

NATIONAL MARINE FISHERIES SERVICE REPORT ON MANAGEMENT MEASURES  
FOR THE 2017-2018 BIENNIAL HARVEST SPECIFICATIONS

The 2017-2018 harvest specifications and management measures is the first biennial cycle after implementation of Amendment 24 and the omnibus prioritization process. The goal of Amendment 24 was to create a disciplined process to allow the Council and NMFS to consider the best available science to set harvest specifications, and then adopt the management measures necessary to achieve these specifications, all on a timeline to implement new specifications and management measures on January 1 of odd years.

In September 2015, the Council identified several candidate management measures for inclusion in the 2017-2018 biennial harvest specifications and management measures cycle. NMFS was asked to review these measures after an initial review by the GMT and provide the Council with NMFS's views on: 1) whether the measures are appropriate for inclusion in the 2017-2018 harvest specifications and management measures and 2) the impact of the analytic workload associated with each measure on the goal of meeting the January 1 deadline.

Given the discussion at the June Council meeting regarding a possible delay in the schedule, NMFS would like make it clear that our commitment and goal is to implement the 2017-2018 harvest specifications and management measures on January 1, 2017. Further, we wish to remind the Council that, in the past, it has not been a single new management measure that caused a delay in implementation. Rather, it has been the sum of new and routine management measures, and the analytic work required to support those measures, that has caused delays.

With the goal of implementing the harvest specification and management measures by January 1, and adhering to the omnibus process, NMFS reviewed the preliminary list of management measures and the GMT report (I.9.a, November 2015) and provides the following advice and recommendations.

1. “Green light” policy for stocks rebuilt mid-biennium

*Summary:* The FMP includes three frameworks for adjusting management measures outside of the biennial harvest specifications and management measures process. The frameworks are: 1) Resources Conservation Issues-The Points of Concern Framework; 2) Non-biological Issues-The Socioeconomic Framework; 3) The Habitat Conservation Framework. There is currently no mechanism in the FMP for modifying harvest specifications when a stock is rebuilt mid-biennium (“green-light”). Therefore, this measure would establish a framework in the FMP which allows exploration of mid-biennium harvest specification changes when a stock is

declared rebuilt. Additionally, for the 2017-2018 cycle, rebuilt ACLs will have to be produced and analyzed to allow access mid-biennium.

*GMT:* More dialogue is needed with Council staff and NMFS to determine what additional impact analysis would be necessary in the 2017-2018 harvest specifications and management measures analysis.

*NMFS:* We note that this measure has two separate components: the analysis of the projected ACLs and an FMP Amendment. NMFS agrees with the GMT that more work will need to be done to evaluate the need for further analysis in addition to the range of ACLs evaluated in the 2015-2016 Tier 1 EIS. If the Council moves forward with this measure NMFS will work with the GMT on this evaluation.

For 2017-2018, if ranges of rebuilt ACLs were analyzed for all overfished species, the analytical burden would likely delay the final rule past a January 1, 2017, implementation date. However, were the Council to narrow the range of analyzed rebuilt ACLs (for example only looking at darkblotched and bocaccio), NMFS anticipates this measure could be implemented by January 1, depending on the number of other, new management measures. NMFS agrees with the GMT that the expected workload for this measure would be high and notes that work by the STAT teams would need to be done to provide forecasted 2017-2018 ACLs for overfished species assuming a rebuilt status.

NMFS does not anticipate that with a narrow range of species this measure alone will cause a delay in the 2017-2018 harvest specifications and management measures. However, given the complexity of this measure, inclusion of this measure leaves little additional room for other new management measures.

## 2. Ecosystem Component (EC) Designation for Big Skate

*Summary:* In April 2015, the Council decided to reconsider the EC designation for big skate based on information that big skate was being targeted in the trawl fishery and was no longer appropriate for an EC designation.

*GMT:* The GMT report recommends longnose skate and big skate be managed individually. In short, the two species generally do not occupy the same habitats, with big skate having a shallower depth distribution than longnose skate (Bizarro 2015). Comparatively, longnose skate are typically found on the outer shelf and upper slope. In areas where their distributions do overlap spatially, the two species segregate into species-specific groups and do not usually co-occur (Bizarro 2015). Both species also have very different exploitation histories, and little is known regarding the species composition of the historical landings.

*NMFS:* NMFS agrees that this item would be a low-medium workload, as the GMT has already completed much of the work. We also note that moving any species from EC to in the fishery requires an FMP amendment. We believe this measure is necessary to adequately manage big skate consistent with the National Standard Guidelines. NMFS also agrees that Option 3 (create shorebased IFQ for big skate) should not be included in the 2017-2018 harvest specifications. If

the Council wants to pursue this in the future, it should be added to the Omnibus list for Council prioritization. Therefore, NMFS recommends that individual management of big skate with stock specific harvest specifications be included in the 2017-2018 harvest specifications and management measures analyses and rulemaking, and does not anticipate that this measure alone would cause a delay in implementation.

### 3. Descending Device/Recompression Management Measures

*Summary:* Updating current rates for yelloweye and cowcod in the recreational fishery, and developing rates for several species in the commercial fixed gear fishery.

*GMT:* The team discussion on this management measure was that updating existing mortality rates and exploring where they might apply mortality rates for other rockfish released with descending devices was valuable but the workload would be very high and not able to be accomplished in the timeline necessary for inclusion in this biennial process.

*NMFS:* NMFS agrees with the GMT's workload assessment and timeline of this management measure and therefore recommends that, as stated in the GMT report (Agenda item I.9.a, November 2015), this measure be considered outside the biennial harvest specifications process.

### 4. Rockfish Conservation Area (RCA) Changes in California

*Summary:* In general, all three states examine the need for RCA boundary line changes each biennium. For 2017-2018, CDFW will be evaluating the need for RCA changes to correct omissions and/or modify RCA lines to more closely approximate depth contours.

*GMT:* The GMT estimates this management measure will be a medium workload.

*NMFS:* Modifications and corrections to RCA boundary lines is a typical management measure addressed each biennium. Therefore, NMFS recommends this measure be included in the 2017-2018 harvest specifications and management measures.

### 5. Automatic Inseason Action for Fisheries in California

*Summary:* This management measure would add automatic action authority to the NMFS groundfish regulations to close fisheries in California upon projected attainment of a harvest specification (yet to be determined), similar to salmon and halibut inseason management.

*GMT:* The GMT estimates this measure will be a medium/high workload.

*NMFS:* This measure raises several questions that should be addressed prior to inclusion in 2017-2018 analyses. What is the issue this measure would address? Is this issue substantial enough to displace another new management measure from the list? Are there any conflicts with this procedure only applying to California fisheries? On what harvest specifications would the

automatic action be based? NMFS is looking for more Council discussion regarding these questions.

NMFS believes the current groundfish inseason process provides access to target stocks and rebuilds overfished species. It is true that salmon and halibut fisheries are managed with rapid inseason adjustments, but several important factors make this possible. Those factors include weekly inseason catch monitoring and reporting, annual regulations (versus biennial), notification procedures, and somewhat simpler regulations because there are fewer fisheries and fewer species.

NMFS agrees with the GMT that this workload could range from medium to high, depending on the number of species/fisheries that are proposed to have automatic actions.

#### 6. At-sea Trawl-Buyback Movement

*Summary:* Allow transfer of selected species quota pounds (QP) from Shorebased IFQ Program to the Mothership (MS) Co-ops, establish overall caps on total transferable QP, and establish individual limited entry permit holder transfer caps on QP that can be transferred by the holder of each MS catcher vessel permit.

*GMT:* In the recent years, for the species that would be subject to transfer, less than 50% of the available QP have been used each year, except for widow rockfish. Utilization of widow rockfish has been on a general upward trend with redevelopment of the midwater pelagic rockfish strategy, reaching about 66 percent in 2014. Sablefish appears to be the main direct constraint on shorebased harvests by bottom trawl gear.

The analysis should cover relevant national standards and FMP criteria, particularly those related to allocation. It should also include an assessment of the likelihood that the MS sector will go over its allocations and contrast the opportunity for transfers off-the-top set asides under status quo to the opportunity that would be provided under this proposal.

*NMFS:* NMFS recommends this measure be moved back to the Omnibus list for evaluation and prioritization at the June 2016 meeting. This measure is appropriate for inclusion on the Omnibus prioritization list and its inclusion within the management measures here de facto prioritizes it above all other items on the Omnibus list. NMFS does not believe that the need for this measure is compelling enough to justify its jumping of the Omnibus queue. While NMFS agrees that allocations should be reexamined, at this time several factors make this measure best examined at a later date. First, Amendment 21 allocations will be examined under the Trawl 5-year review and NMFS believes it would be best to examine all of the allocations holistically. NMFS also has fairness and equity concerns regarding this measure if it is not allowed for all sectors. Second, given that darkblotched is likely to be rebuilt in the next biennium we believe this may reduce the need for this measure. Third, NMFS agrees with the GMT that this measure

creates a high workload and in combination with NMFS's other concerns means it would be best addressed outside of the 2017-2018 harvest specifications and management measures.

#### 7. Canary rockfish retention in the Commercial fixed gear fisheries

*Summary:* Due to canary being rebuilt, retention in commercial fixed gear fisheries needs to be analyzed and addressed.

*GMT:* The GMT may need to investigate several models or update current models, and explore how bycatch of overfished species changes if the canary ACL allows for targeting.

*NMFS:* While this is a new management measure, it is necessary to allow access to the 2017-2018 canary rockfish ACLs. NMFS agrees with the GMT's assessment that this will be a medium workload and supports going forward with that work to provide access to the ACLs. NMFS also notes that petrale sole was recently rebuilt and therefore the impacts of targeting petrale sole under the rebuilt 2017-2018 ACLs will need to be addressed in any analysis done for the harvest specifications and management measures.

#### 8. YRCAs in California

*Summary:* Several YRCAs in California have been analyzed in previous EIS analyses and defined in regulation for inseason use but never implemented.

*GMT:* The CDFW will examine the previously analyzed YRCAs and evaluate whether modifications or additional YRCAs are needed to reduce yelloweye rockfish mortality.

*NMFS:* NMFS agrees that this analysis is expected to have a high workload and therefore should be examined along with the other high workload management measures by the Council to determine whether or not they would like this measure included.

#### 9. Cowcod Conservation Areas and hot spot analysis

*Summary:* CDFW may examine implementing hot spot closures as an alternative to Cowcod Conservation Areas (CCA).

*GMT:* The most recent cowcod status has increased, since the last stock assessment, from 5 percent depletion is 33.9 percent with an upward trajectory. The eastern CCA is an EFH closure which prohibits bottom trawl, and any modification to allow bottom trawl would not be appropriate for harvest specification analysis.

*NMFS:* NMFS agrees that this would be a high workload and that any parts of the CCA that are also EFH areas are not appropriate for modification through the biennial harvest specifications and management measures. For 2011-2012 biennial cycle NMFS disapproved the Council recommended changes to the CCAs and retention of shelf rockfish because we were unable to conclude that the changes would not result in increased mortality on cowcod and that the impacts

to juvenile cowcod were too uncertain. NMFS is looking for more Council discussion regarding these concerns if this measure is kept for analysis in the 2017-2018 cycle.

#### 10. Retention of flatfish species outside season depth restriction in the Oregon Recreational

*Summary:* This measure would allow retention of flatfish species in the Oregon recreational fisheries at times and in depths outside of current restrictions.

*GMT:* This management measure does not appear in the most current version of the federal groundfish regulations<sup>1</sup>. Therefore, the GMT is requesting guidance if this management measure needs to be further analyzed during this current biennial process and if this would then be a “new” management measure or could be considered “routine”.

*NMFS:* NMFS agrees that this measure is a low workload and believes that while the flatfish fishery has been described in the past EIS analyses, overfished species impacts have not been addressed. Therefore, this measure is considered a new measure and should be analyzed as such.

#### 11. Changes to rebuilding plans

NMFS notes that while changes to rebuilding plans are not part of this agenda item, any rebuilding plan changes will impact the overall workload and will need to be balanced with the workload on any new management measures.

#### **Summary**

In conclusion, while no single management measure would prevent achieving a January 1, 2017, implementation of the harvest specifications and management measures, the sum of the proposed management measures do create a significant workload that would impact timely implementation. At this time, the number of new management measures would make achieving a January 1, 2017 implementation date impossible and endanger a March 1, 2017, implementation date. NMFS strongly recommends that the Council narrow its proposed management measures to facilitate timely implementation of the 2017-2018 harvest specifications and management measures. Measures that are not prioritized for the 2017-2018 biennial cycle can be considered for prioritization in June 2016 under Omnibus.

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<sup>1</sup> [http://www.westcoast.fisheries.noaa.gov/publications/fishery\\_management/groundfish/regulations.pdf](http://www.westcoast.fisheries.noaa.gov/publications/fishery_management/groundfish/regulations.pdf) (660.360 (a) (2)).