

GROUND FISH MANAGEMENT TEAM REPORT ON
INITIAL CONSIDERATION OF OPENING DATE OF CALIFORNIA SHORE-BASED
WHITING FISHERY

The Groundfish Management Team (GMT) reviewed the request by Mr. Barry Cohen to change the start date of the California shore-based whiting fishery south of 40°30' N latitude from April 15 to March 15 in 2006. It is the GMT's understanding that this date change affects one processor and potentially one to three shore-based whiting vessels.

To facilitate a discussion of this issue, the National Marine Fisheries Service (NMFS) provided the GMT with a brief history of the location and seasonality of the whiting fishery. During the 1980s, foreign processors were prohibited from operating south of 39° N latitude, primarily to minimize the harvest of rockfish and juvenile whiting. Foreign fishing was prohibited before June 1. Joint ventures (small U.S. trawlers delivering to foreign processing vessels at sea) did not have a season, but generally started one to two months earlier. In general, shore-based processors operated from April through September and were eventually regulated with different start dates along the coast.

During the early spring, Pacific whiting migrate north through California before reaching Oregon and Washington in late spring and early summer. In the late 1990s, an April 15 start date was proposed for California. To accommodate regional whiting availability, an early shore-based whiting fishery was provided starting April 1 for northern California (north of 40°30' N latitude), which was the only area of California with an active fishery at that time. There has been recent interest in fishery participation south of 40°30' N latitude, which still maintains a start date of April 15, two weeks after the northern California fishery. In 2005, Mr. Cohen was designated as a processor under the whiting exempted fishing permit (EFP) and attempted to prosecute the fishery after the start date. Mr. Cohen reported that only one small landing was made in early May and attributed this to starting after whiting had already moved through the area. Therefore, he requests the opportunity to commence fishing on March 15 to match the timing of the whiting migration through this area.

Historically, there has not been much of a whiting fishery south of 40°30' N latitude, but historical groundfish bycatch information suggests, that in the Monterey area, the bycatch of widow rockfish was greater than in other sections of the coast and was usually highest during June and July. Chilipepper rockfish was also taken as bycatch in the whiting fishery in the Monterey area, and catch was generally higher earlier in the year.

There are no data to indicate the species and catch rates likely to occur if the fishery occurred during March, except that offshore species (such as mackerel) are more likely to be encountered in southern waters.

By shifting the start of the southern whiting harvest from April 15 to March 15 south of 40°30' N latitude, the GMT anticipates the fishery may encounter younger, smaller whiting, as well as those whiting that are more emaciated following spawning. Historical catch suggests larger, older fish are proportionately more abundant in the catch in more northern areas than in southern areas. During the first two weeks of this year's California shore-based whiting fishery, which

operates between 42° N latitude and 40°30' N latitude with an April 1 start date, the vessels encountered a mixed grade of whiting that was predominately small fish. By week four of the fishery, the vessels encountered a larger, more desirable grade of whiting. The likelihood of encountering small whiting is variable and is not always an issue for this fishery.

NMFS also provided the GMT with a review of the Groundfish Fishery Management Plan (FMP) for the whiting fishery in particular, taking into consideration the Endangered Species Act (ESA) related biological opinions or reinitiated consultations in 1990, 1991, 1992, 1993, 1996, 1999, and 2002. Management constraints that still exist as a result of those consultations include (1) a delay in the start of the at-sea whiting season until May 15 north of 42° N latitude, (2) no targeted harvest of whiting shoreward of 100 fm in the Eureka area (the Eureka area extends from 43°30' to 40° N latitude), and (3) an overall annual bycatch limit of 11,000 chinook.

The current biological opinion prohibits targeted whiting harvest shoreward of 100 fm in the Eureka area (approximately 40° N latitude), but does not restrict fishing inside of 100 fm in the Monterey area. A depth restriction in the Monterey area was not previously considered because there was little or no fishing for whiting in the area at the time. However, the depth-based restriction for the Eureka area was put in place because chinook bycatch rates were generally found to be higher in shallow water. Although there are little data regarding the effect of depth on chinook bycatch in the Monterey area, a depth restriction in the area may be an appropriate consideration.

There are no data on the bycatch rate of chinook in the whiting fishery from recent years in the Monterey area. However, NMFS reviewed information available from the joint venture fishery when the effects of the whiting fishery on Sacramento winter-run chinook were first considered in 1991 (November 26, 1991 Biological Opinion). From 1981 – 1990, the average bycatch rates in the Monterey and Eureka areas were 0.027 and 0.147 salmon per mt of whiting, respectively. As a frame of reference, the current bycatch rate for the entire whiting fishery that may reinitiate a consultation is 0.05 salmon per mt of whiting. In that same opinion, NMFS reported the probability of encountering a winter-run chinook was generally lower in the Monterey area than in the Eureka area (1/1,500 versus 1/5,500 chinook caught).

Opening dates for salmon fisheries are constrained because of concerns related to Sacramento winter-run chinook. Recreational salmon fisheries south of Point Arena (38°57'30" N latitude) open no earlier than the first Saturday of April. Commercial fisheries south of Point Arena open no earlier than May 1, and fisheries north of Point Arena are not constrained by these delayed opening dates. Because the shore-based fishery operates south of Point Arena, the Council may want to be aware of these season restrictions.

The GMT is aware of the goals of the Groundfish FMP, specifically those to promote year-round opportunities, extend fishing and marketing opportunities as long as practicable; and to encourage full utilization of groundfish resources. Changing the start date would be in keeping with promoting year-round fisheries and extending fishing and marketing opportunities. In the last eight years, the cap set for the California shore-based whiting fishery (5% of the total shore-based allocation) has been achieved three times (1997, 2000, 2004). Allowing the fishery to begin earlier in the year may encourage full utilization, if inadequate access to fish moving northward in April is the reason the cap is not being achieved.

The GMT did not consider how changing the whiting season start date south of 40°30' N latitude could be affected by the ratification of the U.S./Canada whiting treaty. If an analysis is developed for this proposal as part of the rule-making process, implementation of the treaty should be considered in that analysis.

Given the above information, the GMT believes that changing the start date for the shore-based fishery south of 40°30' N latitude April 15 to March 15 should be explored, but also recommends that the Council proceed cautiously. NMFS is in the process of evaluating whether or not it is possible to transition the shore-based whiting fishery from an EFP into federal regulations. Because this process is complex, it is possible the shore-based fishery will operate under an EFP in 2006. In 2006, the EFP could be used to exempt the fleet from the April 15 start date and evaluate the bycatch of groundfish, especially overfished species, and salmon associated with starting the fishery a month earlier. In 2004 and 2005, electronic monitoring systems have been deployed in the shore-based whiting fishery to document compliance with full retention/maximized retention requirements. Because of funding and contracting constraints, electronic monitoring systems have not been available for the April 1 shore-based whiting fishery (the fishery that occurs between 42° N latitude and 40°30' N latitude) and may not be available earlier than March 15, 2006. NMFS is still evaluating the adequacy of electronic monitoring to document compliance with full retention/maximized retention requirements. Because this EFP would be collecting information on groundfish and salmon bycatch as well as gathering information on the size and condition of whiting south of 40°30' N latitude, the GMT believes that observers, specifically 100% observer coverage, may be a more appropriate option for monitoring this sector of the shore-based whiting fishery. An increase in plant sampling would also be useful for this sector of the shore-based whiting fishery, but the GMT believes that any increase in plant sampling does not replace the need for observer coverage during harvesting.

If an EFP conducted in 2006 indicates that changing the start date from April 15 to March 15 does not increase the bycatch of groundfish or salmon or negatively affect the product quality and catch per unit effort of whiting, then a permanent date change could be considered through notice and comment rule making. The results of the 2006 EFP would likely not be available for inclusion in the 2007 – 2008 biennial specifications and management measures process, so the date change would need to be implemented in a separate rule making.

The GMT would like to bring to the Council's attention the work load associated with this action. Adequate resources will need to be available to conduct the shore-based whiting EFP next year. In the event the shore-based EFP will not go forward in 2006, a separate EFP for the shore-based whiting fishery south of 40°30' N latitude would need to be developed, conducted, and the results analyzed. Additional resources would need to be available to provide observer coverage for this EFP as well as for the rule making and environmental assessment process associated with this action.

In summary, if adequate resources are available, the GMT recommends that the effects associated with changing the start date be evaluated as part of the shore-based whiting EFP and that, if appropriate, the date change be considered through a full rule-making process. The current biological opinion requires a 100 fm depth restriction in the Eureka area (from 40°30' N latitude to 40° N latitude). Therefore, the GMT recommends that a depth restriction to minimize

salmon bycatch, similar to the one specified in the current biological opinion for the Eureka area, be considered for the Monterey area. Because of the uncertainty around salmon bycatch in southern areas, the GMT also recommends consideration of a salmon bycatch cap for this portion of the fishery.

PFMC
06/14/05