

NATIONAL MARINE FISHERIES SERVICE REPORT ON
BLACKGILL-SLOPE COMPLEX FINAL REALLOCATION AND
ACCUMULATION LIMITS

The Council is currently considering final action in November on whether or not to remove blackgill rockfish from the Minor Slope Rockfish South of 40°10' N. complex (complex) and to instead, manage it as a single species. As part of this action, the Council will decide how to reallocate blackgill rockfish and minor slope rockfish South of 40°10' N. between limited entry trawl and non-trawl sectors. This includes developing new accumulation limits for blackgill rockfish and the remaining species in the complex.

As NMFS has previously mentioned, we have concerns with the direction the Council is taking, and whether the analysis is adequate to support the Council taking any action at this time. In its current state, the analysis focuses the purpose for this action on a conservation issue. The specific purpose of the action is, "To reduce the risk of exceeding the blackgill rockfish overfishing limit (OFL) contribution and harvest guideline south of 40°10' N lat. projected in the 2011 assessment and established consistent with the default 40-10 annual catch limit (ACL) harvest control rule described in section 4.6 of the Groundfish Fishery Management Plan (FMP)." However, the document also states, on page 31, that "Blackgill rockfish south of 40°10' N lat. has never been subject to potential overfishing even when comparing the total catch against the acceptable biological catch (ABC)/OFL contribution of the stock to the southern Slope Rockfish complex." The average percentage of the ACL caught for blackgill rockfish between 2003 and 2013 was 46.8%, and the average percentage of the ABC caught for blackgill for the same period was 43.96%. Even when the more conservative management measures were implemented in 2013, fishing pressure was adjusted so that catches remained below the ACL and ABC. Catches in 2013, were 67.6% of the ACL and 60.2% of the ABC. There is nothing in the analysis that shows that fishing pressure is going to increase substantially. However, the analysis underscores the claim that there is a potential for a conservation issue.

NMFS also believes that the analysis, as is, includes several deficiencies that need further analysis:

- The effects of each alternative on target species inside and outside the complex should have been included in the analysis of the alternatives.
- The potential effects on non-targeted species composition given different gears and management structure for trawl and non-trawl also should have been included.
- The general difference in shifting allocations between the trawl and non-trawl sectors, including how the difference in fishery controls (e.g., monitoring, individual fishing quota [IFQ] vs. trip limits) affects the ability to keep harvests within the allocation for blackgill, should have also been included in the analysis of each alternative.
- Impacts on protected species, essential fish habitat (EFH), and the general habitat, if more blackgill is taken with non-trawl gears, and a robust cumulative effects analysis are also a necessary component of an environmental assessment (EA).

NMFS also believes this information would be necessary for the Council to take final action.

NMFS agrees that there is an issue with leaving blackgill rockfish in the complex. However, NMFS does not agree with the framing of the issue, as a conservation issue. The analysis does not provide a strong argument for there being a conservation issue. Instead, NMFS believes that this is an equity issue between the limited entry trawl and fixed gear sector. This assumption is supported by previous statements from the Groundfish Advisory Subpanel (GAP) in November 2014. The supplemental GAP report from that meeting stated, “Mr. Leos led the discussion focusing on the options...for potentially correcting the allocation of blackgill rockfish south of 40° 10’N latitude based on actual catch history and subsequently reallocating the southern Slope Rockfish complex.”

Based on the issues with the analysis and the framing of this action, NMFS recommends that the Council does not take action at this meeting. Instead, NMFS recommends that the action is tabled and a new EA is developed, in coordination with the WCR NEPA Coordinator, framing this issue as an allocation issue. The new analysis should also include a robust analysis of the environmental effects of reallocation that is missing from the current analysis.