



## Pacific Fishery Management Council

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Dorothy M. Lowman, Chair | Donald O. McIsaac, Executive Director

December 7, 2015

Mr. Will Stelle, Regional Administrator  
National Marine Fisheries Service  
7600 Sand Point Way NE  
Seattle, WA 98115

Re: Pacific Fishery Management Council Recommendations on Comprehensive Ecosystem-Based Amendment 1: Protecting Unfished and Unmanaged Forage Fish Species.

Dear Mr. Stelle,

This letter transmits the Pacific Fishery Management Council's (Council) final recommendations to protect unfished and unmanaged forage fish species through Comprehensive Ecosystem-Based Amendment 1 (CEBA 1), an initiative of the Council's Fishery Ecosystem Plan (FEP). This initiative used a deliberative process involving considerable input from a broad range of stakeholders, Council advisory groups, environmental organizations, and the public, which culminated in the Council review of a draft Environmental Assessment and the adoption of these final recommendations at the March 2015 Council meeting. This action is rooted in the following statement of purpose and need:

*The purpose of this action is to prohibit new directed commercial fishing in Federal waters on unmanaged, unfished forage fish species until the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem. This action is needed to proactively protect unmanaged, unfished forage fish of the U.S. West Coast Exclusive Economic Zone (EEZ) in recognition of the importance of these forage fish to the species managed under the Council's FMPs and to the larger California Current Ecosystem. This action is not intended to supersede tribal or state fishery management for these species, and coordination would still occur through the existing Council process.*

The Council recommends achieving these protections through the attached proposed regulations under 50 CFR part 660 and the attached revisions to each of the Council's four Fishery Management Plans (FMP) under the following amendments: Amendment 15 to the Coastal Pelagic Species (CPS) FMP, Amendment 25 to the Pacific Coast Groundfish FMP, Amendment 3 to the Highly Migratory Species (HMS) FMP, and Amendment 19 to the Pacific Coast Salmon FMP.

The Council recommends that the following species become Ecosystem Component (EC) species within all four of the Council's FMPs as Shared EC Species:

- Round herring (*Etrumeus teres*) and thread herring (*Opisthonema libertate* and *O. medirastre*)
- Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*
- Pacific sand lance (*Ammodytes hexapterus*)
- Pacific saury (*Cololabis saira*)
- Silversides (family *Atherinopsidae*)
- Smelts of the family *Osmeridae*
- Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid (*Dosidicus gigas*), *Onychoteuthidae*, and *Thysanoteuthidae*)

The Council recommends prohibiting new directed non-tribal commercial fishing in Federal waters on Shared EC Species until the Council has had adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem. The Council recommends that "directed fishing" means that a fishing vessel lands Shared EC Species without landing any species other than Shared EC Species, or lands Shared EC Species with other species in amounts more than 10 mt combined weight of all Shared EC Species from any fishing trip; or 30 mt combined weight of all Shared EC Species in any calendar year. Additionally, the Council recommends prohibiting at-sea processing of Shared EC Species except while processing groundfish so long as no more than 1 mt of non-squid Shared EC Species nor more than 40 mt of any Shared EC squid species is retained or processed in any calendar year.

The Council recommends that no new directed fishing could begin for these species without a Council process to develop an exempted fishing permit (EFP) as specified by the newly-adopted Council Operating Procedure 24 (available on the Council website at: [www.pcouncil.org/council-operations](http://www.pcouncil.org/council-operations)). No long-term directed Exclusive Economic Zone fisheries would be possible for these species without some future FMP amendment to specify the targeted species as a fishery management unit (FMU) species and to meet Magnuson-Stevens Fishery Conservation and Management Act requirements for FMU species, which include: developing harvest specifications, identifying essential fish habitat for the species, and providing gear specifications for the fishery.

By this letter, I deem the specific language changes to 50 CFR part 660, as provided in the attached proposed rule for this action, as the regulatory changes that are necessary or appropriate to effectuate the final actions taken by the Council, as described above.

Should your staff have any questions regarding the Council's recommendations, please have them contact Mr. Mike Burner at the Council office.

Sincerely,

A handwritten signature in black ink, appearing to read "D.O. McIsaac", with a long horizontal flourish extending to the right.

D.O. McIsaac, Ph.D.  
Executive Director

Attachments (2)

MDB:kma

c: Council Members

Mr. Bob Turner, NMFS Assistant West Coast Regional Administrator  
Mr. Frank Lockhart, NMFS West Coast Region, Senior Policy Advisor  
Ms. Yvonne deReynier, NMFS West Coast Region, Senior Resource Management Specialist  
Mr. Josh Lindsay, NMFS West Coast Region, Fishery Policy Analyst  
Mr. Chuck Tracy, Council Deputy Director  
Dr. Kit Dahl, Council Staff Officer for Ecosystem-Based Management  
Mr. Mike Burner, Council Staff Officer for Salmon  
Mr. Judson Feder, NOAA General Counsel  
Ms. Dorothy Lowman, Council Chair  
Mr. Herb Pollard, Council Vice Chair

## List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated:

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For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

### **PART 660—FISHERIES OFF WEST COAST STATES**

1. The authority citation for part 660 continues to read as follows:

**Authority:** 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

2. In § 660.1 revise paragraph (a) to read as follows:

#### **§ 660.1 Purpose and scope.**

(a) The regulations in this part govern fishing activity of vessels of the United States that fish or support fishing inside the outer boundary of the EEZ off the states of Washington, Oregon, and California.

\* \* \* \* \*

3. Under part 660, add subpart B to read as follows:

#### **Subpart B -- All West Coast EEZ Fisheries**

**Sec.**

**§ 660.5 Shared Ecosystem Component Species.**

**§ 660.6 Prohibitions.**

**§ 660.5 Shared Ecosystem Component Species.**

(a) *General.* The FMPs implemented in this part 660 each contain ecosystem component species specific to each FMP, as well as a group of ecosystem component species shared between all of the FMPs. Ecosystem component species shared between all of the Pacific Fishery Management Council's FMPs, and known collectively as "Shared EC Species," are:

(1) Round herring (*Etrumeus teres*) and thread herring (*Ophisthonema libertate* and *O. medirastre*).

(2) Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*.

(3) Pacific sand lance (*Ammodytes hexapterus*).

(4) Pacific saury (*Cololabis saira*).

(5) Silversides (family *Atherinopsidae*).

(6) Smelts of the family *Osmeridae*.

(7) Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid [*Dosidicus gigas*], *Onychoteuthidae*, and *Thysanoteuthidae*).

(b) *Directed Commercial Fishing for Shared EC Species.* For the purposes of this section, "directed commercial fishing" means that a fishing vessel lands Shared EC Species without landing any species other than Shared EC Species, or lands Shared EC Species with other species and in amounts more than:

- (1) 10 mt combined weight of all Shared EC Species from any fishing trip; or
- (2) 30 mt combined weight of all Shared EC Species in any calendar year.

**§ 660.6 Prohibitions.**

In addition to the general prohibitions specified in § 600.725 of this chapter, and the other prohibitions specified in this part, it is unlawful for any person to:

(a) *Directed Commercial Fishing.* Engage in directed commercial fishing for Shared EC Species from a vessel engaged in commercial fishing within the EEZ off Washington, Oregon, or California. This prohibition does not apply to:

- (1) fishing authorized by the Hoh, Makah, or Quileute Indian Tribes, or by the Quinault Indian Nation, or
- (2) fishing trips conducted entirely within state marine waters.

(b) *At-sea Processing.* At-sea processing of Shared EC Species is prohibited within the EEZ, except while processing groundfish in accordance with Subpart D of this part.

4. In § 660.112, add paragraphs (d)(16) and (e)(10) to read as follows:

**§ 660.112 Trawl fishery -- prohibitions.**

\* \* \* \* \*

(d) \* \* \*

(16) Retain and process more than 1 mt of Shared EC Species other than squid species in any calendar year; or, retain and process more than 40 mt of any Shared EC squid species in any calendar year.

(e) \* \* \*

(10) Retain and process more than 1 mt of Shared EC Species other than squid species in any calendar year; or, retain process more than 40 mt of any Shared EC squid species in any calendar year.

## 7.0 FMP Amendment Language and Council Operating Procedure 24

CEBA 1 includes the following FMP amendments: Amendment 15 to the CPS FMP, Amendment 25 to the Groundfish FMP, Amendment 3 to the HMS FMP, and Amendment 19 to the Salmon FMP. This section provides draft amendment language for each of the Council's four FMPs, plus draft COP 24 on EFPs for Shared EC Species. While there are many similarities between the FMPs, each FMP is organized somewhat differently from the others, which means that different sections of the FMPs will need to be changed to implement CEBA 1 for each FMP. However, the ultimate effect of the amendments will be the same for all FMP species and fisheries. Draft amendment language, below, would: update each FMP's list of FMP amendments, add the Shared EC Species as EC species to each FMP, and revise any relevant FMP discussion of ecosystem component species to explain the status of Shared EC Species and the process for evaluating any future fishery for those species through an EFP.

Chapter 7 is divided into five sections: 7.1 for CPS FMP Amendment 15, 7.2 for Groundfish FMP Amendment 25, 7.3 for HMS FMP Amendment 3, 7.4 for Salmon FMP Amendment 19, and 7.5 for COP 24 – *Proposed Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species*. Each section excerpts those paragraphs of each FMP that would be amended by this action. Any text that is to be added to an FMP is shown underlined, like this. Any text that is to be removed from an FMP is shown struck out, ~~like this~~. A row of three asterisks (\*\*\*) indicates FMP text that is not re-printed here because it will not be affected by this action. Text written in small capitals, LIKE THIS, provides navigation instructions on which FMP text will be amended, but will not itself appear in the amended FMP. For example, navigation instructions might be something like “THIRD PARAGRAPH UNDER SECTION 3.3.3 WOULD BE REVISED TO READ AS FOLLOWS,” with those instructions followed by the proposed revisions to FMP text.

COP 24 is based on this action's Purpose and Need (Section 1.2) and on the Council's policy on the development of new fisheries for unfished species (FEP Appendix at A.1.1), and structured similarly to existing COPs associated with FMP fisheries: COP 19, *Protocol for Consideration of Exempted Fishing Permits for Groundfish Fisheries*; COP 20, *Protocol for Consideration of Exempted Fishing Permits for Highly Migratory Species Fisheries*; and COP 23, *Protocol for Consideration of Exempted Fishing Permits for Coastal Pelagic Species Fisheries*. Should a U.S. citizen want to develop targeted fisheries for Shared EC Species at some future time, COP 24 would provide the Council and the public a framework for evaluating the potential impacts of such a fishery to existing fisheries, fishing communities, and the greater marine ecosystem (See Section 1.2, Purpose and Need statement).

### 7.1 CPS FMP – Amendment 15 Revisions to the FMP

Amendment 15 to the CPS FMP would amend these sections of the FMP:

- 1.1 *History of the Fishery Management Plan* updated to briefly describe Amendment 15
- 1.2 *Stocks in the Fishery Management Plan* amended to add Shared EC Species
- 1.4 *Ecosystem Component Species* amended to add prohibition language for Shared EC Species
- 2.2.8 *Exempted Fishing* updated to reference potential EFPs for Shared EC Species
- 5.1.7 *Incidental Catch Allowance for Shared EC Species*, new section to describe potential incidental allowances for Shared EC Species



# Coastal Pelagic Species Fishery Management Plan

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## 1.0 INTRODUCTION

### 1.1 History of the Fishery Management Plan

TO BE ADDED AFTER AMENDMENT 13 DESCRIPTION; AMENDMENT 14 DESCRIPTION TBD.

Amendment 15 was approved in 2015 and added a suite of lower trophic level species to the FMP's list of ecosystem component (EC) species. Consistent with the objectives of the Council's FMPs and its Fishery Ecosystem Plan, Amendment 15 prohibits future development of commercial fisheries for the suite of EC species shared between all four FMPs (Shared EC Species) until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

### 1.2 Stocks in the Fishery Management Plan

#### 1.2.1 Fishery Management Unit

Table 1-1. Stocks managed under this FMP include:

Common Name	Scientific Name
Pacific sardine	<i>Sardinops sagax</i>
Pacific (chub) mackerel	<i>Scomber japonicus</i>
Northern anchovy	<i>Engraulis mordax</i>
Central and northern subpopulations	
Market squid	<i>Loligo opalescens</i>
Jack mackerel	<i>Trachurus symmetricus</i>
Krill or euphausiids	<i>All Species in West Coast EEZ</i>
Including these eight dominant species.	<i>Euphausia pacifica</i>
First two species are common and are most likely to be targeted by fishing	<i>Thysanoessa spinifera</i>
	<i>Nyctiphanes simplex</i>
	<i>Nematocelis difficilis</i>
	<i>T. gregaria</i>
	<i>E. recurva</i>
	<i>E. gibboides</i>
	<i>E. eximia</i>

Stocks may be added or removed from the management unit through the framework process described in Section 2.0.

### 1.2.2 Ecosystem Component Species

Table 1-2 EC species under the CPS FMP include:

Common Name	Scientific Name
Pacific herring	<i>Clupea pallasii</i>
Jacksmelt	<i>Atherinopsis californiensis</i>

Table 1-3 EC species shared between all four of the Council’s FMPs, including the CPS FMP.

Common Name	Scientific Name
<u>Round herring</u>	<u><i>Etrumeus teres</i></u>
<u>Thread herring</u>	<u><i>Opisthonema libertate, O. medirastre</i></u>
<u>Mesopelagic fishes</u>	<u>Families: <i>Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae</i></u>
<u>Pacific sand lance</u>	<u><i>Ammodytes hexapterus</i></u>
<u>Pacific saury</u>	<u><i>Cololabis saira</i></u>
<u>Silversides*</u>	<u><i>Atherinopsidae</i></u>
<u>Smelts</u>	<u><i>Osmeridae</i></u>
<u>Pelagic squids</u>	<u>Families: <i>Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae</i> except Humboldt squid (<i>Dosidicus gigas</i>), <i>Onychoteuthidae, and Thysanoteuthidae</i></u>

\*Silversides include jacksmelt, which is also listed in Table 1-2 as an EC species specific to the CPS FMP. Jacksmelt is subject to the same directed fishing prohibition as other Shared EC Species, but it may also be subject to additional management and monitoring requirements that the Council develops for the Table 1-2 EC species particular to this FMP.

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## 1.4 Ecosystem Component Species

Several criteria should be met for a species to be included in the EC category (Section 660.310(d)(5)(i)). These are: 1) be a non-target stock/species; 2) not be subject to overfishing, approaching overfished, or overfished and not likely to become subject to overfishing or overfished in the absence of conservation and management measures; and, 3) not generally retained for sale or personal use, although “occasional” retention is not by itself a reason for excluding a species from the EC category. Identifying and including EC species in the an FMP is not mandatory but may be done for a variety of purposes: data collection; for ecosystem considerations related to specification of OY for the associated fishery; as considerations in the development of conservation and management measures for the associated fishery; and/or to address other ecosystem issues.

A 2010 review of bycatch species in CPS fisheries confirmed that incidental catch and bycatch in CPS fisheries is dominated by other CPS and that bycatch/incidental catch of non-CPS is extremely low. However, jacksmelt and Pacific herring are infrequently caught with CPS gear and were therefore added to the FMP under Amendment 13 to ensure continued monitoring of incidental catch and bycatch of these species in CPS fisheries through sampling and logbook programs. This information will continue to be reported in the Stock Assessment and Fishery Evaluation (SAFE) report.

The Council intends to continue and expand its consideration of ecological factors when developing SDCs and management measures for CPS management unit species. These considerations are expected to evolve as improved information and modeling of ecological processes become available. These considerations

will likely include predator-prey relationships and the overall status and role of forage species including ~~these~~ the two EC species in Table 1-2.

#### **1.4.1 Shared Ecosystem Component Species**

No directed commercial fisheries may begin for any Shared EC Species (Table 1-3) until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

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### **2.0 FRAMEWORK MANAGEMENT**

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#### *2.2.8 Exempted Fishing*

"Exempted fishing" is defined to be fishing practices that are new to the fishery or not allowed under the FMP. Under this FMP, the NMFS Regional Administrator may authorize the targeted or incidental harvest of CPS for experimental or exploratory fishing that would otherwise be prohibited. The NMFS Regional Administrator may restrict the number of experimental permits by total catch, time, or area. The NMFS Regional Administrator may also require any level of industry-funded observer coverage for these experimental permits. EFP proposals targeting management unit species or CPS EC species will be subject to the protocol for EFPs for CPS Fisheries (Council Operating Procedure 23). EFP proposals targeting EC species shared between all four FMPs, including the CPS FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure 24). Exempted fisheries for euphausiids (krill) will not be considered.

### **5.0 BYCATCH, INCIDENTAL CATCH, AND ALLOCATION**

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NEW SECTION TO BE ADDED UNDER ALTERNATIVE 2 (*INCIDENTAL RETENTION ALLOWED*).

#### 5.1.7 Incidental Catch Allowance for Shared EC Species

Shared EC Species could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

## 7.2 Groundfish FMP – Amendment 25 Revisions to the FMP

Amendment 25 to the Groundfish FMP would amend these sections of the FMP:

- 1.1 *History of the FMP* updated to briefly describe Amendment 25
- 1.2 *How This Document is Organized* amended at the description of Chapter 3 of the FMP to add mention of EC species, in addition to the fishery management unit species already mentioned
- 2.2 *Operational Definition of Terms* amended to revise the definition of “Ecosystem Component Species” to include EC species that are shared between all four FMPs
- 3.1 *Species Managed by this Fishery Management Plan* amended to include Shared EC Species
- 4.4.4 *Ecosystem Component Stocks Without OFL Values* amended to add a paragraph on Shared EC Species
- 6.5.2.1 *Endangered Species Act Species* amended to add a sentence on eulachon
- 6.5.2.4 *Shared Ecosystem Component Species* is added
- Chapter 8 *Experimental Fisheries* amended to reference potential EFPs for Shared EC Species

### **Pacific Coast Groundfish Fishery Management Plan for the California, Oregon, and Washington Groundfish Fishery**

\* \* \*

#### **1.1 History of the FMP**

\* \* \*

ADD A FINAL PARAGRAPH TO THIS SECTION THAT READS AS FOLLOWS:

Amendment 25 was approved in 2015 and added a suite of lower trophic level species to the FMP’s list of ecosystem component (EC) species. Consistent with the objectives of the Council’s FMPs and its Fishery Ecosystem Plan, Amendment 25 prohibits future development of directed commercial fisheries for the suite of EC species shared between all four FMPs until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

#### **1.2 How This Document is Organized**

\* \* \*

REVISE THIRD BULLET DESCRIBING CHAPTER 3 TO READ AS FOLLOWS:

Chapter 3 specifies the geographic area covered by this plan and lists the plan’s Fishery Management Unit (FMU) species and Ecosystem Component (EC) species, including those EC species shared between all four of the Council’s FMPs.

\* \* \*

#### **2.2 Operational Definition of Terms**

REVISE DEFINITION OF “ECOSYSTEM COMPONENT SPECIES” TO READ AS FOLLOWS:

Ecosystem Component Species are FMP species that are not actively managed in the fishery (i.e., no harvest specifications are specified for these species). Ecosystem component species are not targeted, are not generally retained for sale or personal use, are not subject to overfishing, and are not overfished or approaching an overfished condition (see section 4.4.4 for more detail). This FMP includes both EC species that are specific to the Groundfish FMP and EC species that are shared between all four of the Council’s FMPs (referred to as “Shared EC Species”).

\* \* \*

### 3.1 Species Managed by this Fishery Management Plan

\* \* \*

INSERT NEW TABLE 3-3 AND EXPLANATORY TEXT TO READ AS FOLLOWS:

Table 3-3 lists EC species shared between all four of the Council’s FMPs, including the Groundfish FMP.

**Table 3-3. Common and scientific names of EC species shared between all four of the Council’s FMPs.**

<u>Common Name</u>	<u>Scientific Name</u>
<u>Round herring</u>	<u><i>Etrumeus teres</i></u>
<u>Thread herring</u>	<u><i>Opisthonema libertate, O. medirastre</i></u>
<u>Mesopelagic fishes</u>	<u>Families: <i>Myctophidae, Bathylagidae, Paralepididae, and Gonostomatidae</i></u>
<u>Pacific sand lance</u>	<u><i>Ammodytes hexapterus</i></u>
<u>Pacific saury</u>	<u><i>Cololabis saira</i></u>
<u>Silversides</u>	<u><i>Atherinopsidae</i></u>
<u>Smelts</u>	<u><i>Osmeridae</i></u>
<u>Pelagic squids</u>	<u>Families: <i>Cranchiidae, Gonatidae, Histioteuthidae, Octopoteuthidae, Ommastrephidae except Humboldt squid (Dosidicus gigas), Onychoteuthidae, and Thysanoteuthidae</i></u>

No directed commercial fisheries may begin for any Shared EC Species until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

\* \* \*

### 4.4.4 Ecosystem Component Stocks Without OFL Values

\* \* \*

INSERT A NEW FINAL PARAGRAPH IN SECTION 4.4.4. TO READ AS FOLLOWS:

EC species include both those species exclusive to this FMP (Section 3.2) and those species shared between all four of the Council’s FMPs (Section 3.3). EC species shared between all four FMPs may not become the subject of directed commercial fisheries until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem. The Council may have additional data and analysis requirements for changing the species categorization of EC species that are shared between all four FMPs, beyond those requirements already applying to EC species specific to the Groundfish FMP.

\* \* \*

#### **6.5.2.1 Endangered Species Act Species**

Marine species protected under the ESA that are not otherwise protected under either the MMPA or the MBTA (see below) include various salmon and sea turtle species, as well as eulachon. Threatened and endangered Pacific salmon runs are protected by a series of complex regulations affecting marine and terrestrial activities. In the west coast groundfish fisheries, management measures to reduce incidental salmon take have focused on the Pacific whiting fisheries, which have historically encountered more salmon than the non-whiting groundfish fisheries. Salmon bycatch reduction measures include marine protected areas (MPA) where Pacific whiting fishing is prohibited (See Section 6.8.7), and an at-sea observer program intended to track whiting and incidental species take inseason (See Section 6.4.1.1). Sea turtles are rare in areas where groundfish fisheries are prosecuted and no incidental take of sea turtles has been documented in any directed groundfish fishery. Eulachon sometimes occurs as incidental catch in the groundfish bottom trawl and at-sea whiting fisheries, and mortalities result from encounters with fishing gear. However, eulachon bycatch and bycatch mortality is low (or non-existent) in most years, and is monitored through the at-sea observer program.

\* \* \*

#### **6.5.2.4 Shared Ecosystem Component Species**

Shared EC Species, identified in Table 3-3, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

\* \* \*

### **Chapter 8 Experimental Fisheries**

\* \* \*

REVISE THE 4<sup>TH</sup> INTRODUCTORY PARAGRAPH OF CHAPTER 8 TO READ AS FOLLOWS:

EFP applicants may have their proposals reviewed through the Council process in accordance with Council Operating Procedure #19, Protocol for Consideration of EFPs for Groundfish Fisheries, which applies to EFP proposals targeting management unit species (Table 3-1) or Groundfish EC species (Table 3-2). EFP proposals targeting EC species shared between all four FMPs, including the Groundfish FMP, will be subject to the protocol for Shared EC Species, Council Operating Procedure #24. ~~This~~ These protocols includes requirements for EFP submission, proposal contents, review and approval, and progress reporting. The Council will give priority consideration to those EFP applications that: \* \* \*

## 7.3 HMS FMP – Amendment 3 Revisions to the FMP

Amendment 3 to the HMS FMP would amend these sections of the FMP:

- 1.1 *Purpose of This Document* updated to briefly describe Amendment 3
- 3.3 *Species Included in the FMP as Ecosystem Component Species* amended to include Shared EC Species
- 6.1.3, *Bycatch*, is revised to mention Shared EC Species
- 6.1.11 *Exempted Fishing Permits* amended to reference potential EFPs for Shared EC Species

### Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species

\* \* \*

#### 1.1 Purpose of This Document

The FMP includes important species of tunas, billfish and sharks which are harvested by West Coast HMS fisheries. A complete list of species in the management unit is provided in Chapter 3. The FMP has been amended ~~one~~ three times. Amendment 1, approved in 2007, addresses overfishing of bigeye tuna, a management unit species. Amendment 1 also reorganized the FMP, which in its prior form was combined with the Final Environmental Impact Statement evaluating the effects of its implementation. The reorganized FMP is a more concise document containing those elements required by the Magnuson-Stevens Fishery Conservation and Management Act describing the management program. Amendment 2, approved in 2011, made FMP provisions (principally in Chapters 3-5) consistent with the revised National Standard 1 Guidelines (50 CFR 600.310) adopted pursuant to the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006. Amendment 3, adopted in 2015, added a suite of lower trophic level species to the FMP's list of ecosystem component (EC) species. Consistent with the objectives of the Council's FMPs and its Fishery Ecosystem Plan, Amendment 3 prohibits future development of directed commercial fisheries for the suite of EC species shared between all four FMPs ("Shared EC Species") until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

\* \* \*

#### 3.3 Species Included in the FMP as Ecosystem Component Species

\* \* \*

HMS FMP EC species are:

Bigeye thresher shark, *Alopias superciliosus*  
Common mola, *Mola mola*  
Escolar, *Lepidocybium flavobrunneum*  
Lancetfishes, *Alepisauridae*  
Louvar, *Luvarus imperialis*  
Pelagic sting ray, *Dasyatis violacea*  
Pelagic thresher shark, *Alopias pelagicus*  
Wahoo, *Athoxybium solandri*

Bigeye and pelagic thresher sharks are landed by the drift gillnet fishery but in small amounts compared to common thresher and mako sharks. Originally included in the FMP as managed species, largely

because of concern that they have poor resilience to fishing, they were re-designated EC species under FMP Amendment 2, because of the low number caught in west coast commercial and recreational fisheries.

EC species shared between all four Council FMPs, including the HMS FMP are:

Round herring, *Etrumeus teres*

Thread herring, *Opisthonema libertate*, *O. medirastrae*

Mesopelagic fishes of the families *Myctophidae*, *Bathylagidae*, *Paralepididae*, and *Gonostomatidae*

Pacific sand lance, *Ammodytes hexapterus*

Pacific saury, *Cololabis saira*

Silversides, *Atherinopsidae*

Smelts of the family *Osmeridae*

Pelagic squids (families: *Cranchiidae*, *Gonatidae*, *Histioteuthidae*, *Octopoteuthidae*, *Ommastrephidae* except Humboldt squid (*Dosidicus gigas*), *Onychoteuthidae*, and *Thysanoteuthidae*)

No directed commercial fisheries may begin for any Shared EC Species until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

\* \* \*

### **6.1.3 Bycatch (Including Catch-and-Release Programs)**

A NEW PARAGRAPH AT THE END OF SECTION 6.1.3, *BYCATCH (INCLUDING CATCH-AND-RELEASE PROGRAMS)* WOULD BE ADDED TO READ AS FOLLOWS:

\* \* \*

Shared EC Species, identified in Section 3-3, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

\* \* \*

### **6.1.11 Exempted Fishing Permits**

\* \* \*

FIRST PARAGRAPH UNDER SUBSECTION “ADDITIONAL FMP REQUIREMENTS FOR AN EXEMPTED FISHING PERMIT” WOULD BE REVISED TO READ AS FOLLOWS:

Additional FMP Requirements for an Exempted Fishing Permit. This FMP places additional requirements for authorizing an EFP for targeting HMS species, including EC species shared between all four Council FMPs. An EFP proposal will be required to follow a specific Council protocol and be reviewed by the Council prior to application to NMFS. EFP proposals targeting management unit species or HMS EC species will be subject to the protocol for EFPs for HMS Fisheries (Council Operating Procedure 20). EFP proposals targeting EC species shared between all four FMPs, including the HMS FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure #24). The intent of the protocol is protocols are intended to ensure the Council has adequate information on all aspects of the proposed fishery and has adequate time to consider, review and formulate recommendations. This protocol These protocols will be available from the Council. ~~They~~



will require additional detailed information and analysis beyond those specifically required for a NMFS EFP. The protocols will specify timing for submissions and timing for Council review.

\* \* \*

## **7.4 Salmon FMP – Amendment 19 Revisions to the FMP**

Amendment 19 to the Salmon FMP would amend these sections of the FMP:

- *Introduction, Table 1, and Section 1* updated to briefly describe Amendment 19
- *1.1 Stock Classification and Table 1-4* amended to include Shared EC Species in the FMP
- *1.4 Ecosystem Component Species* amended to add prohibition language for Shared EC Species
- *3.5.1 Definition and Management Intent [within Section 3.5 on bycatch]* revised to add language on Shared EC Species bycatch
- *6.6.6 Experimental Fishing* updated to reference potential EFPs for Shared EC Species

## **Pacific Coast Salmon Fishery Management Plan for Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California**

### **Introduction**

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The primary amendment issues since 1984 have included specific spawner escapement goals for Oregon coastal natural (OCN) coho and Klamath River fall Chinook (Amendments 7, 9, 11, 13, and 15), non-Indian harvest allocation (Amendments 7, 9, 10, and 14), inseason management criteria (Amendment 7), habitat and essential fish habitat (EFH) definition (Amendments 8, 14, and 18), safety (Amendment 8), status determination criteria (SDC) (Amendments 10, 14, 16, and 17), management objectives for stocks listed under the Endangered Species Act (ESA) (Amendments 12 and 14), bycatch reporting and priorities for avoiding bycatch (Amendment 14), selective fisheries (Amendment 14 and 17), stock classification (Amendment 16 and 17), annual catch limits (ACLs) and accountability measures (AMs) (Amendment 16), de minimis fishing provisions (Amendments 15 and 16). Amendment 19 was approved in 2015 and added a suite of lower trophic level species to the FMP's list of ecosystem component (EC) species. Consistent with the objectives of the Council's FMPs and its Fishery Ecosystem Plan, Amendment 19 prohibits future development of directed commercial fisheries for the suite of EC species shared between all four FMPs (Shared EC Species) until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

\*\*\*

SECOND PAGE OF TABLE 1 AS FOLLOWS

DOCUMENT	CONTENT SUMMARY
***	
<b>Amendment 17</b> (Effective January 1, 2013)	1) Minor corrections from Amendment 16 and updating language to reflect current practices. 2) Approval of maximum fishing mortality threshold for Quillayute fall coho.
<b>Amendment 18</b> (Effective date TBD)	Update to reflect new information on EFH, including criteria for impassable barriers; addition of HAPCs; adjustments to geographic extent of EFH; addition of non-fishing activities and conservation measures; minor typographical adjustments and clarifications.
<u>Amendment 19</u> (Effective date TBD)	<u>Update to add a suite of lower trophic level species to the FMP's list of ecosystem EC species and to prohibit future development of commercial fisheries for the suite of EC species shared between all four FMPs (Shared EC Species) until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.</u>

1 What the Plan Covers

ADD A PARAGRAPH AT THE END OF THE SECTION AS FOLLOWS

The FMP also includes a suite of EC species that are shared between all four FMPs (Shared EC Species) and prohibits future development of directed commercial fisheries for those species until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

1.1 Stock Classification

ADD A PARAGRAPH AT THE END OF THE SECTION AS FOLLOWS

To the extent practicable, the Council has partitioned the coastwide aggregate of Chinook, coho, and pink salmon into various stock components and complexes with specific conservation objectives. A detailed listing of the individual stocks and stock complexes managed under this plan are provided in Tables 1-1, 1-2, and 1-3. Stocks designated as hatchery stocks rely on artificial production exclusively, while those designated as natural stocks have at least some component of the stock that relies on natural production, although hatchery production and naturally spawning hatchery fish may contribute to abundance and spawning escapement estimates. Table 1-4 lists the non-target Shared EC Species that are not in the fishery, for which future fishery development is prohibited until and unless the Council has had an adequate opportunity to both assess the scientific information relating to any proposed directed fishery and consider potential impacts to existing fisheries, fishing communities, and the greater marine ecosystem.

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TABLE 1-4 WOULD BE ADDED TO SECTION 1 FOLLOWING TABLE 1-3

**Table 1-4. Common and scientific names of EC species shared between all four of the Council's FMPs.**

<u>Common Name</u>	<u>Scientific Name</u>
<u>Round herring</u>	<u><i>Etrumeus teres</i></u>
<u>Thread herring</u>	<u><i>Opisthonema libertate</i>, <i>O. medirastre</i></u>
<u>Mesopelagic fishes</u>	<u>Families: <i>Myctophidae</i>, <i>Bathylagidae</i>, <i>Paralepididae</i>, and <i>Gonostomatidae</i></u>
<u>Pacific sand lance</u>	<u><i>Ammodytes hexapterus</i></u>
<u>Pacific saury</u>	<u><i>Cololabis saira</i></u>
<u>Silversides</u>	<u><i>Atherinopsidae</i></u>
<u>Smelts</u>	<u><i>Osmeridae</i></u>
<u>Pelagic squids</u>	<u>Families: <i>Cranchiidae</i>, <i>Goniatidae</i>, <i>Histioteuthidae</i>, <i>Octopoteuthidae</i>, <i>Ommastrephidae</i> except Humboldt squid (<i>Dosidicus gigas</i>), <i>Onychoteuthidae</i>, and <i>Thysanoteuthidae</i></u>

\* \* \*

### **3.5 Bycatch**

\* \* \*

#### *3.5.1 Definition and Management Intent*

A NEW PARAGRAPH AT THE END OF SECTION 3.5.1 IS ADDED TO READ AS FOLLOWS:

\* \* \*

Shared EC Species, identified in Table 1-4, could continue to be taken incidentally without violating Federal regulations, unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited.

\* \* \*

## **6 Measures to Manage the Harvest**

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### *6.6.6 Experimental Fisheries*

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SECOND PARAGRAPH IN THIS SECTION AMENDED AS FOLLOWS

The Secretary may not allow any recommended experimental fishery unless he or she determines that the purpose, design, and administration of the experimental fishery are consistent with the goals and objectives of the Council's fishery management plan, the national standards of the MSA, and other applicable law. Each vessel that participates in an approved experimental fishery will be required to carry aboard the vessel the letter of approval, with specifications and qualifications (if any), issued and signed by the Regional Administrator of NMFS. EFP proposals targeting EC species shared between all four FMPs, including the Salmon FMP, will be subject to the protocol for Shared EC Species (Council Operating Procedure 24).