

NMFS REPORT ON AMENDMENT 21 ALLOCATIONS AND HARVEST AMOUNTS OF
DARKBLOTCHED ROCKFISH AND PACIFIC OCEAN PERCH FOR THE
CATCHER/PROCESSOR AND MOTHERSHIP COOPS IN 2017-2018

At its April meeting, the Council asked NMFS to brainstorm some options to address the concerns of the at-sea sectors with regards to their harvest amounts of darkblotched rockfish and Pacific ocean perch. Below is a description of the problem as NMFS understands it and presentation of the results of our evaluation of potential solutions.

The Council wants to explore possible mechanisms to increase the amount of darkblotched rockfish and Pacific ocean perch available to the Catcher/Processor (C/P) Coop Program and Mothership (MS) Coop Program (i.e. at-sea sectors) for the 2017 season. These sectors have indicated that the amount of rockfish available to them has led to fishing operations that are primarily designed to avoid bycatch rather than optimize harvest of Pacific whiting. The at-sea sectors want to alter fishing strategies to increase Pacific whiting harvest efficiency and increase Pacific whiting landings. This change in harvest strategy would likely increase bycatch rates, which could require higher allocations of darkblotched rockfish and Pacific ocean perch.

NMFS appreciates the Council's desire to be flexible and responsive to the concerns raised by the at-sea sectors. We examined the current regulations (see descriptions below), FMP, and staff resources for the remainder of 2016, and took a hard look at what it would take to get this type of proposed action completed for the 2017 Pacific whiting fishery. To achieve the desired outcome of the proposed action by approximately May 2017, the Council would have to choose a Final Preferred Alternative (FPA) in September 2016. Particularly because this is an allocative decision, a fully adequate supporting analysis must inform the FPA, and therefore be completed by approximately August 18 for September's advance briefing book deadline. This would be a very challenging deadline to meet, even with full staffing resources. At this time, neither NMFS nor PFMC (we believe) have identified any staff resources to assist in this analysis. As discussed below, we also cannot identify a mechanism by which a portion of the ACL or the Amendment 21 allocations could be withheld at the start of 2017 so as not to preempt a future decision (e.g. May 2017) on at-sea fishery allocations of darkblotched rockfish and Pacific ocean perch. Although we understand the desire of the Council to implement this action in 2017, we recommend the Council explore a January 1, 2018 implementation date if they move forward with the proposed action. Given the near-term staff limitations, NMFS also recommends that, under Agenda Item F6, the Council consider moving the selection of a FPA to early 2017.

Investigation into increasing the amount of darkblotched rockfish and Pacific ocean perch available to the at-sea Pacific whiting sector

Below are two options NMFS explored to address the darkblotched rockfish and POP allocations. There are two basic mechanisms to increase the amount of these species available to the at-sea sectors. The Council could consider 1) increasing Annual Catch Limits (ACLs), making more fish available to all the fisheries, thereby increasing the amounts available to the at-sea sectors or 2) changing allocations and take fish from the Shorebased IFQ Program to increase the amounts

available to the at-sea sectors (as discussed in [G.2.a WDFW Report 1](#) and [G.2.a Supplemental WDFW Report 2](#)). Per the discussion above, NMFS notes that changes to Amendment 21 allocations will not meet the Council’s desired timelines.

Option 1 – Increasing ACLs (No Change to Amendment 21 Allocations)

Increasing ACLs to the maximum extent practical can be done in the 2017-2018 harvest specifications rulemaking by January 1, 2017, but comes with restrictions, as the ACL cannot exceed the Acceptable Biological Catch (ABC) or the ACL from the rebuilding plan. For Pacific ocean perch, NMFS does not recommend considering extending the time to rebuild in order to increase the ACL at this time. For widow rockfish, given its rebuilt status NMFS notes that the Council has already chosen to apply the default harvest control rule of ACL=ABC, which increases the ACL compared to the 2015-2016 biennium. For darkblotched rockfish, the Council chose a final preferred alternative (FPA) ACL of 490 mt. The Council could reconsider this decision under Agenda Item G.4 and set the ACL as high as the ABC to increase the amount of darkblotched rockfish available to the at-sea sectors. Decisions on harvest specifications are relatively short-term, as they are revised every two years. Therefore, this should be considered a short term solution to partially meet the Council’s objectives.

Under this option, the at-sea sectors would have immediate (i.e. start of the 2017 season) access to higher amounts of darkblotched rockfish than under the current FPA harvest specification and PPA management measures in the 2017-2018 Harvest Specifications and Management Measures (Table 1). If the darkblotched rockfish ACL were set equal to the ABC, amounts available to the C/P sector would increase from 13.5 mt to 17.8 mt and 18.5 mt in 2017 and 2018, respectively. The amounts available to the MS sector would increase from 9.5 mt to 12.6 mt and 13.0 mt in 2017 and 2018, respectively. Under this option, the status quo allocation percentages to each trawl sector would remain intact, and the Shorebased IFQ Program would not receive a decreased proportion of the total harvest guidelines, as they would under the Council’s proposed alternative (see also Option 2, below).

Table 1. Comparison of the C/P and MS (at-sea) allocations for darkblotched rockfish when comparing the Council’s FPA ACL and setting the ACL=ABC.

| DARKBLOTCHED | Year | ACL (mt) | FISHERY HG (mt) | C/P (mt) | MS (mt) | SB IFQ TOTAL (mt) a/ |
|-------------------------------------------------------|-------------|----------|-----------------|----------|---------|----------------------|
| Council’s FPA ACL | 2017 | 490 | 462.8 | 13.5 | 9.5 | 416.7 |
| | 2018 | 490 | 462.8 | 13.5 | 9.5 | 416.7 |
| ACL=ABC | 2017 | 641 | 613.8 | 17.8 | 12.6 | 552.6 |
| | 2018 | 663 | 635.8 | 18.5 | 13.0 | 572.4 |
| Council’s proposed alternative allocations/set-asides | 2017 & 2018 | 490 | 462.8 a/ | 25 | 20 | 394.7 a/ |

a/ These values are not explicitly Council-proposed, but are the resulting values resulting from the C/P and MS amounts and the Council’s FPA ACL of 490 mt.

If the Council considers increasing the darkblotched rockfish ACL to partially meet the objectives in the desired timeline, supporting rationale for this decision must be clearly articulated. As stated above, NMFS does not recommend extending the time to rebuild Pacific ocean perch in order to increase the ACL and the amounts available to the at-sea sectors.

Option 2 – Change Amendment 21 Allocations

Changing the Amendment 21 allocations under the Council's proposed alternative takes more time, as the Fishery Management Plan (FMP) must be amended through a 3-meeting process, consistent with National Standard 4 of the Magnuson Steven Act, the socioeconomic framework in the FMP, and potentially other factors. Additionally, regulations must be amended through a proposed and final rulemaking process (approximately 6-9 months). The earliest the Council could choose a FPA allocation framework would be September 2016, making a January 1, 2017 implementation date impossible. The FMP and regulations allocate fish at the start of the year, on January 1, and fish can only shift between those allocations in a very limited way, if specific criteria are met (e.g. if one at-sea Coop makes a written cease fishing declaration, NMFS may move non-whiting quota within the at-sea fleets). If the allocation scheme changes during the fishing year, fish may already be harvested, and could not be reallocated. Therefore, it is NMFS's opinion that changes to Amendment 21 allocations can only begin on January 1. Increasing the amount of these species available to the at-sea fisheries for 2017 cannot be achieved by changing Amendment 21 allocations. The Council could pursue allocation changes to the FMP for January 1, 2018.

ESA Considerations

If the Council recommends increasing the amount of rockfish available to the at-sea fleet so that current fishing operations primarily designed to avoid bycatch can shift focus to optimizing harvest of Pacific whiting, impacts on ESA-listed species must be considered. Impacts to ESA-listed species, particularly Chinook salmon, may change under altered fishing strategies to increase Pacific whiting harvest efficiency and increase Pacific whiting landings. Therefore, as this action moves forward NMFS would have to evaluate the feasibility of any implementation timelines with the need for ESA coverage under the current consultation process on salmon relative to the Groundfish Fishery Management Plan.