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GROUND FISH MANAGEMENT TEAM REPORT ON THE STATUS OF GROUND FISH FISHERIES AND INSEASON ADJUSTMENTS

The Groundfish Management Team (GMT) discussed several items for inseason consideration; with one exception, all of them pertain to California fisheries. One of the items addressed was regarding differences in federal and California state regulations for the Cowcod Conservation Area closure. Additional issues include commercial regulations to close the Cordell Banks, changes to California recreational management measures, and an update on the California selective flatfish exempted fishing permit (EFP). Lastly, the GMT updated the 2004 bycatch scorecard for all fisheries (Supplemental GMT Attachment 1); the specific changes will be highlighted as part of this report.

Cordell Banks Area Closure

The Cordell Banks area has been discussed in previous GMT meetings as an area of high catch of canary and other overfished species. NMFS received a request from California Department of Fish and Game (CDFG) during the proposed rule comment period to add a closure at Cordell Banks for both the commercial and recreational fisheries to reduce the take of overfished species. The closure for the recreational fishery was implemented through the final rule. For the recreational fishery, the closure in the federal final rule reads as follows:

Recreational fishing for certain groundfish species is also prohibited in waters of the Cordell Banks, located at 38°02' N. lat. and 123°25' W. long., and within a 5 nautical mile radius around this point. This portion of the Cordell Banks is closed to fishing for rockfish, lingcod, cabezon, kelp greenlings and California scorpionfish. [NOTE: California state regulations also prohibit the retention of other greenlings of the genus Hexagrammos, California sheephead and ocean whitefish.]

However, for the commercial fishery, NMFS has requested the Council discuss whether to include the Cordell Banks in the Rockfish Conservation Area (RCA) and which species this closure should apply to. For the fixed gear fleet, the Cordell Banks is closed by default because it sits within the nontrawl RCA boundaries as they are currently scheduled for 2004. However, for the trawl fleet, the Cordell Banks is located shoreward of the trawl RCA for all of 2004. While the Cordell Banks generally consists of untrawlable habitat, the GMT thinks that for equity and enforcement reasons, and to simplify regulations, the Cordell Banks should be closed to trawling. In discussing this issue, the GMT agrees the commercial closure should apply to both the fixed gear and trawl fleets and should be closed to fishing for all species of federal groundfish, similar to the RCAs, for enforcement reasons. Regarding how to delineate the Cordell Banks closure, the GMT supports 2 options:

1. Commercial fishing for all federal groundfish species is prohibited in waters of the Cordell Banks, located at 38°02' N latitude and 123°25' W longitude, and within a 5 nautical mile radius around this point.

2. Closing the Cordell Banks by adjusting the 75 fm and 100 fm trawl RCA boundaries lines, so they incorporate the Cordell Banks into the trawl RCA. [Note: this option is cleaner, but would require diligence as the RCA boundaries change to ensure the Cordell Banks are closed to both fixed gear and trawl fishing in years to come.]

Cowcod Conservation Area (CCA) Closure

With regard to the CCA, CDFG staff noticed there is a discrepancy between federal and state recreational CCA restrictions. The following are current federal and state CCA restrictions:

- **Federal CCA Restrictions-**

- * Commercial fishing for any groundfish species will continue to be prohibited in the CCA, except that commercial fishing for rockfish and lingcod will be permitted shoreward of 20 fm in the CCA. [Commercial CCA included for informational purposes only].

- * For the recreational fishery, fishing for all groundfish, except sanddabs, will be prohibited in the CCA, except that recreational fishing for sanddabs, RCG complex, lingcod and California scorpionfish will be permitted shoreward of 20 fm in the CCA.

- **State CCA Regulations-**

- * Recreational fishing for all groundfish, except rockfish, lingcod, and associated species limited to cabezon, greenlings of the genus *Hexagrammos*, California scorpionfish, California sheephead, and ocean whitefish, is permitted in the CCA. Recreational fishing for all groundfish species is permitted shoreward of 20 fm in the CCA.

State recreational CCA restrictions are less restrictive than federal recreational CCA restrictions, which is illegal. Therefore, as the restrictions read above, federal CCA restrictions supercede state CCA restrictions. CDFG and NMFS brought this issue to the GMT to get clarification on the Council's original intent of the CCA. The motion on CCAs from the November 2000 Council meeting, which first recommended the CCA, stated the CCA would be closed, 'except that the CCA would be open to minor nearshore rockfish, cabezon and greenlings inside 20 fm.' CDFG commented that minor nearshore rockfish was specified to discourage any pressure for shelf rockfish, such as vermillion, near the 20 fm boundary line. Targeting on shelf rockfish might increase the interception of cowcod. At the time of the motion, minor nearshore rockfish included California scorpionfish. In addition, recreational sanddab fishing was permitted in the CCA and shoreward of 20 fm in the CCA beginning in 2003.

Therefore, the GMT believes both federal and state recreational CCA restrictions may need to be corrected. The federal recreational CCA restrictions should be corrected to limit the RCG complex to minor nearshore rockfish only. In addition, NMFS will look back through the administrative record to see if lingcod was added to the list at a later Council meeting. If not, lingcod should be removed. NMFS stated these changes could happen through a correction. The state CCA restrictions should be corrected to conform with the federal CCA restrictions. CDFG stated this could be included their 2005 regulatory process. Until that time, the more restrictive federal CCA restrictions will apply.

California Recreational Management Measures

Since the November 2003 Council meeting, the California Fish and Game Commission has adopted changes to the state's recreational management measures. These changes are: (1) changing the bag limit for the rockfish/cabazon/greenling (RCG) complex north of 40°10' by specifying a 10-fish aggregate limit for the RCG complex with a sublimit of 3 cabazon and a sublimit of 2 greenlings; (2) removing the 2-fish sublimit for shallow nearshore rockfish (included as part of the 10 rockfish aggregate bag limit); (3) implementing boat limits for all groundfish; and (4) revising the state authority language to include additional federal groundfish species. The GMT has not reviewed an analysis of the impacts to overfished species resulting from these regulatory changes. However, if the Council approves these changes, the GMT would recommend that the third change regarding boat limits not be included in federal regulations until further analysis. Boat limits may be an option for the 2005-2006 management cycle. This would result in differing regulations at the federal and state level.

There is an additional proposed change to the California recreational regulations that has not yet been presented to the California Fish and Game Commission. This change would increase the lingcod minimum size limit from 24-inches to 30-inches, increase the minimum filet size from 16" to 21", and reduce the bag limit from two fish to one fish. Again, the GMT has not reviewed nor discussed an analysis of the impacts to overfished species resulting from this proposed change.

California Selective Flatfish EFP

California Department of Fish and Game is proposing to increase the bycatch caps for bocaccio and cowcod rockfish in their Selective Flatfish EFP to allow the experiment to achieve the objectives of the original EFP proposal presented to the Council last fall. Specifically, bocaccio rockfish would increase from 0.5 mt to 10 mt, and cowcod rockfish would increase from 0.2 mt to 0.5 mt. As a result, it is anticipated that participating fishermen would not be constrained by either of these bycatch caps, which would allow the experiment to test whether the selective flatfish gear (which has been tested off Oregon and Washington) also excludes bocaccio rockfish (off California).

Bycatch Scorecard Update

There were several changes made to the bycatch scorecard. As a reminder, the values in the scorecard reflect the GMT's best estimate of total mortalities of the overfished species, by fishery. These changes include:

EFPs

The bycatch caps for the California Selective Flatfish EFP were updated as described above. The bycatch caps for the Washington Arrowtooth Trawl EFP were updated as follows: the canary rockfish cap was reduced from 2.5 mt to 1.5 mt as a result of decreased effort (the EFP application was modeled on having six participants, and there will be three participants in this EFP); the lingcod, Pacific ocean perch (POP), and widow caps were updated to reflect the reduced number of participants multiplied by the current trip limit for that species. The Washington Pollock EFP will also have less participants than anticipated (two, down from three), and the bycatch cap for widow rockfish has been reduced from 3.0 mt to 1.5 mt to accommodate current trip limits. The Washington Selective Flatfish Trawl EFP was removed from the list due to lack of participation.

State Recreational Catch Estimates

The Washington recreational catch estimates were updated based on 2003 catch data: the canary rockfish estimate was increased from 1.5 mt to 2.5 mt. The Washington sport fishery in 2003 harvested about 2 mt of canary; however, average weight data is not available at this time for Washington, so the average weight from the Oregon sport fishery was used as a proxy. Given the uncertainty in the weight data, the estimate was revised to 2.5 mt to be precautionary. The lingcod catch estimate was also revised from 35 mt to 73 mt; the new estimate includes discard data with a discard mortality of 5%. Again, average weights for Washington are not yet available, so Oregon weights were used as a proxy, applying the average weights of the discarded catch to the discarded catch. The catch estimate for yelloweye rockfish remains the same.

The Oregon recreational catch estimates were updated based on at-sea observations and dockside sampling data. The canary rockfish catch estimate increased from 5.9 mt to 7.0 mt; the lingcod estimate increases from 91.8 mt to 101.3 mt, which includes discard data and a discard mortality rate of 5% (applying the average weights of discarded fish to the discard portion of the catch). The GMT notes that the RecFIN Committee will be evaluating the need for consistency coastwide on the appropriate discard mortality rate for lingcod. The widow rockfish catch estimate increases from 0.9 mt to 2 mt, and the yelloweye rockfish catch estimate increases from 2.8 mt to 3.3 mt.

The California recreational catch estimates in the scorecard were not updated, and are based on 1999-2000 catch data. The GMT has requested the catch estimates be revised to reflect more recent catch data from 2002 and 2003, in place of the 1999-2000 catch data. These data were not available at this meeting; however, CDFG staff will bring an analysis of the 2002 and 2003 data as well as two additional analyses to the April Council meeting. The California catch data from the 2003 recreational fishery were available, however, and is reflected below:

(mt)	Bocaccio	Canary	Lingcod	Widow	Yelloweye
Actual Catch	10.8	18.1	1,000.1	0.1	3.7
Projection	6.3	3.3	215	1.0	0.5

Given the magnitude of these catches and the subsequent impact to other groundfish fisheries as a result of early OY attainment, the GMT recommends the Council consider alternatives that move toward regional management for some species, such as canary rockfish, yelloweye rockfish, and lingcod for 2005-2006. The GMT notes that separate regional ABCs and OYs can be set for management reasons, even if current biological data does not demonstrate stock differentiation between the regions.

Black Rockfish

Overfishing occurred on black rockfish in 2003. The total coastwide landed catch of black rockfish was 1,325 mt for all fisheries combined, compared to the 2003 coastwide ABC of 1,115 mt. The breakdown of these catches by sector is:

WA Rec	WA Comm	OR Rec	OR Comm	CA Rec	CA Comm
174 mt	0	336 mt	116 mt	656 mt	43 mt

In light of specifying separate ABCs and OYs, north (Washington) and south (Oregon and California), the GMT recommends California develop more restrictive management measures for their recreational fisheries to reduce projected black rockfish harvest for 2004. CDFG staff will bring proposals and analyses to the April Council meeting for inseason action consideration.

Other Considerations

While the GMT did not have an in-depth discussion on the new bycatch rates resulting from the NMFS Observer Program for the trawl and fixed gear fisheries, we did briefly discuss how the new rates might compare with the current values in the scorecard. The observer data for the fixed gear fishery is undergoing SSC review; however, if the proposed model were approved, the limited entry fixed gear fisheries targeting sablefish (primary sablefish and daily trip limit fisheries) would have slightly higher anticipated catches of canary and yelloweye rockfish. The updated trawl bycatch rates are also preliminary, however, lower rates for canary, bocaccio, yelloweye, and darkblotched are anticipated. These data will be presented to the Council in April and the Council may want to take this into consideration while reviewing the proposed inseason actions now in March.

GMT Recommendations

1. Publish federal corrections to the Cowcod Conservation Area closures and change California state regulations to conform to federal regulations.
2. Publish federal closure of Cordell Banks for the commercial fishery.
3. Approve higher bycatch caps for California Selective Flatfish EFP for bocaccio and cowcod rockfish.
4. Approve updated values in bycatch scorecard.
5. Consider setting separate ABCs and OYs, by region, for 2005-06 for some species, such as canary rockfish, yelloweye rockfish, and lingcod.
6. Request that California develop more restrictive management measures to reduce recreational harvest of black rockfish in 2004.

Estimated mortality (mt) of overfished West Coast groundfish species by fishery in 2004 - Updated March 10, 2004

Fishery	Bocaccio a/	Canary	Cowcod	Dkbl b/	Lingcod c/	POP	Whiting d/	Widow	Yelloweye
Limited Entry Groundfish									
Trawl- Non-whiting e/	45.0	9.8	0.6	100.7	78.4	68.1		1.5	0.4
Fixed Gear	13.4	0.5	0.1	1.5	12.7	0.2		30.0	0.1
Whiting									
At-sea whiting motherships		0.6		2.4	0.2	1.8	Whiting OY decision deferred to March 2004	200.0	0.0
At-sea whiting cat-proc		0.6		4.3	0.1	6.6			0.0
Shoreside whiting		0.3		0.7	0.4	3.4			0.0
Tribal whiting		4.2		0.0	0.4	1.1			0.0
Open Access									
Groundfish directed	10.6	0.3	0.1		62.5				0.6
CA Halibut	0.1			0.0	2.0	0.0			
CA Gillnet f/	0.5			0.0		0.0	0.0	0.0	
CA Sheephead f/				0.0		0.0	0.0	0.0	0.0
CPS- wetfish f/	0.3								
CPS- squid g/									
Dungeness crab f/	0.0		0.0	0.0		0.0			
HMS f/		0.0	0.0	0.0					
Pacific Halibut f/	0.0		0.0	0.0		0.0		0.0	0.5
Pink shrimp	0.1	0.5	0.0	0.0	0.5	0.0	1.0	0.1	0.1
Ridgeback prawn	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Salmon troll	0.2	1.6	0.0	0.0	0.3	0.0		0.0	0.2
Sea Cucumber	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Spot Prawn (trap)									
Tribal									
Midwater Trawl		2.3		0.0	0.1	0.0		40.0	0.0
Bottom Trawl		0.5		0.0	9.0	0.0		0.0	0.0
Troll		0.5		0.0	1.0	0.0			0.0
Fixed gear		0.3		0.0	15.0	0.0		0.0	2.3
Recreational Groundfish									
WA		2.5			73.0				3.5
OR		7.0			101.3			2.0	3.3
CA (N)		0.5			195.0			1.0	0.1
CA (S)	62.8	7.6	1.8		151.8			0.4	1.3
Research: Based on 2 most recent NMFS trawl shelf and slope surveys, the IPHC halibut survey, and LOAs with expanded estimates for south of Pt. Conception.									
	2.0	1.0		1.6	3.0	3.0	200	1.5	1.1
Non-EFP Total	135.1	40.5	2.6	111.2	706.7	84.2		276.5	13.6
EFPs h/									
CA: NS FF trawl	10.0	0.5	0.5		20.0				0.5
OR: DTS i/		0.1		6.0		18.0			0.1
WA: AT trawl		1.5		3.0	4.5	8.5		5.5	0.5
WA: dogfish LL		0.1		0.5	2.0	0.5		0.5	1.0
WA: pollock j/		0.1					1,000	1.5	0.1
EFP Subtotal	10.0	2.3	0.5	9.5	26.5	27.0	1,000	7.5	2.2
TOTAL	145.1	45.1	3.1	120.7	733.2	111.2	3,000	284.0	15.8
2004 OY	250	47.3	4.8	240	735	444		284	22
Percent of OY	58.0%	95.4%	64.6%	50.3%	99.8%	25.1%	#DIV/0!	100.0%	71.7%
Key	= either not applicable; trace amount (<0.01 mt); or not reported in available data sources.								

a/ South of 40°10' N. lat.

b/ Darkblotched harvest limit ("2004 OY" in this table) is the ABC of 240 mt, which is lower than the projected OY of 272 mt under the *Medium OY* alternative.

c/ Lingcod total reflects total catch, not mortality.

d/ Catch estimates of overfished non-whiting groundfish species based on average annual bycatch rates during 1998-2003. 2003 bycatch rates calculated for the at-sea sector based on observed catch rates through September 25, 2003. These data incomplete since all at-sea sectors still fishing after this date. Shoreside catches of overfished groundfish species are actual estimates through the entire 1998-2003 period. Estimated whiting mortality in non-whiting fisheries assumes a cumulative 2,000 mt impact in 2004. Tribal catch based on OY sliding scale. Non-tribal whiting fishery catch based on set allocations applied after tribal and non-whiting fishery impacts subtracted from the OY. Although the whiting OY is not decided, the bycatch impacts in the whiting fisheries are determined based on the *Medium OY* of 148,200 mt as a placeholder for all the stocks except widow rockfish. The widow rockfish impacts in this table represent the difference between the OY and the estimated cumulative impacts in non-whiting fisheries.

e/ Using observer data, all estimates from the Hastie trawl bycatch model.

f/ Mortality estimates are not hard numbers; based on the GMT's best professional judgement.

g/ bycatch amounts by species unavailable, but bocaccio occurred in 0.1% of all port samples and other rockfish in another 0.1% of all port samples (and squid fisheries usually land their whole catch). In 2001, out of 84,000 mt total landings 1 mt was groundfish. This suggests that total bocaccio was caught in trace amounts.

h/ Values are proposed EFP bycatch caps, not estimates of total mortality. The EFP is terminated inseason if the cap is projected to be attained early.

i/ The darkblotched rockfish and Pacific ocean perch caps are not defined yet for this EFP but are expected to be lower than the placeholders in this scorecard.