

**Decision Summary Document  
Pacific Fishery Management Council**

**April 9-14, 2016**

Council Meeting Decision Summary Documents are highlights of significant decisions made at Council meetings. Results of agenda items that do not reach a level of highlight significance are typically not described in the Decision Summary Document. For a more detailed account of Council meeting discussions, see the [Council meeting record and voting logs](#) or the [Council newsletter](#).

## Groundfish Management

### **National Marine Fisheries Service (NMFS) Report**

The Council received reports of NMFS regulatory and science activities planned for this year. The Council was briefed on development of the proposed rule for reallocating quota shares of widow rockfish to limited entry trawl sectors and the NMFS recommendation to remove the daily vessel limit of widow rockfish since the stock is rebuilt. The Council recommended NMFS pursue an expeditious rulemaking strategy to remove the daily vessel limit for any overfished species once a species/stock is declared rebuilt. NMFS will report back to the Council on a recommended strategy to achieve this objective.

### **Final Action to Implement the 2016 Pacific Whiting Fishery under the U.S.-Canada Pacific Whiting Agreement**

The Council received a briefing on this year's process to set a Total Allowable Catch (TAC) of Pacific whiting under the U.S.-Canada Whiting Treaty agreement. The recommended 2016 U.S. TAC of Pacific whiting is 367,553 mt, which compares to a 2015 TAC of 325,072 mt. The Council recommended 1,500 mt of Pacific whiting be set aside from the directed fishery allocations to accommodate the anticipated catch in research activities as well as the incidental bycatch in non-whiting fisheries.

### **Final Action to Adopt Biennial Specifications for 2017-2018 Fisheries**

The Council adopted final preferred 2017 and 2018 harvest specifications for groundfish stocks and stock complexes under default harvest control rules for most stocks as shown in [Agenda Item F.3, Supplemental REVISED Attachment 2](#). The Council adopted new harvest control rules for canary rockfish, darkblotched rockfish, California scorpionfish, and widow rockfish as follows:

- Canary rockfish: 1,526 mt annual catch limit (ACL) in 2017-18 with  $ACL = ABC$  (acceptable biological catch) ( $P^* = 0.45$ ) thereafter;
- Darkblotched rockfish: 490 mt in 2017-18;
- California scorpionfish: 150 mt constant catch ACL; and
- Widow rockfish:  $ACL = ABC$  ( $P^* = 0.45$ ); 13,508 mt and 12,655 mt in 2017 and 2018, respectively.

### **Final Action to Adopt Fixed Gear Electronic Monitoring Alternative and Deem Whiting and Fixed Gear Electronic Monitoring Regulations**

The Council made the following changes to the final preferred alternative (FPA) for electronic monitoring (EM) for the fixed gear fishery as described in Table 1 of [Agenda Item F.4, Attachment 1](#):

- a. Individual Vessel Monitoring Plans expiration was changed from one year to no expiration;
- b. Declaration of EM use was changed from annual declaration to no limit on frequency – declaration stands until changed;
- c. Data Transfer Process removed shoreside monitor and retained only vessel operator and crew;
- d. Video and data processing was clarified that the Pacific States Marine Fisheries Commission should be eligible to be a third-party video reviewer.

In addition, the Council recommended the following changes based on recommendations in [Agenda Item F.4.a, Supplemental GEMPAC Report](#):

- a. Remove references to particular modes of communication (i.e., email).
- b. In the preamble of the proposed rule, discuss NMFS standards for EM providers to provide free litigation support to NMFS.
- c. Include a one-page EM application process for existing EM participants to reduce the paperwork burden for the industry.
- d. Include a general statement in the regulations that would require EM providers to comply with state and Federal warranty statutes.

Regarding record retention requirements in the draft regulations, the Council recommended maintaining the proposed 3-year record retention requirement, but specified that this requirement be reviewed prior to transitioning to third-party video reviewers to reduce the duration period for EM providers to retain records.

Finally, the Council deemed the draft regulations as meeting the intent of the whiting final preferred alternative (see the [November 2015](#) Decision Summary Document for Whiting Electronic Monitoring) and for the fixed gear fishery with the expectation that changes to the FPA and additional recommendations be incorporated.

### **Groundfish Essential Fish Habitat (EFH) and Rockfish Conservation Area (RCA) Amendment**

The Council adopted a revised range of alternatives that includes the public proposals submitted by the Collaborative group and the Oceana/Natural Resources Defense Council/Ocean Conservancy group, as amended by the proponents. The Council asked that the individual areas specified in the other public proposals be analyzed in terms of the metrics proposed by the EFH/RCA Project Team, but not to stand as individual alternatives. The Council also eliminated from consideration any EFH or RCA changes within the Tribal Usual and Accustomed Areas off the coast of Washington, and provided guidance on the analytical approach for EFH and RCA changes.

The Council recommended that the trawl RCA alternatives, as described in [Agenda Item F.5.a, EFH and RCA Project Team Report](#) (Table 1, described in Section 4), move forward for more detailed analysis, as necessary. Alternatives include complete removal of the trawl RCA as well as discrete area closures for overfished species and block area closures only as necessary to address conservation concerns.

Finally, the Council selected as preliminary preferred alternatives (PPA), using Magnuson-Stevens Act discretionary authorities to prohibit bottom contact fishing activities deeper than 3,500 m, and the updates to the administrative alternatives pertaining to groundfish life histories, prey species, fishing and non-fishing impacts, review and revision process, and correcting minor errors and making clarifications in the groundfish Fishery Management Plan.

In addition to the no-action alternative for each issue, the revised list of alternatives is:

EFH Alternatives in Public Proposals

- 1b. Collaborative Group
- 1c. Oceana

EFH Alternatives in Trawl RCA

- 2b. Add new EFH Conservation Areas within the trawl RCA based on presence of priority habitats

Adjustments to Trawl RCA

- 3b. Remove trawl RCA
- 3c. Remove trawl RCA but establish discrete area closures for overfished groundfish species
- 3d. Remove trawl RCA but utilize block area closures for overfished or non-overfished groundfish species

Magnuson Act Discretionary Authorities

- 4b. Use MSA discretionary authorities to close waters deeper than 3,500 m to bottom contact gear **(PPA)**

Administrative Alternatives

- 5b. Update Appendix B, to include new information on life history descriptions, text descriptions of EFH, and major prey items **(PPA)**
- 6b. Revise Appendix C Part 2, to include new information on fishing gear effects **(PPA)**
- 7b. Update Appendix D to include new information on non-fishing effects and conservation measures **(PPA)**
- 8b. Revise groundfish EFH Information and Research Needs section of the FMP and move to an appendix **(PPA)**
- 9b. Update groundfish EFH review and revision process and describe elsewhere (e.g., COP). Include criteria prior to each review **(PPA)**
- 10b. Provide clarifications and correct minor errors **(PPA)**

### **Preliminary Preferred Management Measure Alternatives for 2017-2018 Fisheries**

The Council selected preliminary preferred annual catch targets (ACT) for canary rockfish of 1,061 mt for trawl sectors (shorebased individual fishing quota program, mothership, catcher-processor) and 407 mt for non-trawl sectors (limited entry and open access fixed gears and recreational). The Council adopted preliminary preferred management measures, including allocations for all fisheries, for public review. Detailed descriptions of those measures will be posted on a Council blog the week of May 2 (see <http://tinyurl.com/j5ufndk> NOTE: this link will not be live until the week of May 2). Final action on management measures for 2017-2018 groundfish fisheries is scheduled for the June 2016 Council meeting.

### **Initial Stock Assessment Plans and Terms of Reference (TOR) for Groundfish and Coastal Pelagic Species**

The Council adopted a preliminary list of groundfish stock assessments to be conducted in 2017 to inform management decisions in 2019 and beyond as follows.

#### Full Assessments

- Blue rockfish
- Deacon rockfish
- Lingcod
- Yelloweye rockfish
- Yellowtail rockfish

#### Update Assessments

- Bocaccio
- Darkblotched rockfish

The Council is soliciting comment from the NMFS Northwest and Southwest Fisheries Science centers and the public on this preliminary list and suggested there may be consideration for other assessments, pending the ability of the Science Centers' capacity to do more assessments as follows: arrowtooth flounder (update), blackgill rockfish (update), bank rockfish (full), Pacific ocean perch (full), cabezon off Oregon and Washington (full), and California scorpionfish (full or data-moderate). The California Department of Fish and Wildlife expressed concern they do not have the resources to contribute to assessment of any California nearshore stocks.

The Council also adopted proposed changes to three terms of reference for public review: the Groundfish Rebuilding Analysis for 2017-2018, as shown in Agenda Item F.7 [Attachment 6](#); the Methodology Review Process for Groundfish and Coastal Pelagic Species for 2017-2018 as shown in Agenda Item F.7, [Attachment 7](#), and the Groundfish and Coastal Pelagic Species Stock Assessment Review Process Terms of Reference, with changes as recommended by the [Scientific and Statistical Committee](#) and the [Coastal Pelagic Species Management Team](#).

Final action on groundfish stock assessment priorities and the three terms of reference is scheduled for June 2016.

### **Inseason Adjustments**

The Council considered the progress of the fisheries and recommended a decrease in the open access fixed gear sablefish trip limits north of 36° latitude to 300 lbs. daily, 850 lbs. weekly, and 1,700 lbs. bimonthly to go into effect at the start of period 4 (July 1). This trip limit reduction would help ensure that the fishery, which saw increased effort last year, remains within its landing target.

## **Habitat**

### **Current Habitat Issues**

The Council directed the Habitat Committee to send a letter on Sacramento River winter-run Chinook salmon to the California State Water Resources Control Board and the Bureau of Reclamation regarding the Central Valley Project and State Water Project water management plan for 2016, based on the draft contained in [Agenda Item G.1, Attachment 1](#).

## **Coastal Pelagic Species (CPS)**

### **Final Action on Sardine Assessment, Specifications, and Management Measures**

The Council adopted the 2016 stock assessment, with a biomass estimate of 106,137 metric tons, and adopted the following specifications for the July 1, 2016 - June 30, 2017 fishing year.

Overfishing Limit	23,085 mt
P* buffer	0.4
Acceptable Biological Catch (ABC)	19,236 mt
Annual Catch Limit (ACL)	8,000 mt

Because the biomass estimate is below the cutoff value of 150,000 mt, there will be no directed non-Treaty fishery for the 2016-2017 sardine season. The only catch allowed will be Treaty-Indian, incidental, live bait, research, and other minor sources of mortality.

The Council adopted the following automatic inseason actions:

- An incidental per landing allowance of 40 percent Pacific sardine in non-Treaty CPS fisheries until a total of 2,000 mt of Pacific sardine are landed.
- When the 2,000 mt is achieved, the incidental per landing allowance would be reduced to 20 percent, until a total of 5,000 mt of Pacific sardine have been landed.
- When 5,000 mt have been landed, the incidental per landing allowance would be reduced to 10 percent for the remainder of the 2016-2017 fishing year.

In addition, the Council adopted a 2 mt incidental per landing allowance in non-CPS fisheries, and asked the CPS Management Team to explore management options to account for a small artisanal fishery.

# Salmon Management

## **Methodology Review Preliminary Topic Selection**

The Council tasked the Model Evaluation Workgroup with the following preliminary topics for the 2016 Methodology Review.

- Continue development and documentation of the new Chinook FRAM (Fishery Regulation Assessment Model) Base Period; including data compilation and model run comparisons.
- Update the User's Manual for the Visual Studio version of the FRAM model.

The Council is scheduled to adopt the final list of topics at the September Council meeting and final methodology changes at the November Council meeting.

## **Final Action on 2016 Salmon Management Measures**

The Council adopted management measures for 2016 ocean salmon fisheries. Detailed management measures and a press release are posted on the Council's [web page](#).

## **Annual Management Schedule Changes Amendment Scoping**

The Council considered the benefits and drawbacks of adjusting the salmon preseason management schedule and opted to not initiate an amendment process at this time.

# Pacific Halibut Management

## **Final Incidental Landing Restrictions for 2016-2017 Salmon Troll Fishery**

The Council adopted final incidental landing restrictions as follows from May 1, 2016 through December 31, 2016 and April 1-30, 2017, license holders may land no more than one Pacific halibut per each three Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 20 halibut landed per trip. Limits may be modified by inseason action.

# Enforcement Issues

## **Final Action on Regulations for Vessel Movement Monitoring (VMM)**

### Management Measure 1 - Monitoring Restricted Areas with Vessel Monitoring Systems (VMS)

The Council selected the following preferred alternatives for VMS use and requirements:

- Alternative 1a - Increase ping rate to four times per hour with NMFS type-approved units;
- Alternative 1b - Maintain ping rate of one per hour with Electronic Monitoring (EM) System with NMFS type-approved units;
- Alternative 2 – Allow use of enhanced VMS units (not NMFS type-approved).

If all alternatives are implemented, vessels would be able to choose from the suite of the VMS options listed above. These new requirements apply to vessels that are currently required to have VMS under regulation including salmon troll, California halibut, ridgeback prawn, and sea

cucumber trawl, but excluding whiting mid-water trawl (during the primary season), pink shrimp trawl, and the swordfish drift gillnet fishery (DGN).

The Council also selected the No Action (status quo) alternative for the swordfish DGN fishery since previous Council action called for 100 percent monitoring (through EM or observers) of the DGN fishery by 2018. NMFS will consider the potential applicability of the VMS ping rate when using EM and the possible use of new enhanced VMS units (not NMFS type-approved) during development of those DGN monitoring regulations to enhance enforcement capabilities under the 100 percent monitoring requirement.

The Council also recommended that NMFS implement the revised definition for in the groundfish regulations for continuous transit as seen in Section 1.7.3.1.1 of [Agenda Item D.2, Attachment 1 VMM Scoping Document](#).

#### Management Measure 2: Fishery Declaration Enhancements (Gear Testing and Whiting Fishery Declaration Changes)

The Council selected Alternative 3 for an observer exemption process for groundfish trawl vessels that want to test trawl gear. They would not be allowed to harvest fish or test gear in essential fish habitat conservation areas, and trawl nets must be open or absent a codend.

The Council selected Alternative 1 to allow mid-water trawl vessels to change their whiting fishery declaration while at sea. Other declaration restrictions would remain in place.

#### Management Measure 3: Movement of IFQ Fishpot Gear across Management Lines

The Council selected Alternative 2 and 3 to allow shorebased IFQ fixed gear vessels to move pot gear from one management area to another management area during a single trip then deploy the gear baited or non-baited. Under these regulations, vessels would not be allowed to harvest fish from any additional management areas with fish aboard the vessel from a previous management area (i.e., fish from multiple management areas could not be mixed during a single trip).

## Administrative Matters

### **Marine Planning Update**

The Council voted to sign the NMFS charter forming a regional planning body focused on marine planning for the West Coast. Ms. Michele Culver will serve as the Council's representative on the regional planning body.

### **Comments on Bycatch Strategy and Bycatch Reduction Plans**

The Council received a briefing from Mr. Samuel Rauch, Deputy Assistant Administrator for Regulatory Programs, on NMFS' Draft National Bycatch Strategy and the Proposed Rule with guidance on Standardized Bycatch Reporting Methodologies (SBRMs).

With regard to the Draft Bycatch Strategy, the Council noted past actions it took that integrated mandates under the Magnuson-Stevens Act, Endangered Species Act, and Marine Mammal Protection Act to address bycatch and take. The Council seeks to better understand the statutory and procedural dimensions involved in addressing these mandates holistically. The Council noted that practicability, whether in relation to enforcing bycatch reduction measures or their costs to industry, must be considered. The Council cautioned that increasing utilization of economic discards may be difficult and could have unintended conservation impacts.

The Council chose not to formally comment on the SBRM Proposed Rule. It noted that the guidance appeared to be well-crafted and took into account how the Council has addressed bycatch reporting in its Fishery Management Plans.

#### **Catch Share Program Review: Comments on National Guidance and Preliminary Plan for West Coast Trawl Catch Share Program Review**

The Council discussed the new national catch share program review guidance and the preliminary plan for the five-year review of the west coast trawl catch share program. Both of these issues will be addressed in more detail at the June Council meeting. The Council will also consider composition of a Community Advisory Board to advise the Council on impacts the program has on communities in June. Nominations for the Board will be solicited after the June meeting.

#### **Legislative Matters**

The Council directed staff to send a letter, as requested by Reps. Huffman, Thompson, and Senator Cantwell, on S. 2533, the California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act. The letter will reflect comments prepared by the Pacific Coast Federation of Fishermen's Associations. In addition, the Council directed staff to prepare a letter (as requested by Rep. Radewagen, R-AS) for the June briefing book supporting Western Pacific Fishery Management Council and North Pacific Fishery Management Council comments on HR 4576, the Ensuring Access to Pacific Fisheries Act. Finally, the Council directed staff to send the letter included in [Agenda Item C.4.a, Supplemental Legislative Committee Report](#), with the first paragraph edited to read "...impair our ability to develop new measures that are under consideration for West Coast highly migratory species (including drift gillnet) fisheries."

#### **Electronic Technology Plan Update**

The Council requested that NMFS provide the Pacific States Marine Fisheries Commission access to the vessel monitoring system database contained within NMFS Office of Law Enforcement. This information is needed for analysis purposes. NMFS will provide a progress report to the Council at a future meeting.

The Council also recommended that the Pacific Fisheries Information Network Committee review the current list of logbooks that are collected to explore the potential for creating electronic logbooks and their usefulness in fisheries management.

In addition, the Council added one item to the West Coast Region Electronic Technology Plan:



Explore electronic technology solutions, such as fish recognition software, to monitor landings in the shorebased individual fishing quota program in lieu of shoreside monitors.

#### **Membership Appointments and Council Operating Procedures**

The Council appointed Mr. Lyle Enriquez to the Highly Migratory Species Management Team NMFS West Coast Region seat replacing Mr. Craig Heberer.

The Council will continue to solicit nominations for the vacant Washington Private Sport seat on the Groundfish Advisory Subpanel with the intent to fill the seat at the June Council meeting. Interested parties can find nomination information on the [Council website](#).

The Council adopted for public review proposed modifications to Council Operating Procedure [\(COP\) 1](#) and [COP 9](#).

#### **Future Council Meeting Agenda and Workload Planning**

The next meeting of the Council and its advisory bodies is scheduled for June 21-28, 2016 in Tacoma, Washington. A single-page draft proposed agenda summary will be available on the Council website in the near future, and a draft detailed proposed agenda will be available by June 9. The advance public comment deadline for the June meeting is May 26.

PFMC

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