

GROUNDFISH MANAGEMENT TEAM REPORT ON ONGOING RULEMAKING

The Groundfish Management Team (GMT) reviewed the documents under this agenda item and received informational briefings from Mr. Jim Seger, Mr. John DeVore, and Mr. Frank Lockhart. We thank all of them for being available to talk to the GMT and answer questions.

Reconsideration of Select 2015 and 2016 Groundfish Harvest Specifications

With the recent publication of the final version of the data-moderate stock assessments documentation, a discrepancy of the 2015 and 2016 overfishing limits (OFLs) for five underutilized stocks was identified ([Agenda Item J.4.a, Attachment 2](#)). Table 1 below shows the species involved, what the Pacific Fishery Management Council (Council) adopted, what the Scientific and Statistical Committee (SSC) is now recommending ([Agenda Item J.4.b, Supplemental SSC Report](#)), and the difference between the two. The GMT compared the SSC recommended OFLs to recent years' total mortality levels (Table 2) from the West Coast Groundfish Observer Program (WCGOP) annual groundfish mortality reports. Based on recent years' total mortalities, the SSC recommended rates (vs. what the Council adopted) should not impact the socio-economic analysis or corresponding management measures analyzed for the 2015-2016 biennial harvest specifications and management measures draft environmental impact statement (EIS). If this change to these specific harvest specifications is adopted by the Council, the GMT does not believe that this should cause any additional delays to final harvest specifications and management measures final rulemaking.

Table 1. Species whose harvest specifications are being reconsidered, with the Council's adopted OFL, the SSC's recommended OFL, and the difference between the two, in mt.

| Species | 2015 | | | 2016 | | |
|-------------------------------------|-----------------|----------------|------------|-----------------|----------------|------------|
| | Council Adopted | SSC Recommend. | Difference | Council Adopted | SSC Recommend. | Difference |
| English Sole | 12,092 | 10,792 | -1,300 | 8,493 | 7,204 | -603 |
| Yellowtail Rockfish N of 40° 10' | 12,281 | 7,218 | -5,603 | 11,647 | 6,949 | -4,698 |
| Sharpchin Rockfish N of 40° 10' | 305.6 | 332.8 | 27.2 | 297.6 | 323.2 | 25.6 |
| Sharpchin Rockfish S of 40° 10' | 76.4 | 83.2 | 6.8 | 74.4 | 80.8 | 6.4 |
| Rex Sole | 5,609 | 5,764 | 155 | 4,259 | 3,956 | -303 |

Table 2. Recent years' (2011-2013) total mortality (in mt) of species whose harvest specifications are being reconsidered.

| Species | 2015 SSC Recommended OFL | 2013 | 2012 | 2011 |
|----------------------------------|--------------------------|-------|-------|-------|
| English Sole | 10,792 | 357 | 224 | 205 |
| Yellowtail Rockfish N of 40° 10' | 7,218 | 1,424 | 1,570 | 1,352 |
| Sharpchin Rockfish N of 40° 10' | 332.8 | 12.5 | 13.7 | 6.5 |
| Sharpchin Rockfish S of 40° 10' | 83.2 | 0.9 | 0.3 | 0.4 |
| Rex Sole | 5,764 | 566 | 444 | 444 |

Whiting Clean-up Rule

The GMT reviewed [Agenda Item J.4.a, Attachment 1](#) relative to shorebased trawl individual fishing quota program regulatory updates that affect midwater trawl vessels and prohibited species retention. Further, the GMT discussed the details with representatives from the National Marine Fisheries Service (NMFS) West Coast Region (WCR) including Mr. Lockhart. We appreciate their time in helping the GMT understand the details of the proposed action.

2012 Section 7 Endangered Species Act Biological Opinions

The proposed rule will implement the terms and conditions contained in the 2012 biological opinions for seabirds and non-salmonids. The GMT believes these provisions will include shorebased disposition provisions for eulachon, green sturgeon, marine mammals, and seabirds. NMFS indicated their intent to communicate and coordinate with the states prior to proposing the disposition requirements. The GMT believes similar outreach might be necessary with the shorebased processors, depending on the requirements.

Regulations Regarding Midwater Non-Whiting Strategies

Based on our discussions with the WCR, under this rule, those vessels declaring midwater non-whiting will be required to sort prohibited and protected species at sea. That is, consistent with Amendment 20, the maximized retention requirements would only be allowed for those trips where Pacific whiting is greater than 50 percent (i.e., a midwater whiting declaration).

The proposed rule will continue to link the midwater non-whiting fishery to the Pacific whiting primary season dates, based on the history of past Council actions. **The GMT recommends that future Council action be taken, perhaps under the 2017-2018 harvest specifications and management measures process, to designate separate midwater non-whiting season dates in regulation.** Future regulations would then clearly reflect that these are two separate fisheries - even if the season dates for both fisheries are the same. This is particularly important given that the Pacific whiting clean up rule will establish differential regulations by declaration and target strategy.

Pacific Whiting Bycatch Reduction Areas

The current NMFS regulatory interpretation is that the Pacific whiting bycatch reduction area (BRA), if implemented, would apply to midwater gears regardless of declaration and target strategy (i.e., whiting trips and yellowtail/widow trips). Past Council discussion indicated the desire to have the BRA apply only to the Pacific whiting fishery given that the 2009-2010 EIS analysis only disclosed the impacts to Pacific whiting fishery operations. **The GMT recommends that if the BRAs are to apply to midwater non-whiting trips, that the Environmental Assessment (EA) discloses the impacts. Furthermore, the GMT recommends that the regulations provide for differential application of the BRA.** That is, separate implementation of the BRA for midwater Pacific whiting declarations from implementation of the BRA for midwater non-whiting declarations. **If such action is not within the scope of the proposed rule, it should be added to future management measure considerations.**

Pacific Whiting Season Start Date

The GMT reviewed [Agenda Item J.4.b, Supplemental NMFS Report 1](#) relative to past Council action on the Pacific whiting season start date and discussed the details with representatives from the NMFS WCR including Mr. Lockhart. The GMT notes that the NMFS interpretation of Council action would shorten the northern California season by 45 days (i.e., changing from April 1 to May 15). Further, the Groundfish Fishery Management Plan restriction that no more than 5 percent of the shorebased individual fishing quota program allocation may be taken before the start of the primary season would also only apply to the area south of 40° 30' N. latitude since the northern California season date would be the same as the area north of 42° N. latitude.

PFMC
11/18/14