

# Decision Summary Document Pacific Fishery Management Council

March 8-13, 2017

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](#).

## Habitat

### Current Habitat Issues

The Council directed the Habitat Committee (HC) to draft a letter on Oroville Dam temperature control issues for the April briefing book, and to draft a second letter supporting the transfer of the ownership of the four lower Klamath dams to the Klamath River Renewal Corporation in preparation for removal of the four dams in 2020.

The Council also directed the HC to request a two-week comment extension from the U.S. Army Corps of Engineers for Council comments on the Coast Seafood Renewal and Expansion project, and, if such an extension is not granted, to use the Council's two previous letters on the project as a basis for a letter (with any required changes resulting from the revision of the project documents) to be sent directly by Council staff.

Finally, the Council asked the HC to collect more information on the Environmental Protection Agency's proposed discharge rule changes for offshore processing vessels, and to report back in April.

## Ecosystem-Based Fishery Management

### Annual State of the California Current Ecosystem Report

The Council provided the following guidance to the California Current Integrated Ecosystem Assessment (CCIEA) Team on focal topics and other elements to incorporate in future Annual Reports, recognizing that implementation will depend on available resources. The CCIEA Team *provided feedback* on addressing these topics.

1. A focus on indicators that could be used to anticipate regime shifts. *The CCIEA Team is currently conducting an analysis of such indicator(s); by the 2018 report they hope to determine if it is feasible with existing data.*
2. A focus on indicators related to the future status of salmon stocks, which could be developed in dialogue with the Council's Salmon Technical Team and Salmon Advisory Subpanel. *The CCIEA Team believes that focusing on salmon-related indicators is feasible,*

*but developing such a suite that could be used to inform management decisions would take more than a year.*

3. A focus on indicators to assess the status of the forage base [and relating this to predator status]. *The CCIEA Team believes this would be possible to include in the 2018 report.*
4. Adding focal topics relating indicator(s) status to fishery management questions and including a highlighted narrative section.
5. Participation of the Ecosystem Workgroup (EWG), and possibly the Ecosystem Advisory Subpanel, in the proposed joint meeting of the Scientific and Statistical Committee Ecosystem Subcommittee and CCIEA Team proposed for September 2017 to further discuss potential focal topics that could be taken up over the long term.

### **Sablefish Ecosystem Indicators**

The Council received a progress report on an ongoing evaluation of oceanic drivers of sablefish recruitment that could potentially improve assessments of sablefish status and productivity. The Council provided the following guidance on this evaluation:

1. Investigate sablefish assessments throughout the stock's range to better understand the dynamics associated with stock decline.
2. Provide a Management Strategy Evaluation for Council consideration in September 2017.
3. Update the Regional Ocean Modelling Systems (ROMS) model with data from 2011-2014, as well as data prior to 1980.

The next review of this evaluation is tentatively scheduled for the September 2017 Council meeting in Boise, Idaho.

### **Review of Fishery Ecosystem Plan Initiatives**

The Council directed the EWG to revise Appendix A to the Fishery Ecosystem Plan to include a new initiative addressing [optimum yield considerations](#), and to make the changes proposed in the [EWG Report](#).

The Council requested the EWG to scope the two initiatives outlined in their [report](#): A combined initiative on the socio-economic effects of fisheries management practices on fishing communities (A.2.7) and on human recruitment to the fisheries (A.2.6), and an initiative on the effects of near-term climate shift and long-term climate change on our fish, fisheries, and fishing communities (A.2.8). This scoping would identify specific objectives of the initiatives, inventory available information, and propose a timeline for completing either or both initiatives. Pending approval of funding for the initiative process, the EWG would report back at the September 2017 Council meeting. The Nature Conservancy offered to sponsor a workshop to help in the development of whatever initiative(s) the Council decides to pursue. The Council discussed the optimal timing of such a workshop and concluded that it would be most useful if it occurred after the September meeting.

# Enforcement Issues

## **Annual U.S. Coast Guard Fishery Enforcement Report**

The United States Coast Guard (USCG) provided its annual enforcement report to the Council and honored retired Council Executive Director Dr. Donald McIsaac with the USCG Meritorious Public Service Award.

# Salmon Management

## **Adoption of 2017 Management Alternatives for Public Review**

The Council adopted three Alternative sets of management measures for the 2017 ocean commercial, recreational, and tribal salmon fisheries. Public hearings on the Alternatives have been scheduled in Westport, Washington and Coos Bay, Oregon for March 27 and Fort Bragg, California for March 28. The Council is scheduled to adopt final 2017 ocean salmon regulations at its April 6-11 meeting in Sacramento, California.

# Pacific Halibut Management

## **Report on the International Pacific Halibut Commission (IPHC) Meeting**

The Council received a presentation from Dr. Dave Wilson, the Executive Director of the IPHC, containing an overview of the annual meeting, stock assessment, and plans for expanding the Pacific halibut stock assessment survey in northern Washington and northern California. The 2017 Area 2A catch limit for Pacific halibut is 1.33 million pounds, which is 190,000 pounds greater than the 2016 limit.

The Council requested additional information on the spatial distribution of the Pacific halibut exploitable biomass in Area 2A. The IPHC has offered to provide survey data from Area 2A stratified by state boundaries as well as biomass estimates with estimates of uncertainty at smaller spatial scales than the IPHC regulatory area. The Council is scheduled to consider this information and discuss future CSP allocation changes at their June 2017 meeting in Spokane, Washington.

## **Incidental Catch Recommendation Options for the Salmon Troll and Final Recommendations for Fixed Gear Sablefish Fisheries**

The Council recommended that the current incidental Pacific halibut catch regulations for the non-Indian salmon troll fishery remain unchanged for the period April 1-30, 2017. The current limit is no more than one halibut per three Chinook, except one halibut may be possessed or landed without meeting the ratio requirement and no more than 20 halibut may be landed per trip. The Council also adopted the following options for public review:

Alternative 1 (Status Quo): May 1, 2017 through December 31, 2017 and April 1-30, 2018, 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.

Alternative 2: May 1, 2017 through December 31, 2017 and April 1-30, 2018, license holders may land no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 30 halibut landed per trip.

Alternative 3: May 1, 2017 through December 31, 2017 and April 1-30, 2018, license holders may land no more than one Pacific halibut per each two Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut landed per trip.

Final Council action is scheduled on the aforementioned limits at the April 2017 Council meeting.

The Council also recommended the 2017 incidental catch restrictions in the fixed gear tier fishery north of Point Chehalis be set at 140 pounds of dressed weight halibut for every 1,000 pounds dressed weight of sablefish, plus 2 additional halibut in excess of the ratio.

## Groundfish Management

### Salmon Endangered Species Act (ESA) Consultation Analysis

The Council reviewed the analysis of scenarios representing the ongoing prosecution of the groundfish fishery, associated Chinook salmon bycatch thresholds, and estimate Chinook bycatch ([Agenda Item I.1.a, NMFS Report 1](#)). To accurately represent the ongoing prosecution of the fishery, the Council directed that National Marine Fisheries Service (NMFS) remove the scenario that assumes whiting processing at sea is expanded South of 42 N. latitude from any revised analysis supporting Council action. The Council also directed additional descriptive material, such as whiting co-op coordination information and non-trawl fisheries descriptions be included.

The Council directed the Groundfish Management Team (GMT) to assist NMFS in developing revised Chinook salmon bycatch estimates based on recommendations made by the [GMT](#).

### Reports and Recommendations from Groundfish Science Workshops and Methodology Reviews

The Council adopted two groundfish science workshop reports, which focused on groundfish [historical catch reconstructions](#) and issues related to modelling groundfish [stock productivity](#). The Scientific and Statistical Committee (SSC) endorsed most of the recommendations in the workshop reports. The SSC also endorsed the groundfish assessment methodologies reviewed at a recent methodology review meeting, including one that changes the mean Beverton-Holt steepness value for rockfish from 0.78 to 0.72 (see [Agenda Item I.2.a, REVISED Supplemental SSC Report](#) for all the SSC recommendations under this agenda item).

The Council also adopted the GMT recommendations concerning [sablefish and lingcod discard mortality rates](#) and recommendations concerning [discard mortality rates applied to the nearshore commercial fishery](#) with the following exception:

Adopt Option 1 under Alternative 1 in [GMT Report 2](#), which requests the West Coast Groundfish Observer Program add an additional depth strata as in Figure 4 of that report.

### **Consideration of Inseason Adjustments, Including Carryover**

The Council recommended that NMFS issue surplus carryover for all non-whiting individual fishing quota (IFQ) species where the annual catch limit (ACL) is less than the acceptable biological catch (ABC), including sablefish north of 36° N. latitude. Surplus carryover for petrale sole is not eligible under the current NMFS policy, given that the ACL is equal to the ABC. The Council recommended NMFS issue eligible carryover pounds up to the point where the ACL plus surplus carryover equals the ABC. The Council also recommended removing canary and bocaccio from the list of species that must be counted and weighed prior to leaving a vessel before catch from a shorebased IFQ trip has been offloaded.

The Council recommended implementing Federal conforming regulations for the [Washington recreational](#) fisheries, including reducing the rockfish daily bag limit from 10 to 7 rockfish per angler and the aggregated bottomfish daily bag limit from 12 to 9 per angler, which are designed to keep black rockfish mortality within the allowable limits. Further, regulations would remove the 22-inch minimum size limit for lingcod to encourage anglers to retain the first two lingcod caught, potentially reducing bycatch of yelloweye and black rockfish in some areas.

The Council also recommended NMFS include a Chinook salmon harvest guideline of 3,547, which would apply the entire midwater rockfish fishery including the trawl gear exempted fishing permit (EFP). This number represents the estimated total Chinook salmon taken by the midwater rockfish fishery, assuming the full take of the individual fishing quota (IFQ) allocation of canary, widow, and yellowtail rockfish ([Agenda Item F.5.a, Supplemental GMT Report, November 2016](#)). Additionally, the Council recommended the EFP stipulate that no more than 800 Chinook salmon can be taken before May 15 to keep impacts aligned with the current salmon biological opinion.

### **Implementation of the 2017 Pacific Whiting Fishery under the U.S./Canada Agreement**

The Council received a briefing on the 2017 Pacific whiting assessment and the recommended U.S. and Canada total allowable catch for 2017 Pacific whiting fisheries of 531,501 mt (392,673 mt U.S. share), which is 6.8 percent greater than 2016. The Council adopted a yield set-aside of 1,500 mt to accommodate the catch of Pacific whiting in 2017 West Coast research activities and the incidental bycatch of Pacific whiting in non-whiting fisheries (primarily the pink shrimp trawl fishery).

# Highly Migratory Species Management

## Update on Existing Deep-Set Buoy Gear Exempted Fishing Permits (EFPs)

The Council clarified that in the future they would expect reports on EFPs at the June Council meeting, per Council Operating Procedure 20.

While the Council deferred to NMFS on the specifics of observer coverage for ongoing EFPs, it noted that each vessel and vessel operator should be subject to the requirement to complete 10 sets with 100 percent observer coverage before the observer coverage requirement can be reduced to a lower level.

## Proposed Deep-Set Buoy Gear Exempted Fishing Permits

The Council adopted the [proposed criteria](#) described for consideration of Deep-Set Buoy Gear (DSBG) EFP applications for expedited, one-Council meeting review and approval.

Based on information in the [Supplemental HMSMT Report](#), the Council forwarded the following EFP applications to NMFS to consider permit issuance:

- [Pfleger Institute](#) of Environmental Research application for linked DSBG
- [Frederic Hepp](#) application for standard DSBG
- [Kent Jacobs](#) application conditioned on the use of standard DSBG rather than proposed modified weight system
- [Martin Kastlunger](#) application for standard DSBG with a 2-year permit duration
- [Phillip Harris](#) application based on his clarified intent of up to 150 days of fishing effort in the Southern California Bight
- [Denny Corbin](#) application for the standard DSBG component only
- [William Diller](#) application for standard DSBG

The Council gave preliminary approval to the [Roger Cullen](#) application for DSBG with a proposed modification in the type of line to be used. The Council requested a revised application be submitted at the June meeting based on the comments from the HMSMT.

The Council requested that the [Lorton/Haworth](#) application be resubmitted at the June meeting with additional detail on the proposed activity as outlined in the HMSMT Report.

The Council also directed that the following conditions be placed on issued EFPs, per the recommendation of its Enforcement Consultants Committee:

1. "Actively tending" definition: The fishing vessel must maintain a distance of no more than 3 nm from any piece of gear and maintain properly-configured gear in accordance with their EFP.
2. Each piece of DSBG and the terminal ends of linked DSBG must be marked with a radar reflector. Flags and buoys must be marked with the vessel's official number.

## **Amendment 4 to the Fishery Management Plan for West Coast Fisheries for Highly Migratory Species (HMS FMP)**

The Council decided to defer adopting Amendment 4 text for public review until the June Council meeting. In the interim, it directed its advisory bodies to take up the following tasks and report back in June:

1. The HMSMT will provide a list of items to be included in the Stock Assessment and Fishery Evaluation Report related to specifying biological reference points.
2. The SSC will review the categories specified in the HMS FMP regarding the level of data being used in HMS assessments and how it relates to maximum sustainable yield (MSY) estimation. The SSC will report whether this information is still relevant, and provide recommendations for selecting best-fit MSY reference point proxies (including,  $F_{MSY}$  and  $B_{MSY}$ ) as a basis for determining status determination criteria.
3. The HMSMT and Council staff will revise proposed language in Amendment 4 to align the biennial management cycle in the HMS FMP with [NMFS' stock status determination process](#).
4. The HMSMT and HMSAS will develop a list of species for which the Council might consider itself an "appropriate Council" (per MSA section 304(i)) for making management recommendations related to stock status. In carrying out this task, the HMSMT and HMSAS should take into account U.S. West Coast fishery landings within stock assessment areas.
5. The HMSMT and HMSAS will meet before the June Council meeting to discuss HMSAS concerns with [proposed HMS FMP Amendment 4 revisions](#).

## **Fishery Management Plan Amendment 5: Final Action Authorizing Federal Drift Gillnet Permit**

The Council adopted Alternative 1 as its final preferred alternative for authorizing a Federal limited entry permit for the California large mesh drift gillnet fishery. In doing so, the Council adopted the associated FMP amendment language provided in the appendix of the [Supplemental HMSMT Report](#). Under Alternative 1, as soon as possible after Council final action, only fishermen authorized to fish with large mesh drift gillnet (DGN) gear under state law would be entitled to a DGN limited entry permit issued by NMFS. Fishermen who hold valid state DGN permits on the date of Final Rule publication would be eligible for the Federal DGN limited entry permit. These permits could only be transferred once every three years.

Federal DGN limited entry permits will be issued to an individual, and a vessel must be specified on the permit. These permits will be issued annually for the fishing year starting April 1 and ending March 31 of the following year. Permits thus expire on March 31 of each year and after initial issuance (expected in 2018), the permit renewal deadline will be April 30 of the fishing year. A DGN permit that has expired will not be renewed unless the permit owner requests reissuance by July 31 (three months after the renewal application deadline) and NMFS determines that failure to renew was proximately caused by illness, injury, or death of the permit owner. If the permit expires, it will be forfeited and NMFS will not reissue the permit to anyone. These renewal deadlines (April 30 and July 31) differ from the current state permit renewal deadlines.

# Administrative Matters

## National Marine Sanctuary Coordination Report

The West Coast Regional Office of the National Marine Sanctuary Program provided an update of recent and upcoming activities. The Council supported the program's recommendation of yearly updates, tentatively scheduled for the March meeting each year.

## National Standard 1 Guidelines Carryover Provisions

The Council received an overview of new carryover provisions that are permitted under revised National Standard 1 guidelines. The Council endorsed consideration of further scoping of possible fishery management plan (FMP) amendments that could incorporate these new carryover provisions. Specifically, the Council is soliciting feedback from the SSC, advisory bodies who focus on Highly Migratory Species and Coastal Pelagic Species management, as well as NOAA General Counsel on the potential applicability of incorporating these provisions in those FMPs. The Council was also briefed on the applicability of incorporating these provisions in the Groundfish FMP. More detailed scoping of a potential Groundfish FMP amendment is tentatively scheduled for the September Council meeting with a consideration for incorporating the analysis informing an FMP amendment in the 2019-2020 groundfish harvest specifications process. Further work on analyses in consideration of one or more FMP amendments (beyond initial scoping) is dependent on the acquisition of special project funding requested from NMFS.

## Membership Appointments and Council Operating Procedures

The United States Fish and Wildlife Service (USFWS) has updated its list of Council designees. Mr. Michael Clark has been added as the USFWS' first Council designee and Dr. Denise Hawkins as the second Council designee.

The Council reviewed and approved the following appointments:

- Ms. Abigail Harley was appointed to the National Marine Fisheries Service, West Coast Region seat on the Groundfish Management Team, replacing Ms. Gretchen Hanshew.
- Dr. Steve Haeseker was appointed to the vacant USFWS seats on the Salmon Technical Team and the Model Evaluation Workgroup.
- Ms. Caroline Mcknight was appointed to the California Department of Fish and Wildlife seat on the Groundfish Endangered Species Workgroup, replacing Ms. Joanna Grebel.
- Mr. Michael Clark was appointed to the USFWS seat on the Habitat Committee, replacing Dr. Steve Haeseker.

Additionally, the NMFS Office of Law Enforcement has appointed DSAC Michael Killary as an Enforcement Consultant, replacing SAC Bill Giles.

Regarding Council Advisory Body vacancies, the Council directed staff to solicit nominations for the vacant California seat on the Ecosystem Advisory Subpanel. Shortly after the March 2017 Council meeting, the Council will publish a notice requesting nominations with submissions due by the public comment deadline for the June Council meeting Briefing Book.

The Council approved revisions to two Council Operating Procedures for public review. Revisions to [Council Operating Procedure \(COP\) 1](#) include the addition of updated procedures for the submission of written supplemental public comments at Council meetings in support of oral testimony and the membership of the Legislative Committee. Revisions to [COP 20](#) propose to change the deadline for the submission of HMS Exempted Fishing Permit applications to the public comment deadline for the Council Briefing Book in advance of the meeting where they are scheduled to be reviewed. Comments on these COP revisions will be accepted through the April 2017 Council meeting where the Council is scheduled to consider the revisions for final adoption and implementation.

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