

GROUND FISH MANAGEMENT TEAM REPORT ON UNMANAGED FORAGE FISH INITIATIVE SCOPING

The Groundfish Management Team (GMT) reviewed the documents in the briefing book under this agenda item and received an overview from Mike Burner from Pacific Fishery Management Council (Council) staff, and offers the following thoughts for consideration.

Proposed Unmanaged Forage Fish Regulations (Proactive Approach)

The GMT reviewed the regulations relative to the Council's objectives of prohibiting directed fishing for shared ecosystem component species (EC) while not placing additional burdens on existing fisheries. The GMT understands that the Council's intent would be implemented through regulations that limit landings in the shorebased sector and processing (not total catch) in the at-sea sectors. As described below, [Agenda Item D.2.a, Supplemental NMFS Report](#) used historical landings data from the Pacific Fisheries Information Network for the shorebased sector. Total catch data (not just those fish retained for processing) was used for the at-sea sectors, taken from the NORPAC database.

Our discussion centered on the best way to achieve the Council's objectives. While specific annual vessel landing and processing limits might be easily enforceable, they also might constrain existing fisheries, particularly for vessels that participate in multiple fisheries, and for EC species that have large annual fluctuations. Additionally there may be some challenges with the existing data systems that inform the development of the landing and processing limits, as well as the data necessary to monitor landings and processing limits proposed to be established in regulation. The GMT explores these issues and offers some potential solutions below.

Shorebased Landings

Regarding the catch estimates used to recommend the landing limits (i.e., 10 mt in a trip, 30 mt in a calendar year; as summarized in the [Supplemental NMFS Report](#)), the GMT notes that the shorebased data systems are imperfect for some species, which may result in establishing inaccurate landing limits in regulations for the shared EC species. For example, as the GMT pointed out in March ([Supplemental GMT Report, Agenda Item E.2.b, March 2015](#)), each state reports landings of unsorted species differently. As an example, one state may broadly report a shared EC species within a miscellaneous or unidentified fish category on fish tickets, whereas another state may speculate. The data used in the NMFS Report contain only eulachon, round herring, unspecified smelt, and unspecified squid. If a portion of these species are actually being reported under another category (such as miscellaneous), the threshold limit might be artificially low. This is similar to our recent experience with big skate, of which the Council's understanding was improved with further investigation. These issues could be resolved through more specific reporting requirements which may then need to include sorting of EC species.

Moving forward, standardized reporting of EC species will be necessary to allow the vessel captains, managers, and enforcement to track shared EC species landings that might be considered for regulatory landing limits.

Additionally, some vessels participate in multiple fisheries over the course of a calendar year, often times with different captains; the GMT wonders then who would be responsible for tracking the annual landing limits across those fisheries. Would it ultimately fall to the vessel owner or the individual captains?

At-Sea

The historical shared EC data from the at-sea sectors was derived from the NORPAC database collected by the West Coast Groundfish Observer Program (WCGOP) and represent the total catch (i.e., both processed and discarded). The proposed regulations, consistent with Council's intent, are specific to processing, "Process more than 1 mt of Shared EC Species other than squid species in any calendar year; or, process more than 40 mt of any Shared EC squid species in any calendar year."

While the analysis used total catch for the at-sea sectors, **the GMT wants to ensure that the word *processing* in regulation applies only to retained catch, not total catch (landings plus discard)**. It is our understanding this was the intent of the Council's original motion- to prevent the retention of EC for sale, not prevent the discarding of EC species that are caught as bycatch.

The GMT would be interested to hear from WCGOP on the reliability of the estimates for the shared EC species. For example, observer estimates of EC species catch may have been a lower priority than generating estimates for whiting, overfished species, protected species, and prohibited species.

Based on feedback from NMFS staff, the GMT also understands that a catcher-vessel that participates in shorebased fisheries and the mothership fishery is only held to the landing limits when operating in the shorebased fisheries.

Absolute Limits or Ratios

The GMT also discussed that set landing limits in specific tonnage (e.g., 30 mt per year) could disproportionately affect vessels that have higher volumes of target species landings. Another way to ensure that targeting is not occurring is to make sure that catch of EC species doesn't exceed some specified percentage of the target species, potentially in addition to landing limits (for example, 30 mt per vessel, per year, *or* X percent of target species harvest if in excess of 30 mt).

Possible Alternative to Landings Caps (Reactive Approach)

Starting in 2015, the Groundfish Fishery Management Plan (FMP) and annual fishing regulations includes EC species (all skates, except longnose; all grenadiers; soupfin shark; ratfish; and finescale codling). These species are not targeted and generally not retained for sale or personal use. In the groundfish regulations, the criteria for EC species are included in section §660.11 Definitions, but there are no regulations that expressly prohibit targeting. That is, the intent is described (i.e., species are categorized based on the understanding that targeting is not occurring), monitoring occurs by reviewing the annual WCGOP data, and adjustments are made either inseason or through the biennial process. For example, earlier this year it was identified that big skate, an EC species, were being targeted and inseason adjustments were made to control catch. The Council also scheduled future action in the 2017-2018 specifications process to reconsider the EC species designation. In the case of shared EC species, a similar approach could be taken

whereby landings are monitored and landing and/or processing limits are available for inseason implementation should a directed fishery emerge. The GMT understands this issue may have been previously discussed at the March 2015 meeting and the Enforcement Committee requested limits established in regulation. We provide information not to rehash a past discussion but to highlight a successful adaptive management approach in the groundfish fishery that controlled catch of an EC species.

The GMT finds some merit in a process, such as an inseason adjustment to landing (or processing) limits, that allows the Council to respond to higher than anticipated catch of EC species in a way that avoids regulations that might unnecessarily constrain sectors that more commonly encounter EC species as bycatch, especially since the abundance, and associated encounters, of some EC species can vary widely year to year.

GMT Alternative—Establishing Limits in Light of Uncertainty

As mentioned above, the Council should consider the reliability of the specific data to be used to establish the threshold(s) and/or ratios in regulation. **Further, the Council could consider an alternative to the proposed regulations that would provide a regulatory guideline to harvesters, while also enabling the ability for inseason action to modify these limits should the need to arise due to unforeseen ecological phenomena.** The GMT specifically discussed an option whereby the vessel landing and processing limits for shared EC species are established as vessel specific harvest guidelines (HG), or potentially, a HG ratio to target species. In the groundfish regulations, HGs are a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require immediate closure of a fishery. Under this proposal, the management teams and Council could review a specific vessel's data if catch from that vessel is approaching the HG and evaluate whether directed fishing was occurring and recommend an appropriate action on a case by case basis. The GMT notes that such a proactive (vessel HG's in regulations), and reactionary approach (routine inseason action) may provide a feedback loop by which management and industry are both meeting their objectives to prevent a target fishery for EC species of interest, while also ensuring that industry is not harmed unintentionally when behaving responsibly.

A HG approach that allows for inseason action may reduce the need for buffers to address the uncertainty with miscellaneous or unidentified fish. Alternatively, the Council could consider an additional buffer to landing limits if a hard limit approach is taken to account for the uncertainty in the historical data, or to compensate for unexpected phenomena.

As mentioned before, the GMT did not have time at this meeting to explore the data in great detail but could do so at a future meeting and report back to the Council. The Council could postpone adoption of the regulations that include landing or processing limits until the data can be more closely evaluated by the GMT.

Summary

The GMT acknowledges that establishing catch limits in one form or another would provide an enforceable metric to dissuade new targeting of EC species, the overall goal. However, there is concern that hard limits could act as bycatch constraints to fishermen actively trying to avoid EC species, especially during boom periods of some EC species in a given year. There is also concern

with the ability to actively estimate and monitor landings of EC species to sufficient levels for management. Although there are currently issues with species-specific landings, the commercial fishery surveys are currently able to estimate total EC species landings by individual vessels. If individual vessels begin routinely landing large volumes of EC species, the GMT could investigate if targeting occurred, and if so, recommend regulatory actions to dissuade targeting.

Council Operating Procedure 24

The GMT focused our discussion on proposed and alternative ways to regulate landings of shared EC species and didn't have the time to get into a detailed discussion on the proposed Council Operating Procedure 24 language.

GMT Recommendations:

- 1. That the word *processing* in regulation relative to the at-sea sectors applies only to retained catch, not total catch (landings plus discard).**
- 2. That the Council consider a process that includes inseason adjustment to the landing and processing limits that allows the Council to respond to higher than anticipated catch of EC species in a way that avoids regulations that might unnecessarily constrain ongoing fisheries.**
- 3. That the Council consider additional exploration of the data used to develop the regulatory thresholds if a regulatory hard cap approach is taken.**
- 4. Consider an alternative to the proposed regulations that would provide a regulatory guideline to harvesters, while also enabling the ability for inseason action to modify these limits should the need to arise due to unforeseen ecological phenomena.**

PFMC
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