

GROUND FISH ADVISORY SUBPANEL STATEMENT  
ON TENTATIVE ADOPTION OF GROUND FISH MANAGEMENT MEASURES FOR  
2005/2006 FISHERIES

The Groundfish Advisory Subpanel (GAP) met with the Groundfish Management Team (GMT) to develop management measures for the 2005 / 2006 groundfish fishery. The GAP offers the following responses to the recommendations made by the GMT. In addition, we address certain management issues that were not covered by the GMT.

*CANARY ROCKFISH OY*

The GAP agrees with the GMT recommendation and suggests an additional policy direction for the Council. While we believe that there should be some flexibility to deal with changes in fishing strategy and unexpected occurrences that change the projected impact on overfished species, the majority of the GAP supports a Council policy that would give a priority to using bycatch "savings" in the fishery sector that provided the savings. A minority of the GAP believes that no such priority should be established.

*OTHER FLATFISH ABC AND OY*

The GAP examined the methodology used by the GMT to recommend an ABC and OY for other flatfish. The GAP agrees that the derivation of the ABC number is reasonable and supports the GMT recommendation. However, the GAP strongly disagrees with the OY recommendation. Flatfish landings have been reasonably constant over the years and the flatfish fishery is not conducted in any area that might be considered a habitat area of particular concern. Under normal Council policy, if these stocks had been assessed, the OY would be set equal to the ABC. The GAP sees no reason to deviate from this policy and recommends that the OY be set at 6,781 mt, equal to the ABC.

*OTHER FISH OY*

The GAP agrees with the GMT recommendation.

*DOVER SOLE ABC*

The GAP agrees with the GMT recommendation.

*RESEARCH CATCHES*

As discussed under Council Agenda item C.1, the GAP is aware that research catches have potentially exceeded the canary rockfish impacts that were identified for 2004. If research fishing *of any kind* does exceed predicted impacts and no excess canary impacts can be identified, the Council will be forced to take management actions affecting commercial and / or recreational fishing, even though the research may contribute little to fisheries conservation and management. This situation exists because neither the Council nor the National Marine Fisheries Service (NMFS) has any regulatory authority over scientific research in federal waters. While states can - and do - exercise some authority over research, the extent of that authority is limited when it involves activities in the exclusive economic zone. In short, our commercial and recreational fisheries may have to pay the price for excesses in scientific "fisheries" over which

no one has any control and which may provide few benefits. Sadly, this could serve as a disincentive for the fishing community to support scientific research, especially when it involves species with relatively small OYs.

Although the long term solution will require a change in federal law, the GAP has several interim recommendations to help temporarily resolve this problem.

First, the Council has an option available under section 303(b)(11) of the Magnuson Stevens Act to deduct scientific research catches from the allowable biological catch (ABC), rather than the optimum yield (OY). The GAP has previously recommended that the Council take this approach to accommodating research catch and makes that recommendation again today in regard to all groundfish species and species complexes for which an OY has been established and which are not being managed under formally adopted rebuilding plans.

Second, in the case of rebuilding species, the GAP recommends that the Council immediately begin the plan amendment process so that the rebuilding plans - which are incorporated as fishery management plan amendments - can be reconfigured to allow the option of subtracting research catch from the ABC. The GAP notes that nearly two dozen stock assessments are scheduled for next year, some of which include the mandatory two-year review of rebuilding species, so that now would be a perfect time to make this correction.

Last, the GAP recommends that the Council, as part of any communication to Congress or the executive branch regarding amendments to the Magnuson Stevens Fishery Conservation and Management Act, support a change in the law that will allow control by the Council and / or NMFS over scientific research catches involving overfished species.

#### *CREATION OF NEW MANAGEMENT LINES*

The GAP supports the GMT recommendations on creating new management lines.

#### *CATCH SHARING AND HARVEST GUIDELINES*

The GAP partially supports the language of the GMT report. The GAP supports the recreational catch sharing options for black rockfish, and lingcod described in section 2.2.1 of Exhibit C.6.a, Attachment 1 (Preliminary Draft Environmental Impact Statement, May 2004). In regard to canary rockfish, the GAP suggests the following change to the option described in that section:

*Divide the recreational catch between the north and the south at the Oregon-California border [42°N.]. Under this option, for 2005 and 2006, there would be established a 9.3 mt harvest guideline in California and an 8.5 mt harvest guideline shared by Oregon and Washington.*

In regard to yelloweye rockfish, the GAP suggests the following change to the option described in that section:

*Divide the recreational catch between the north and the south at the Oregon-California border [42°N.]. Under this option, for 2005 and 2006, there would be established a 3.7 mt harvest guideline in California and a 6.7 mt harvest guideline shared by Oregon and Washington.*

By establishing harvest guidelines south of 42° N., the Council will provide California with the authority necessary to make in-season changes in its recreational fishery in response to resource and management needs.

#### *CONVERSION OF EXEMPTED FISHING PROVISIONS TO FEDERAL REGULATIONS*

The GAP supports the GMT recommendations.

#### *AREA-SPECIFIC MANAGEMENT MEASURES*

The GAP generally supports the GMT recommendations on area-specific management, with one refinement regarding the whiting fishery.

As seen last week in the mothership sector of the whiting fishery, a single unexpected trawl tow can have serious consequences for bycatch avoidance. The Oregon Department of Fish and Wildlife has made a preliminary recommendation that areas with historically high bycatch rates in the whiting fishery be identified and targeted for potential closure if the need arises.

Fishermen have pointed out that identifying discrete areas based on historical data makes little sense, as both concentrations of fishing effort and concentrations of bycatch species vary from year to year. Unfortunately, the most common way to detect a concentration of bycatch species is by catching them.

Rather than identifying specific areas pre-season which could be closed, the GAP recommends that the Council and appropriate state agencies consider some authority for temporary rolling closures in the whiting fishery in the event that a discrete area can be identified during the course of the whiting season where a closure would help avoid bycatch of sensitive species. The GAP would be happy to work with managers to explore options that might be made available for next year's whiting fishery.

#### *COMMERCIAL MANAGEMENT MEASURES*

##### **Limited Entry Trawl Whiting**

The GAP agrees on establishing a placeholder amount of 7.3 mt of canary rockfish for the whiting fishery. The GAP will defer further discussion of whiting management until the March, 2005, Council meeting.

##### **Limited Entry Trawl Non-Whiting**

The majority of the GAP supports trawl trip limit option 3 as shown on Table 3 of the GMT report. Although this option has slightly higher canary impacts, it avoids confusion in the fishery by establishing uniform coast-wide RCA boundary lines all year. This should also facilitate enforcement.

A minority of the GAP supports trawl trip limit option 2 as shown on Table 2 of the GMT report. They expressed concern that the ratio of Dover sole to sablefish in periods 1, 2, and 6 under option 3 would result in higher sablefish discards in the southern portion of the northern management area.

The GAP also requests that the coordinates for the 150 fathom line off Washington be re-examined. Reports from fishermen indicate that the published line coordinates do not match the 150 fathom line available for the winter petrale fishery.

### **Limited Entry Fixed Gear and Open Access**

The GAP supports the GMT recommendation with the following additions:

- \* for open access north of 40°10', the lingcod fishery will be open from April 1 until October 31 with a monthly limit of 300 lbs.
  
- \* for open access south of 40°10', the lingcod fishery will be open from May 1 to October 1 with a monthly limit of 500 lbs.

### **Incidental take of lingcod in the troll salmon fishery**

Although not considered by the GMT, the GAP discussed requests from the troll salmon fishery to obtain access to non-salmonids within the Rockfish Conservation Area (RCA), as it has on two previous occasions. Both times, the GAP re-affirmed its support of the existing exemption for an incidental harvest of yellowtail rockfish, but opposed expanding troll salmon take of groundfish species within the RCA when that opportunity is not available to other open access vessels.

The GAP considered the request made by the Washington Trollers Association for an incidental take of lingcod, along with a similar request made by Oregon trollers. Both proposals, although structured somewhat differently, would allow salmon troll vessels operating in the RCA to retain lingcod based on some ratio of lingcod landings to salmon landings.

Once again, the GAP unanimously opposed the request. GAP members pointed out that a lingcod allowance could lead to targeting lingcod and that the impacts on scarce canary rockfish could be severe. Further, salmon troll vessels already have the right to retain lingcod taken outside the RCA under open access limits. The GAP sees no reason to create a new fishery for an overfished species in an area deliberately established to protect overfished species. Lingcod have an excellent post-hooking survival rate and can easily be discarded if taken incidentally with little harm to the resource. The GAP continues to support the yellowtail rockfish exemption as it does not involve an overfished species, was established prior to the creation of the RCA, and converts dead discards to landed catch.

### ***OREGON NEARSHORE MANAGEMENT***

The GAP supports the GMT recommendations.

### ***CALIFORNIA NEARSHORE MANAGEMENT***

The GAP supports the GMT recommendations.

### ***RECREATIONAL MANAGEMENT MEASURES***

With one exception, the GAP supports the recreational measures recommended by the GMT. In the case of minimum size limits for recreational lingcod in California, the GAP recommends a

minimum size of 24". Given the larger number of small lingcod appearing in the fishery, the smaller size limit will effectively put less recreational effort on the water by allowing anglers to reach their limits earlier and with fewer discards.

#### *MISCELLANEOUS ISSUES*

The GAP was reminded that actual bycatch caps for EFP fisheries must be set under this agenda item. The GAP repeats the recommendations it made under agenda item C.5:

- \* set the Oregon and California selective flatfish trawl EFP caps as proposed;
- \* reduce the Washington arrowtooth EFP cap on canary to 1.5 mt;
- \* reduce the Washington dogfish longline cap on yelloweye to .5 mt.

#### **GAP response to GMT recommendations**

1. Support with the additional GAP recommendation for policy direction.
2. Support
3. Support
4. Support the recommendation on lingcod, see separate GAP recommendation on yelloweye.
5. Adopt the GAP recommendation on canary
6. Support
7. Support
8. Support
9. The GAP provided a separate alternative for temporary closures in the whiting fishery.
10. The GAP provided separate majority and minority views on non-whiting limited entry trawl management measures.
11. The GAP suggested additional open access measures for open access lingcod
12. The GAP made one alternative suggestion for California recreational lingcod size limits.
13. The GAP recommended modified bycatch caps for two EFPs.

PFMC

06/16/04