant's individual goals;
- f. An expected total duration of the EFP (i.e., number of years proposed to conduct exempted fishing activities);
- g. Number of vessels covered under the EFP;
- h. A description of the species (target and incidental) to be harvested under the EFP and the amount(s) of such harvest necessary to conduct the experiment; this description should include harvest estimates of overfished species and protected species;
- i. A description of a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for;
- j. A description of the proposed data collection and analysis methodology;
- k. A description of how vessels will be chosen to participate in the EFP;
- l. For each vessel covered by the EFP, the approximate time(s) and place(s) fishing will take place, and the type, size, and amount of gear to be used;
- m. The signature of the applicant;
- n. The Council and/or its advisory bodies may request additional information necessary for their consideration.

### C. Review and Approval

1. The EAS will review EFP proposals in November and make recommendations to the Council for action; the Council will consider those proposals for preliminary action. Final action on EFPs will occur at the March Council meeting. Only those EFP applications that were considered in November may be considered in March; EFP applications received after the November Council meeting for the following calendar year will not be considered.
2. EFP proposals must contain a mechanism, such as at-sea fishery monitoring, to ensure that the harvest limits for targeted and incidental species are not exceeded and are accurately accounted for. Also, EFP proposals must include a description of the proposed data collection and analysis methodology used to measure whether the EFP objectives will be met.
3. The Council will give priority consideration to those EFP applications that:
  - a. Emphasize resource conservation and management with a focus on evaluating the effects of harvesting Shared EC Species on the larger California Current Ecosystem;
  - b. Can assess the potential effects of a directed fishery for one or more Shared EC Species on:
    - i. Any Council-managed species;
    - ii. Species that are the prey of any: Council-managed species, marine mammal species, seabird species, sea turtle species, or other ESA-listed species;
    - iii. Habitat that is identified as essential fish habitat or otherwise protected within one of the Council's FMPs, critical habitat identified or protected under the Endangered Species Act, or habitat managed or protected by state or tribal fishery or habitat management programs;
    - iv. Species that are subject to state or tribal management within 0-3 miles offshore of Washington, Oregon, or California;
    - v. Species that migrate beyond the U.S. EEZ.
  - c. Encourage full retention of fishery mortalities;
  - d. Involve data collection on fisheries stocks and/or habitat;
  - e. Encourage innovative gear modifications and fishing strategies to reduce bycatch;
4. The EAS review will consider the following questions:
  - a. Is the application complete?

- b. Is the EFP proposal consistent with the goals and objectives of the Council's Fishery Ecosystem Plan and FMPs?
  - c. Does the EFP account for fishery mortalities, by species?
  - d. Can the harvest estimates of overfished species and/or protected species be accommodated?
  - e. Does the EFP meet one or more of the Council's priorities listed above?
  - f. Is the EFP proposal compatible with the Federal observer program effort?
  - g. What infrastructure is in place to monitor, process data, and administer the EFP?
  - h. How will achievement of the EFP objectives be measured?
  - i. If this EFP is a re-issue of a previously issued EFP, what are the benefits to the fisheries management process to continue an EFP that began the previous year?
  - j. If integrating data into management is proposed, what is the appropriate process?
  - k. What is the funding source for at-sea monitoring?
  - l. Has there been coordination with appropriate state and Federal enforcement management and science staff?
5. SSC Review:
- a. All EFP applications should first be evaluated by the EAS for consistency with the goals and objectives of the Fishery Ecosystem Plan and the Council's FMPs;
  - b. The SSC will evaluate the scientific merits of the application and will specifically evaluate the application's: (1) problem statement; (2) data collection methodology; (3) proposed analytical and statistical treatment of the data; and (4) the generality of the inferences that could be drawn from the study.

#### D. Other considerations

- 1. EFP candidates or participants may be denied future EFP permits under the following circumstances:
  - a. If the applicant/participant (fisher/processor) has violated past EFP provisions; or has been convicted of a crime related to commercial fishing regulations punishable by a maximum penalty range exceeding \$1,000 within the last three years;
  - b. Within the last three years assessed a civil penalty related to violations of commercial fishing regulations in an amount greater than \$5,000;
  - c. Has been convicted of any violation involving the falsification of fish receiving tickets including, but not limited to, mis-reporting or under-reporting of fisheries landings. Documented fish receiving tickets indicating mis-reporting or under-reporting of fisheries landings will not qualify for consideration when fish reporting documents are used as part of the qualifying criteria for EFPs.

#### E. Report Contents

- 1. The EFP applicant must present a preliminary report on the results of the EFP and the data collected (including catch data) to the EAS at the November Council meeting of the following year.
- 2. A final written report on the results of the EFP and the data collected must be presented to the EAS and the Council at the March Council meeting. Those EFPs containing data analysis that could benefit from a scientific review may be forwarded to the SSC for comment.
- 3. The final report should include:
  - a. A summary of the work completed;
  - b. An analysis of the data collected;
  - c. Conclusions and/or recommendations;
  - d. Timely presentation of results is required to determine whether future EFPs will be recommended.