

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE REPORT ON 2017-2018
BIENNIAL HARVEST SPECIFICATIONS

The California Department of Fish and Wildlife (CDFW) provides the following comments to inform setting biennial harvest specifications for 2017 and 2018.

Off the Top Deductions

CDFW believes that further scrutiny, justification, and discussion is warranted to inform appropriate off the top deductions for 2017 and 2018 given new information indicating that research set asides have gone unutilized for consecutive years¹. Research set-asides are deliberate policy decisions that amount to an allocation to the research sector. CDFW believes the set-asides should be expressly re-confirmed if not altered to reflect expected 2017-18 needs. CDFW also asserts past research catch levels may not justify the current levels of set asides proposed for 2017-2018, particularly for yelloweye rockfish. Off the top deductions affect the remaining sectors by locking up fish which cannot be utilized by others. When these research catches are not utilized (e.g., lack of funding for multiple consecutive years, over projection of impacts), it results in foregone opportunities for the rest of the sectors to which off the top deductions could have been allocated.

While off the top deductions can technically be released towards the end of the year, many sectors may not be able to take advantage of them. NMFS needs information on the progress of the fisheries (i.e., whether they are tracking ahead or behind projections) to justify implementing an adjustment through routine inseason action. It is not clear whether simply releasing additional yelloweye rockfish into a fishery (if the fishery is progressing as expected) will meet the criteria for NMFS to increase trip limits via inseason action using only a single meeting notice procedure. Given this lack of procedural clarity with regard to the ability to release unused set-asides to other sectors in time for it to be beneficial, there are distinct advantages of being judicious in assigning off the top deductions in order to make as much of the annual catch limit (ACL) available to fishing sectors during the regulatory specification process.

Research set-asides are not sector specific buffers which are “owned” by anyone, and are not to be used to cover overages that may occur in other sectors. They are and should remain specifically to allow for legitimate research.

Yelloweye rockfish is the most constraining species to the nearshore commercial and recreational fisheries. To help inform the tradeoffs of balancing the needs of the fisheries and research catches, CDFW provides the following examples of additional opportunity that could be allowed in California with additional yelloweye rockfish.

- Commercial nearshore - an additional 0.1 mt of yelloweye rockfish may allow nearshore landings to be doubled south of 40° 10' N lat. With an additional 0.3 mt, the shoreward non-trawl RCA boundary could be adjusted from 30 fm to 40 fm between 40° 10' N lat. and 34° 27' N lat.

¹ http://www.pccouncil.org/wp-content/uploads/2015/11/I9a_Sup_GMT_Rpt3_Nov2015BB.pdf

- Recreational - could allow for extended season lengths and/or depth in the Northern and Mendocino Management Areas.

Annual Catch Limits /Annual Catch Targets (ACT)

Canary rockfish - in March 2016, the Oregon Department of Fish and Wildlife (ODFW) submitted a report summarizing rationale for setting the canary rockfish ACL equal to the allowable biological catch (ABC) - specifically that the latest canary rockfish stock assessment represents best available science. Setting ACLs once a stock is rebuilt is still fairly new territory for the Council. When widow rockfish was determined to be rebuilt, the Council took a precautionary approach in part due to the extreme uncertainty in the stock assessment which declared the stock rebuilt. While CDFW acknowledges that the latest canary rockfish assessment represents the best available science, there is still uncertainty. Despite the very optimistic results of the assessment indicating the status of the stock is healthy (56% depletion), it was sensitive to assumptions regarding how to model natural mortality that are still in question. Alternative methods that did not ramp up natural mortality resulted in stock projections that would still be considered overfished (June 2015, Agenda Item D.8, Attachment 1, Figure 41). In addition, given that depletion levels for canary rockfish have varied over the last four assessment cycles, CDFW believes that caution is warranted, especially in the first years of management with the stock rebuilt.

A precautionary approach to setting ACLs relative to the ABC seems prudent for at least two reasons: 1 - potential risk to the status of the stock should future assessments indicate that the current assessment was overly optimistic due to assumptions made regarding natural mortality, steepness or other parameters; and 2 – larger management uncertainty is expected given the range of ACLs will authorize significantly higher yield levels which haven't been allowed for this stock in over a decade. This suggests additional buffering of the ABC is warranted; therefore CDFW does not support setting the ACL equal to the ABC.

California scorpionfish - CDFW supports setting the ACL at 150 mt and an ACT at 111 mt for both 2017 and 2018. CDFW believes that both these values are appropriate given the age of the last assessment, which was conducted over a decade ago. Setting the ACT at the status quo value used to manage the stock will maintain status quo recreational fishing opportunities until a new assessment can be conducted.

Two-year allocations

Bocaccio - CDFW supports modifying the two-year allocation to move an additional 15% into the trawl sector. This increase can be accommodated with a sufficient buffer to still allow for increased opportunities (e.g. increased trips limit, bag limits) in other sectors.

Canary rockfish – CDFW supports a two-year sharing alternative that may shift some fish to the trawl sector to provide better access to underutilized IQ species, but would support the need for increases to the non-trawl sectors as highest priority due to needs in these fisheries coupled with uncertainties in their catch projections. Given these fisheries have been significantly constrained, and in many instances off California they have been completely closed (12 month RCA closures over very broad depth strata) for over a decade, CDFW has stressed the difficulties that come with projecting catches now that the stock is rebuilt. CDFW also cautions that substantially

varying allocations every two years can create instability in the fleets and affect future business planning. Difficulties may arise if substantially different allocations are contemplated two years from now resulting in lower allocations to the trawl sector.

California has a fixed gear shelf rockfish fishery that operates south of 40°10' N lat. which historically targeted chilipepper. This fishery was greatly impacted when the RCAs were implemented and CDFW is interested in providing additional opportunities now that canary rockfish is rebuilt. This will require additional canary rockfish which may not be reflected in the current range of two-year allocations. Therefore, CDFW requests the canary rockfish allocation to the non-nearshore fishery be increased to accommodate the needs of this fishery.

Yelloweye rockfish - as discussed previously, additional yelloweye rockfish would greatly benefit the California nearshore fishery; therefore we recommend that the two-year allocation of yelloweye rockfish to the California nearshore fishery be increased by at least 0.1 mt if research catches are reduced. This will help provide additional opportunities for nearshore fishermen south of 40°10' N lat.

Minor Nearshore Rockfish (MNRF) Harvest Guideline (HG), north of 40°10' N lat.

As a general principal, when a complex is to be allocated across state boundaries CDFW supports setting HGs using allocations based on the regional contributions from each respective assessment where assessed regions co-occur with state boundaries. For remaining stocks assessed across state boundaries, allocations may be afforded greater flexibility as the relative abundance between states is less clear in these instances. For these remaining species apportionment based on miles of coastline, historical catch, equal sharing, or prior allocations based on need from projected impacts may be appropriate.

CDFW strongly supports Option 1 or Option 2 to establish state specific HGs for the MNRF complex north of 40°10' N lat. Both options are based on best available science and more closely align sustainable harvest levels with the geographic boundaries of stock assessments which were specifically chosen to reflect differences in genetics, historical removals, effort, regulations, etc. The No Action alternative would not align removals with stock assessment boundaries and could result in one area taking more fish than is supported by best available science.

The increase in the MNRF OFL north of 40°10' N lat. for 2017-2018 is due in part to contributions from blue rockfish in California based on updated OFL projections. Blue rockfish in California is managed under a statewide HG² based on an assessment boundary at the California/Oregon border. Allocating blue rockfish north of 40°10' N lat. in a manner that does not keep the contribution from the full assessment within state boundaries would result in an inconsistency with the state blue rockfish HG. This California-specific HG was recommended by the Council back in 2009, in order to effectively manage blue rockfish catches within the minor nearshore complex and provide assurances that harvest of this species off California remained within precautionary levels recommended by the Council.

² The blue rockfish HG is derived by combining the Category 1 stock assessment for the area from 42° N lat. to 34° 27' N lat. with that of a Category 2 assessment for the area south of 34° 27' N lat. to the U.S./Mexico border.

The majority of MNRF species are relatively sedentary and are unlikely to move tens if not hundreds of miles from assessed areas within state boundaries to another state (Love et al. 2002). Thus when state specific abundance information is available, allocations should reflect the relative abundance of species within each state as indicated by an assessment. For this reason, CDFW does not find the No Action alternative (i.e., using only historical catch) an acceptable means of allocating catch and strongly supports Option 1 or Option 2 because both are based on best available science, closely align sustainable harvest levels with the geographic boundaries of stock assessments, and maintain consistency with existing management (e.g. state-specific HGs).

Actions to shift fish across state boundaries to avoid consequences that come from adhering to the geographic delineations determined by stock assessments may be attractive for short term gains or to defray immediate impacts to certain coastal communities, but could adversely affect them in the future.

Deacon Rockfish

At the March 2016 meeting, CDFW verbally identified potential challenges in our nearshore commercial fishery if deacon rockfish is added as a separate species in the Groundfish Fishery Management Plan (FMP). The California nearshore commercial fishery is a restricted access fishery and permits are issued to harvest specific species of nearshore fish. At this time the permit is required to commercially take blue rockfish. If deacon rockfish is added as a separate species, it would not be covered by this permit and could be retained by anyone in possession of a commercial fishery license up to the allowable trip limits (1,200 lb / 2 months north of 40°10' N lat. and 500 lb to 1,000 lb/2 months south of 40°10' N lat.) - in other words, this will create an unrestricted open access fishery for deacon rockfish. Increased discarding of other nearshore species covered under state-issued commercial nearshore permits could also occur while targeting deacon rockfish.

CDFW requests that if deacon rockfish is added to the FMP it be explicitly tied to blue rockfish off California (e.g. blue/deacon, blue rockfish complex) to ensure it is covered under the state-issued restricted access nearshore permit. This would prevent development of an open access fishery and avoid any unintended conservation concerns.

Reference:

Love, M.S., M. Yoklavich, and L. Thorstein. 2002. The Rockfishes of the Northeast Pacific. University of California Press, Los Angeles, CA.