

NATIONAL MARINE FISHERIES SERVICE REPORT ON PRELIMINARY PREFERRED
MANAGEMENT MEASURE ALTERNATIVES
FOR 2017-2018 FISHERIES

This report presents preliminary advice on the range and level of NEPA needed on new management measures as listed in Agenda Item F.6, Attachment 2. NMFS would like to note that the analysis on new management measures was delivered on time and NMFS appreciates the hard work done by the analysts since the November Council meeting.

NEPA

As previously stated, routine management measure adjustments in the 2017-2018 integrated alternatives analysis are within the range analyzed in 2015-2016 EIS and therefore do not require further NEPA analysis. Three items were determined to need further NEPA analysis through an Environmental Assessment. The three items needing further NEPA are: Reclassifying big skate as “in the fishery”; Widow rockfish harvest specifications; and Black rockfish harvest specifications in California.

Following the March Council meeting, NMFS determined the Council’s preliminary preferred range of new management measures would be necessary in order to fully evaluate the NEPA needed for the new management measures, particularly related to assessing the cumulative impacts. NMFS discussed the full suite of new management measures and provides preliminary NEPA advice in this report, but formal NEPA scoping has not been completed. NMFS has preliminarily determined that adding the full list of new management measures to the current harvest specifications and routine adjustments would require an Environmental Assessment.

New Management Measures

NMFS has reviewed the new management measures analysis and supports four of the seven new management measures listed in [Agenda Item F.6](#), Attachment 2, for inclusion in the 2017-2018 management measures. NMFS has concerns with the remaining three new management measures.

Measures for inclusion:

1. Big skate FMP classification from ecosystem component to “in the fishery”
2. California Recreational – allow petrale sole to be retained during season depth closures
3. California Recreational – new overfished species hotspot closures
4. Oregon Recreational – allow flatfish retention during season depth closure

The analysis of these measures to date gives NMFS confidence that a January 1 implementation date is achievable. NMFS is committed to working with the analysts to refine the analysis for a January 1 implementation date. Further, NMFS supports these measures because they respond to the needs of the fishery while achieving Magnuson-Stevens Act mandates.

Measures with concerns:

1. Changes to starry flounder management

NMFS does not support this new measure which would move starry flounder from an individually managed species to a species in a complex because of the trawl/non-trawl allocation implications that would occur from moving it into the Other Flatfish complex. The current analysis is in draft form and requires substantial work prior to final action in June. Further, the five year trawl program review may inform this type of allocation change and therefore this measure should be included in a later action.

2. Transfer of shorebased quota pounds for canary rockfish, darkblotched rockfish, POP, and widow rockfish to the mothership sector

NMFS has serious concerns about the proposed measure which would allow transfer of shorebased QP to the mothership sector. Amendment 21 established fixed allocations to each of the trawl sectors and this proposed measure would be more appropriately considered as an allocation issue between the sectors, as part of the five-year review. As stated in November (Agenda Item I.9.a, Supplemental NMFS report) NMFS recommends this measure be moved to the Omnibus list for consideration and prioritization at the June 2016 Council meeting. This measure is more appropriate for inclusion on the Omnibus prioritization list because including it within the biennial management measures prioritizes it above all other items on the Omnibus list, which NMFS does not support.

NMFS does not believe the need for this measure is compelling enough to justify its jumping of the Omnibus queue. However, if the Council were to forward this measure NMFS recommends that the Council consider two-way transfers between all sectors, rather than an essentially one-way transfer from the shorebased IFQ sector to the at-sea mothership sector. The shorebased IFQ sector has frequently cited constraining species as one of their major challenges in prosecuting target fisheries, and the proposed action would further constrain the shorebased IFQ fishery. The proposed caps would move up to 20% of the IFQ sector's darkblotched and POP, 15% of the IFQ sector's canary, and 11% of the IFQ sector's widow rockfish to the mothership sector at a time when IFQ participants are beginning to target widow and find themselves less constrained by the other species. NMFS sees this as an allocation and fairness and equity issue that should undergo a larger conversation as part of the overall trawl program review. Additionally, analysis presented by the GMT at the March 2016 Council meeting strongly suggests that the transfer measure is not needed, particularly if the Council chooses an alternative with a higher darkblotched ACL.

The measure, as proposed, is also too complex and raises fundamental implementation concerns. For example, how would NMFS track which vessel accounts could transfer how many QPs to the mothership sector, since MS/CV permits can be transferred up to two times in a calendar year. The analysis does not adequately describe how a two-way transfer would work, since the shorebased sector has individual accounting and the mothership sector cannot transfer unused pounds back to the whole IFQ fishery, rather the QP has to be assigned to specific vessel accounts. The mothership sector would likely need to manage a mothership vessel account, and before any pounds were transferred back to the IFQ sector NMFS would need to do a data check on MS landings to ensure the amount being transferred back was actually available for transfer.

NMFS will need significant input into accounting procedures for these transfers, and at this time is unable to provide that input due to staff priorities on the 2017-2018 harvest specifications and management measures and widow rockfish reallocation. NMFS also wishes to inform the mothership sector that all work on this issue will be tracked towards cost recovery for the mothership sector.

3. New inseason process for California fisheries outside of a Council meeting

NMFS has concerns that the current analysis is unclear regarding the scope, implementation, and function of this new inseason management system, and is working with the California Department of Fish and Wildlife (CDFW) to clarify the situation.

Similar to the QP movement measure, NMFS is not convinced of the need for this new inseason management system. While NMFS agrees that rapid inseason management can be an effective tool for maximizing harvest opportunities and preventing harvest specification overages, we are unconvinced that the current inseason process is inadequate for effective management.

Additionally, NMFS has concerns regarding the timeliness of data to inform inseason actions and would like to know from CDFW how this issue would be addressed in the inseason management system.

Prior to final action in June NMFS suggests the analysis clarify if this new inseason management system would entail automatic actions (non-discretionary, fast) or inseason actions (more flexible, not as fast); describe the step-by-step process of how the inseason management system would work and include timetables (e.g. catch data is received, CDFW contacts NMFS, etc.); and describe the management measures CDFW believes would be used in this new inseason management system. For example, would it be limited to more restrictive trip and bag limits and area closures, or to both more or less restrictive management measures. Clarity on the scope and tools which CDFW thinks will be necessary would help NMFS evaluate the complexity and feasibility of this new inseason management system.

Summary

NMFS believes that focusing on the harvest specifications, allocations, and routine management measures would lead to the greatest chance of meeting the January 1, 2017, implementation date. Inclusion of all of the new management measures forwarded by the Council in November does create a significant workload that could impact timely implementation. Consistent with the Council's recommendation to prioritize a January 1, 2017, implementation date, NMFS recommends that the Council narrow its proposed new management measures at this meeting to facilitate timely implementation of the 2017-2018 harvest specifications and management measures. Measures not included in the 2017-2018 biennial cycle can be scheduled in other Council discussions.