

# Pacific Council News

Spring 2017 | [www.pcouncil.org](http://www.pcouncil.org)

This newsletter reports mainly on decisions made at the March and April 2017 Pacific Fishery Management Council meetings. The Council recommends commercial & recreational fishery management measures for Federal waters off the coasts of Washington, Oregon, and California. All Council recommendations are subject to approval by National Marine Fisheries Service. [Sign up for other notices here.](#) The Council has five public meetings a year. The supplemental public comment deadline for the June 2017 Council meeting is 5:00 p.m. on Wednesday, May 31; email [pfmc.comments@noaa.gov](mailto:pfmc.comments@noaa.gov).

## SALMON SEASONS SET FOR 2017

In April, the Council adopted ocean salmon season recommendations that provide recreational and commercial opportunities for most of the Pacific coast. However, due to low forecasts and conservation concerns, areas within the Klamath Management Zone

are closed this year, and some of the open areas have a reduced season length.

The adopted salmon seasons achieve conservation goals for the numerous individual salmon stocks on the West Coast,

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**PACIFIC FISHERY  
MANAGEMENT COUNCIL**

Toll-free (866) 806-7204  
www.pcouncil.org

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Chair

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Information Technology

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Administrative Staff

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Fishery Economics

**Brett Wiedoff**  
Electronic Monitoring

while providing harvest opportunity on healthy stocks of salmon. The recommendations were approved by National Marine Fisheries Service on May 1. For details, [see the season descriptions on the Council website](http://www.pcouncil.org) (www.pcouncil.org).

**Washington and Northern Oregon (North of Cape Falcon)**

Fisheries north of Cape Falcon (near Nehalem in northern Oregon) depend largely on Columbia River Chinook and coho stocks. In 2017, Columbia River fall Chinook returns are expected to be healthy, and Columbia River coho are expected to return at moderate levels. However, some coastal Washington and Puget Sound coho abundance is reduced from recent years, and some wild coho stocks are expected to return at very low levels. In response, the Council has been challenged with shaping fisheries to provide access to relatively abundant Chinook stocks while protecting natural coho populations.

North of Cape Falcon, there is an overall non-Indian total allowable catch of 90,000 Chinook coastwide (compared to 70,000 last year) and 47,600 marked hatchery coho (compared to 18,900 last year).

*Recreational Fisheries North of Cape Falcon*

The recreational fishery north of Cape Falcon does not include a mark-selective Chinook season this year, but opens to all salmon on June 24 in most areas (July 1 in Westport) and ends September 4 or when Chinook or coho quotas are reached. Recreational fisheries in all port areas will have access to 45,000 Chinook (compared to 35,000 Chinook last year), and a marked coho quota of 42,000 (compared to 18,900 last year).

*Commercial Fisheries North of Cape Falcon*

Tribal and non-Indian ocean commercial fisheries are designed to provide harvest opportunity on strong Chinook returns primarily destined for the Columbia River while avoiding coho stocks of concern. Coho retention is allowed in commercial fisheries north of Cape Falcon this year, which is an improvement over the non-retention regulations from last year; however, the coho quotas are very low in 2017.

Non-Indian ocean commercial fisheries north of Cape Falcon include traditional, but reduced, Chinook seasons in the spring (May-June) and summer season (intermittent openings during July through September). The Chinook quota of 27,000 in the spring is greater than the 2016 quota of 19,100. The summer season quotas include 18,000 Chinook and 5,600 coho.

Tribal ocean fisheries north of Cape Falcon are similar in structure to past years, with quotas that include 40,000 Chinook and 12,500 coho.

**California and Oregon (South of Cape Falcon)**

Fisheries south of Cape Falcon (in northern Oregon) are limited by the need to protect Klamath River fall Chinook, and south of Point Arena (in northern California), fisheries are affected by the need to protect Sacramento River winter Chinook. Returns of spawning Klamath River fall Chinook are projected to be the lowest on record in 2017 due to drought, disease, and poor ocean conditions. At the same time, the Council must protect Sacramento River winter Chinook, which are

listed under the Endangered Species Act. Because both of these fish intermix with other stocks in the ocean, fisheries targeting more abundant stocks must be constrained.

#### *Recreational Fisheries South of Cape Falcon*

Recreational fisheries off the central Oregon coast will allow Chinook retention from March 15 through October 31. Between Cape Falcon and Humbug Mountain, coho fisheries consist of a mark-selective quota fishery of 18,000 in mid-summer (compared to 26,000 last year) and a non-mark-selective quota fishery of 6,000 in September (compared to 7,500 last year).

The Brookings/Crescent City/Eureka areas are closed for the entire season to conserve Klamath River fall Chinook, which are most abundant in these areas. Fisheries further south all opened on April 1. In the Fort Bragg area, the season will close during June, July, and half of August, then reopen through November 12. In the San Francisco area, the season will close during the first half of May and reopen through October 31. Salmon fishing will remain open through July 15 in the Monterey Bay area and through May 31 for areas south of Monterey Bay.

#### *Commercial Fisheries South of Cape Falcon*

Commercial fisheries from Cape Falcon to the Florence South Jetty, Oregon opened on April 15 and will run through July 31 with intermittent closures to reduce impacts on Klamath fall Chinook. This area will also be open in September and October. Fisheries from the Florence South Jetty to Horse Mountain, California will be closed for the entire season to reduce impacts on Klamath River fall Chinook.

Between Horse Mountain and Point Arena (in the Fort Bragg area), there will be a 3,000 Chinook quota ocean fishery during the month of September, after 2017 Klamath River fall Chinook spawners have entered the Klamath River.

In the area from Point Arena to Pigeon Point (San Francisco), the season will be open for most of August and all of September. From Pigeon Point to the Mexico border (Monterey), the Chinook season will be open in May and June. There will also be a season from Point Reyes to Point San Pedro (subset of the San Francisco area), open October 2 to 6 and October 9 to 13.

#### *Management Process*

The Council developed the management measures after several weeks spent reviewing three season alternatives. The review process included input by Federal, state, and tribal fishery scientists and fishing industry members; public testimony; and public hearings in coastal communities. The Council received additional scientific information and took public testimony at its April Council meeting before taking final action. The decision was forwarded to NMFS for approval and implementation.

In addition, the coastal states will decide on compatible fishery regulations for state waters at their respective Commission hearings.

## **SALMON METHODOLOGY REVIEW**

The Council supported a list of items for review submitted by the Scientific and Statistical Committee and Model Evaluation Workgroup, including completing documentation of the new Chinook Fishery Regulation Assessment Model (FRAM) base period including algorithms, and reviewing and updating the FRAM documentation and User Manual that is currently on the Council website. The Council is scheduled to adopt a final list of topics for review in September, and any final methodology changes in November.

## SACRAMENTO WINTER CHINOOK HARVEST CONTROL RULE DISCUSSED

Sacramento River winter Chinook are an endangered species that the National Marine Fisheries Service (NMFS) has identified as a “Species in the Spotlight,” at high risk of extinction in the near future. Since 2015, the Council has applied additional precautionary measures to protect the fish, which are sometimes harvested incidentally in ocean fisheries, primarily off the central California coast.

NMFS is currently conducting a two-part consultation on Sacramento River winter Chinook with the Council. The first part of the consultation addressed the season and size limit for central California salmon fisheries. The second part pertains to a control rule that limits impacts

on (age-3) Chinook south of Point Arena, California. The Council has expressed concern that the existing control rule may be unnecessarily restrictive, and that its reliance on past spawner escapement to determine impacts does not consider forecast abundance for the upcoming season.

The Council is scheduled to provide recommendations on a control rule option in September, and final recommendations in November. Between those meetings, the Ad hoc Sacramento River Winter Chinook Workgroup may meet to evaluate alternative control rules and meet with the Salmon Advisory Subpanel for stakeholder input.

After the November Council meeting, NMFS will consider Council recommendations in its review of the consultation standards under the Endangered Species Act for potential implementation for 2018 ocean salmon fisheries.

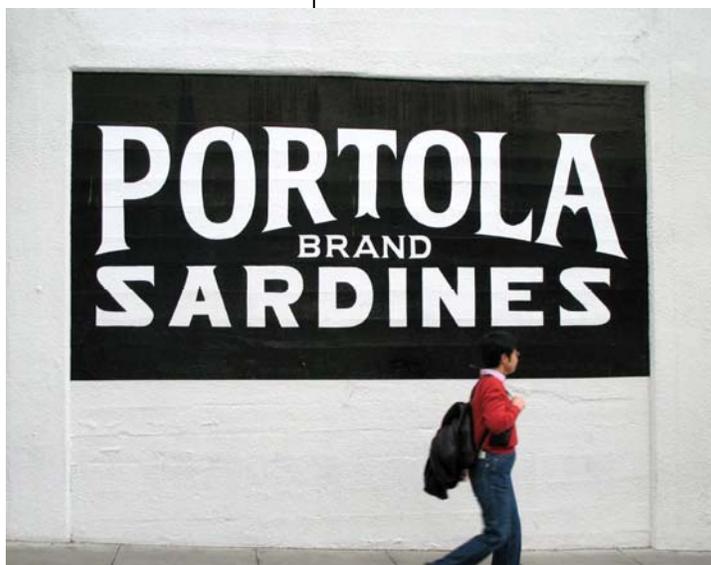


Photo: Lisa Padilla, Flickr Creative Commons.

### *Coastal Pelagic Species*

#### **COUNCIL CLOSES SARDINE FISHERY FOR THIRD YEAR**

As reported at the April Council meeting, the abundance estimate for Pacific sardine is 86,586 metric tons (mt), which is less than the 150,000 mt threshold required for a directed fishery to be allowed. In April, the Council considered the 2017 stock assessment, advisory body statements, and public testimony before deciding to close the directed fishery, which runs July 1, 2017 through June 30, 2018.

The Council adopted an annual catch limit of 8,000 mt to allow for incidental harvest, tribal harvest by the Quinault Indian Nation, live bait, and other minor sources of mortality (see table).

“This represents a real hardship for coastal communities that depend on sardines and other coastal pelagic species. However, there are signs that the sardine population is increasing, so we’re hopeful there will be some fishing opportunity for next year,” said Council Chair Herb Pollard.

Sardines are subject to large natural population swings associated with ocean conditions. In general, sardines thrive in warm water regimes, such as those of the 1930s, and

<b>Biomass</b>	<b>86,586 mt</b>
OFL	16,957 mt
P* buffer	0.4
ABC <sub>0.4</sub>	15,479 mt
ACL	8,000 mt

decline in cool water years, like the 1970s. After reaching a recent year peak of about one million metric tons in 2006, the sardine biomass has declined over the past several years. However, there are positive signs in that sardine eggs, larvae, and young of the year appear to be on the increase.

## **IN OTHER COASTAL PELAGIC SPECIES NEWS...**

The Scientific and Statistical Committee and the Coastal Pelagic Species Management Team developed a [report](#) on potential ways to revise the overfishing limit for the central subpopulation of northern anchovy. Most options depend on completion of a stock assessment, which will probably not occur for at least a year. A technical review of NOAA's acoustic trawl survey methodology is scheduled for late January, 2018, which could potentially form the basis of a new assessment.

## **COUNCIL TAKES FINAL ACTION ON SMALL-SCALE FISHERIES**

In April, the Council adopted an amendment to the coastal pelagic species (CPS) fishery management plan to allow for small-scale directed fishing on CPS finfish stocks that are otherwise closed to directed fishing.

The issue became apparent during the 2015-16 and 2016-17 Pacific sardine fishing seasons, when directed sardine fishing was prohibited except for limited amounts of tribal harvest, live bait, and incidental catch. Several small West Coast operators depend on harvesting small amounts of sardine and anchovies for the specialty bait and restaurant markets. Although landings in this sector are minimal, those operators are shut down along with the rest of the commercial fishery.

After Secretarial approval, those operators will be allowed to land up to one metric ton per day, with a limit of one vessel trip per day. The Coastal Pelagic Species Management Team will monitor the fishing sector and report back to the Council in the future.

## *Groundfish*

### **COUNCIL RECOMMENDS ELECTRONIC MONITORING PROGRAM**

In April, the Council finalized its preferred alternatives for electronic monitoring of the whiting midwater trawl, fixed gear, non-whiting midwater trawl, and bottom trawl fisheries.

The alternatives for the electronic monitoring program were chosen in 2014 and then tested under exempted fishing permits from 2015 through 2016. Final preferred alternatives were chosen based on advisory body and public input.

If approved by NMFS, this marks the culmination of a four-year process to develop regulations for an electronic monitoring program for West Coast groundfish catch share fisheries. The use of electronic monitoring systems will be voluntary. Participants will be required to pay for the system and for the monitoring costs of the program.

Under the Council's catch share program, every vessel must carry a human observer to help monitor catch that is allocated to each vessel owner, including discards that happen at sea. Each owner has a share of the total catch allocation and the program requires that each vessel have quota pounds to cover its catch of nearly all groundfish species. The program relies on at-sea monitoring to ensure that discards are accurately identified with an estimated weight so that vessel quotas are properly tracked. However, fishermen must pay as much as \$500 per day for an observer, and must schedule an observer when a vessel is ready to fish. The electronic monitoring program is expected to increase flexibility while reducing operating costs for fishermen.

An electronic monitoring system collects video images of fishing activity with cameras, uses

gear sensors to trigger recording and monitor use, and includes a Global Positioning System to collect location data. It then stores this information on a computer hard drive for review at a later date at a mainland facility, where a person (currently from Pacific States Marine Fisheries Commission) reviews the video to monitor fishing activity. The video images will be used to verify the species and amount of discarded fish that is recorded in a fisherman's logbook. Federally-paid observers may still be used to collect scientific data such as fish length measurements, interactions with protected species (marine mammals and seabirds), and other data.

### **SABLEFISH ELECTRONIC TICKET REPORTING REQUIREMENTS**

The Enforcement Consultants and Groundfish Advisory Panel will meet in June to explore non-regulatory solutions to challenges presented by the 24-hour requirement for electronic fish ticket reporting.



Cabezon. Photo: Eva Funderburgh, Flickr Creative Commons.

The Council asked that NMFS work with the Council to develop a process for reducing the level of video review to the minimum necessary to audit logbooks, to develop new discard mortality rates for Pacific halibut when vessels use electronic monitoring, and to develop a process that does not require rulemaking to adjust the allowable discard species list. The Council also asked NMFS to maintain the current practice of having Pacific States Marine Fisheries Commission perform video review responsibilities for the industry. Currently, NMFS is paying the cost of video review portion of the program; however, this cost will eventually be transferred to the industry.

### **GROUNDFISH INSEASON ADJUSTMENTS AND CARRYOVER**

In March, 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, and 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 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. These regulations 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 that NMFS include a Chinook salmon harvest guideline of 3,547 fish, which would apply to 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 IFQ allocation of canary, widow, and yellowtail rockfish. 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.

In April, the Council recommended increasing the open access fixed gear trip limits for sablefish north of 36° N. latitude limits to 300 pounds per day, or one landing per week of up to 1,000

pounds, not to exceed 2,000 pounds per two months because effort and landings are tracking behind recent years.

Klamath River fall Chinook salmon, a bycatch species in the groundfish trawl fisheries, will not meet escapement goals for 2017 by a historically large margin. The Council recommended the whiting fleet voluntarily move north to avoid Chinook salmon, recognizing there could be increased interactions with Pacific ocean perch (POP), especially given the historically high whiting quotas. Therefore, the Council also recommended that NMFS reallocate 3.5 mt of POP from the incidental open access off-the-top deduction to the mothership sector and 3.5 mt to the catcher-processor sector as soon as possible.

The Council also directed the Groundfish Management Team to develop alternatives for potentially distributing the POP, darkblotched, and canary rockfish buffers later in the year and report back at the June Council meeting in Spokane, Washington.

### **PROGRESS REPORT: TRAWL CATCH SHARES, INTERSECTOR ALLOCATION, AND COST RECOVERY**

The five-year review for the catch share program is moving forward under an accelerated schedule that calls for Council approval of a public review draft in June, and completion by November. Followup actions that might change some provisions of the catch share program will be discussed in June, and the Community Advisory Board (CAB) will begin discussing a range of alternatives for followup action during the summer. The Council is scheduled to provide guidance on that range in September, and finalize a range of alternatives for analysis in November.

The Scientific and Statistical Committee groundfish and economic subcommittees will meet May 24-25 to review the draft catch share review document, and the CAB will meet May 30-31 to review the document and develop recommendations for followup actions.

As required by the Magnuson Stevens Act, the trawl catch share program included a recommendation that trawlers be charged fees to pay for management, data collection, analysis, and enforcement related to the catch share program. This is referred to as “cost recovery.” The Council periodically reviews the cost recovery levels established by NMFS. A [NMFS report](#) covered the 2017 cost recovery fee calculation and results from the 2016 collections. Council and NMFS staff will meet to discuss ways to address transparency concerns related to cost recovery.

The Council is also conducting a review of the intersector allocation program that will be included in the June briefing book. The document will address Groundfish Management Team and Groundfish Advisory Subpanel recommendations,



A canary rockfish caught by volunteers participating in a hook-and-line survey. Photo: Oregon Marine

### **U.S./CANADA WHITING AGREEMENT**

Based on the 2017 Pacific whiting assessment, the recommended U.S. and Canada total allowable catch for 2017 Pacific whiting fisheries is 531,501 mt (with a U.S. share of 392,673 mt), which is 6.8 percent greater than in 2016, and the largest under the whiting agreement. 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).



Seattle trawler. Photo: Gemtech1, Flickr Creative Commons.

include approaches for addressing the sablefish management line and related allocation issues, focus on set-asides in the non-trawl sectors for a select number of the species identified as trawl-dominant (darkblotched rockfish, Pacific ocean perch, petrale sole, and longspine thornyhead north of 40°10' N. lat.), and evaluate species that may be constraining the non-trawl fishery while not being fully attained in the trawl fishery (e.g., lingcod south of 40°10' N. lat.), but not further develop the yellowtail rockfish cap issue.

## **COORDINATES FOR THE CALIFORNIA ROCKFISH CONSERVATION AREA LINE UPDATED**

The Council has adopted revised coordinates for the 125 fm line at Usal and Noyo canyons in California for public review (<http://tinyurl.com/kkshz7h>, Table A). These modifications are intended to

provide access to canyons that were previously open when the 150 fm line was in effect (2003-2016). The Council will take final action on the updated coordinates at its June meeting. Any modifications for Delgada, Point Ano Nuevo, and Cordell Banks will be considered in the 2019-2020 harvest specifications and management measures process at the September 2017 Council meeting.

## **GROUNDFISH METHODOLOGY REVIEW**

Two groundfish science workshop reports focusing on groundfish historical catch reconstructions and modeling groundfish stock productivity were adopted in March. The Scientific and Statistical Committee (SSC) endorsed most of the recommendations in the workshop reports and endorsed the groundfish assessment methodologies.

In June, the Council will consider Groundfish Management Team recommendations regarding sablefish and lingcod discard mortality rates, as well as discard mortality rates for the nearshore commercial fishery.

## **COUNCIL DISCUSSES SALMON ESA CONSULTATION RECOMMENDATIONS**

In April, the Council provided guidance to NMFS on its consultation on the take of endangered salmonids in the groundfish fishery. NMFS asked to reinstate consultation on this issue in 2013. Since then, NMFS has worked with the Council to develop the description of groundfish fisheries upon which the consultation would be based. This description includes the likely future distribution of fishing, the range of directed catch volumes, and the range of Chinook salmon bycatch rates, which can be used to estimate take.

The Council recommended that NMFS set Chinook salmon bycatch thresholds of 11,000 for the whiting fishery, 5,500 for all other groundfish fisheries, and a 3,500 reserve to be used for additional bycatch in either of the two fisheries (the sum of these three thresholds, 20,000 Chinook, equals the sum of the bycatch thresholds specified in the current biological opinion). Finally, the Council recommended that NMFS consider additional bycatch mitigation measures as part of the 2019-2020 biennial harvest specifications and management measures process.

NMFS will use this guidance to write a biological opinion to determine if the proposed action meets the requirements of the Endangered Species Act (ESA). The Council may make additional recommendations in September.

## **GROUNDFISH NON-SALMON ENDANGERED SPECIES WORKGROUP REPORT**

In April, the Council made a series of recommendations based on a new biennial report on non-salmon endangered species take in the groundfish fishery. The report estimates bycatch of

marine mammals, sea turtles, eulachon, green sturgeon, and seabirds that are listed under the ESA, and is required by a 2013 biological opinion on the Pacific Coast groundfish fishery, which concluded that the fishery was not likely to jeopardize the continued existence of these species, or to destroy or harm their critical habitat.

The Groundfish Non-Salmon Endangered Species Workgroup found that recent take of these species did not warrant new mitigation measures by the Council. However, the Council did recommend that NMFS conduct a risk analysis of humpback whale take in the groundfish fixed-gear fishery and work with the fleet to reduce the risk of such take; complete the new seabird biological opinion (due this year) to allow development of mitigation measures, if

necessary; and facilitate greater engagement by industry representatives in future Workgroup meetings. The Council also directed the Groundfish Management Team to work with NMFS to better estimate eulachon take in the groundfish fishery.

New biological opinions will be completed in 2017 for eulachon and short-tailed albatross.



*Fishing vessel Miller Freeman leaving Newport to begin a survey of juvenile salmon and their prey off the Oregon and southern Washington coast. Photo: Chris Toole, NOAA West Coast Region.*

## *Halibut*

### **INCIDENTAL CATCH OPTIONS FOR THE SALMON TROLL AND FIXED GEAR SABLEFISH FISHERIES ADOPTED**

In April, the Council adopted halibut landing ratios for the non-Indian commercial salmon troll fisheries in 2017, which may be

modified by inseason action. The limit is no more than one Pacific halibut per two Chinook, except one Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut landed per trip. The limit will also be in place April 1-30, 2018, unless modified by the Council at their March 2018 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 two additional halibut in excess of the ratio. The limits may be modified under the groundfish inseason agenda item in June or September.

### **REPORT ON INTERNATIONAL PACIFIC HALIBUT COMMISSION MEETING**

In March, Dr. Dave Wilson, Executive Director of the International Pacific Halibut Commission (IPHC), presented an overview of the IPHC's 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 asked for more 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, including estimates of uncertainty at smaller spatial scales than the IPHC regulatory area. The Council will consider this information in June as part of continued scoping of future catch share plans and potential allocation changes.

## *Highly Migratory Species*

### **COUNCIL RECOMMENDS DEEP-SET BUOY GEAR EXEMPTED FISHING PERMITS**

In March, the Council recommended that NMFS issue exempted fishing permits (EFPs) based on two applications, one from the Pflieger Institute of Environmental Research (PIER) to test linked buoy gear, and a second from Frederic Hepp to test the conventional deep-set buoy gear design.

The Council also recommended NMFS issue EFPs for five additional applications with certain conditions. These include Kent Jacobs' application, conditioned on the use of standard deep-set buoy gear, rather than a proposed modified weight system; Martin Kastlunger's application for standard deep-set buoy gear with a two-year permit duration; Phillip Harris's application based on his intent of up to 150 days of fishing effort in the Southern California Bight; Denny Corbin's application for the standard deep-set buoy gear component only; and William Diller's application for standard deep-set buoy gear.

Two other applications, from Roger Cullen and Lorton/Haworth, were submitted in March; the applicants were asked to revise their applications for the June Council meeting.

The Council also decided to streamline the application process so EFPs to test deep-set buoy gear can be approved in one Council meeting rather than two.

In a related decision, the Council defined "actively tending" with deep-set buoy gear as a fishing vessel maintaining a distance of no more than three nautical miles from any piece of gear, with properly-configured gear in accordance with their EFP. Each piece of deep-set buoy gear and the terminal ends of linked gear must be marked with a radar reflector. Flags and buoys must be marked with the vessel's official number.

The Council accepts applications for exempted fishing permits to test deep-set buoy gear at any Council meeting when highly migratory species items are on the agenda. In the future, they will expect reports on EFPs at June Council meetings. The Council deferred to NMFS on the specifics of observer coverage for ongoing EFPs, but noted that each vessel and vessel operator should be required to complete ten sets with 100 percent observer coverage before the observer coverage requirement can be reduced.

### **FINAL ACTION TAKEN ON FEDERAL DRIFT GILLNET PERMIT**

The Council finalized its recommendation for a Federal permit for the California large-mesh drift gillnet fishery for swordfish and shark in March. The Council has been considering creating this permit since 2014. The permit will be described in the highly migratory species fishery management plan.

Only fishermen who hold valid state drift gillnet permits when final regulations are published will be eligible for the Federal permit, which will be issued by NMFS. NMFS is aiming to publish the final rule in early 2018. This would allow the switchover to a Federal permit system to occur before the 2018/19 fishing season.

These Federal permits will be issued to a person, but a vessel must be specified on the permit. Permits will be issued annually and must be renewed each year. If a permit is not renewed within the allotted time period after expiration, it will be forfeited and NMFS will not reissue the permit to anyone. Permit owners will normally have a month to renew their permit, but in



*Mike Harris takes the measurements of an endangered green sturgeon caught in the waters of Suisun Bay. Photo: California Dept. of Fish and Wildlife.*

special circumstances, such as illness, injury, or death, permit owners or their heirs have up to three months to renew. These renewal periods differ from the current state permit renewal deadlines. Permits could only be transferred once every three years.

## *Habitat and Ecosystem*

### **HABITAT COMMITTEE DISCUSSES OROVILLE, KLAMATH DAMS, COAST SEAFOODS PROJECT, OTHER ISSUES**

#### *Oroville Dam*

The Habitat Committee discussed operations at Oroville dam, on California's Feather River, in March and April of this year. The dam, operated and owned by the California Department of Water Resources, is a major component of the State Water Project for the Sacramento/San Joaquin Delta. The Feather River supports Central Valley fall Chinook salmon and spring Chinook salmon.

The Federal Energy Regulatory Commission (FERC) is due to relicense the dam; NMFS released a Biological Opinion on the relicensing in December 2016. A previous agreement requires the Department of Water Resources (DWR) to put in place several environmental and facility enhancements that will benefit all salmonid species, including fall-run Chinook.

One of the main issues concerns interactions between ESA-listed spring Chinook and unlisted fall Chinook. In addition, a proposed separation weir may negatively expose fall Chinook to

lethal spawning water temperatures if temperature control measures are not addressed first. The Habitat Committee plans to invite representatives of DWR and FERC to discuss the timeline and other details regarding these temperature control measures and the plans for the separation weir. However, FERC cannot publicize their decision-making schedule due to disclosure rules, and there is no way to know when FERC will move forward with the licensing process.

#### *Klamath Dam Removal*

Four Klamath River dams continue to be on a trajectory for removal in 2020. PacifiCorp has submitted an application to FERC to transfer ownership of the four lower Klamath dams to the Klamath River Renewal Corporation, which was formed to oversee the process for

removing the dams. A draft letter in support of this process is included in the June briefing book for Council consideration.

#### *Klamath Fall Chinook Returns*

Klamath fall Chinook returns to natural spawning grounds in 2016 were near all-time lows. Projections are worse for 2017, with the age-three ocean projection being the second lowest on record and the age-four projection being the lowest on record. These extremely low returns are likely due to poor ocean conditions and high juvenile disease rates. In 2014, 81 percent of the juvenile Chinook salmon sampled in the Klamath River were infected with the parasitic disease *Ceratonova shasta*. In 2015, 91 percent were infected with this disease. Following a lawsuit by the Klamath tribes and others, certain flows were granted by the Court to minimize disease risk in the future. The court-ordered flows will remain in effect until reconsultation is complete.

#### *Coast Seafoods Project*



Coho spawning on the Salmon River, Oregon. Photo: Bureau of Land Management.

The U.S. Army Corps of Engineers (USACE) released a public notice for the Coast Seafoods Company Humboldt Bay Shellfish Aquaculture Permit Renewal and Expansion Project on March 6, 2017. The Council has sent comment letters on the project in the recent past and sent another on April 18.

#### *Ocean Energy Update*

In April, representatives of the California Ocean Protection Council and Bureau of Ocean Energy Management (BOEM) updated the Habitat Committee on offshore wind planning efforts in California. The BOEM California Intergovernmental Renewable Energy Task force has gathered ocean use and environmental data that can be viewed by the public through the Data Basin portal, a web portal for data storage and analysis (<https://databasin.org>). The Task force will meet in July to review potential offshore renewable energy sites based on the Data Basin analysis.

### **NMFS PRESENTS CALIFORNIA CURRENT INTEGRATED ECOSYSTEM ASSESSMENT REPORT**

Drs. Chris Harvey and Toby Garfield of NMFS presented the California Current Integrated Ecosystem Assessment to the Council in March. The assessment is required by the Council's Fishery Ecosystem Plan and aims to succinctly present ecosystem information for the Council to use in its decisions.

The assessment notes that following the unprecedented warm anomaly of 2013-2016 and the major El Niño event of 2015-2016, most large-scale climate indices for the Northeast Pacific (Oceanic Niño Index, Pacific Decadal Oscillation, and North Pacific Gyre Oscillation) have returned to relatively neutral values. Coastal upwelling was relatively weak in the northern California Current throughout 2016; upwelling along the central coast was initially weak but strengthened by summer, while upwelling on southern coast was average to above-average.

Snowpack rebounded from the extremely low 2015 levels, although much of the 2016 snow melted rapidly, leading to low stream flows; so far, 2017 precipitation is well above average.

Copepod biomass off Newport, Oregon remains dominated by relatively energy-poor species (sometimes called "the celery of the sea," in comparison to the more energy-rich "cheeseburgers of the sea") as of fall 2016. The spring/summer pelagic forage community was once again highly diverse in 2016. Surveys experienced poor catches of sardine, market squid, and krill. However, surveys had high but patchy catches of juvenile rockfish, juvenile hake, and anchovy.

Chinook salmon escapements through 2014-2015 varied by region and life history type. In the assessment, the authors expressed concern about environmental conditions for Chinook and coho salmon that went to sea over the past several years.

California sea lions at the San Miguel Island colony experienced very poor foraging conditions to support 2015 pups, though preliminary evidence suggests better conditions for the 2016 pups.

Commercial fishing landings and revenues declined markedly in 2015, driven mainly by drops in harvest of Pacific hake, coastal pelagic species, and Dungeness crab.

In the future, the California Current Integrated Ecosystem Assessment Team will be looking at



A type of copepod.  
Source: Russell Hopcroft,  
University of Alaska.

indicators that can be used to anticipate regime shifts, to provide clues about the future status of salmon stocks, and that reflect the status of the forage base.

The Ecosystem Workgroup and the Ecosystem Advisory Subpanel are scheduled to meet with the Scientific and Statistical Committee Ecosystem Subcommittee and California Current Integrated Ecosystem Assessment Team this September to further discuss topics for the long term.

### **SABLEFISH ECOSYSTEM INDICATORS TO BE CONSIDERED**

In March, Drs. Melissa Haltuch and Nick Tolimieri (NMFS Northwest Fisheries Science Center) briefed the Council on potential ecosystem indicators of sablefish production. The Council is considering incorporating such indicators into the sablefish management framework, since the sablefish stock has not grown as expected despite precautionary management.

The discussion focused on oceanic drivers of sablefish recruitment that could improve assessments of sablefish status and productivity. The Council recommended investigating sablefish assessments throughout the stock's range to better understand the dynamics associated with stock decline, providing a Management Strategy Evaluation for Council consideration in September 2017, and updating the Regional Ocean Modelling Systems model with more historic and recent data.

This topic will next be discussed at the September Council meeting in Boise, Idaho.

### **FISHERY ECOSYSTEM PLAN INITIATIVES REVIEWED**

As per Council direction in March, over the summer the Ecosystem Workgroup will further develop descriptions of two candidate initiatives for the Fishery Ecosystem Plan: one on the socioeconomic effects of fisheries management on fishing communities and on human recruitment to the fisheries, and a second on the effects of climate change on fish, fisheries, and fishing communities.

Fishery Ecosystem Plan initiatives are areas of special focus that apply to all of the Council's fishery management plans.

As part of this effort, the Ecosystem Workgroup will hold a webinar, open to the public, on June 19, at 2 p.m. The Workgroup will report back in September with more information to help the Council choose which initiative to take up.

In March, the Council also added an initiative on ecosystem considerations in setting optimum yield to the Fishery Ecosystem Plan.

The Ecosystem Workgroup will report back in September with more information to help the Council choose which initiative to take up. The Nature Conservancy offered to sponsor a workshop to help in this process. If such a workshop occurs, it will probably take place after the September meeting.



Black and blue rockfish in a Pacific ocean canyon.  
Source: Oregon Dept. of Fish and Wildlife.

## Other Business

### TWO MSA BILLS INTRODUCED; CRAB BILL STILL IN PLAY

Two new bills that would reauthorize or change the Magnuson-Stevens Act have been submitted. The first, HR 200 (Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act), was submitted by Don Young of Alaska. It is based on a similar bill submitted by Marco Rubio in the previous Congress. The second bill, HR 2023, the Modernizing Recreational Fisheries Management Act, was submitted by Garrett Graves on April 6 and focuses primarily (though not exclusively) on recreational fishery issues.

Washington Representative Jaime Herrera-Beutler asked for the Council's comment on HR 200. The Council sent a letter on April 18 commenting on numerous MSA reauthorization issues (<http://tinyurl.com/kv4ogxx>).



*The U.S.S. Albacore,  
Portsmouth, NH. Photo:  
Selbe Lynn, Flickr Creative  
Commons.*

Last December, the Council sent a requested letter to Senator Maria Cantwell (Washington) on the West Coast Dungeness Crab Act. Senator Cantwell resubmitted the bill as HR 61 in the current Congressional session. The Senate Commerce, Science and Transportation Committee approved the bill in April, but it has not moved forward since then. A companion bill has already passed the House.

### ENFORCEMENT CORNER

*Tackling Illegal Sales of Albacore:* Each year, Washington Dept. of Fish and Wildlife (WDFW) receives complaints from the commercial fishing industry that recreationally-caught albacore tuna are

feeding an illicit market. Sale of recreationally-caught fish is always illegal, undocumented, untaxed, and in direct competition with legitimate businesses. In some cases, the schemes are fairly elaborate, to include unlicensed chartering with paying clients "donating" part of their catch, which is later sold off the grid. With tuna values soaring the past couple of years, and the expenses involved in running that far offshore, problems of this kind seem to be escalating. In response, WDFW Police have been focusing more on the issue.

It's not easy. Given that there are no daily bag limits for sport-caught tuna, discerning illegal commercial activity from someone that simply caught a pile of tuna often comes down to proving a sale. Sometimes, however, a violator is "delivered" right to law enforcement's doorstep.

Recently, an Ilwaco man was found guilty of trying to sneak his catch through a wholesale fish dealing business without a Commercial "Delivery" License. WDFW Police Sergeant Tony Leonetti had been on patrol when he received a tip that a man offloaded over seven thousand pounds of albacore tuna without the license. When Sergeant Leonetti arrived at the fish plant, he learned the captain had fled to the business's garage to hide. Sergeant Leonetti found him hiding under a desk. After a few tense moments, he was persuaded to come out.

In addition to not having a commercial license, the man failed to have a valid permit required to fish for albacore, and the Certificate of Documentation for his vessel had expired. Given his

lengthy criminal history and the value of the catch, he was charged with a felony for “unlawful commercial fishing without a license” in the first degree. In a plea deal, he pled guilty to a reduced misdemeanor charge. He was sentenced to fifteen days in jail, a \$500 fine, twelve months’ probation, and forfeiture of the tuna. Why was he hiding under the desk? He had an arrest warrant for a traffic violation.

*Conduct Liability:* A criminal case involving the possession of a substantial amount of illegal commercially-caught crab onboard a fishing vessel resulted in an argument in front of the Washington State Court of Appeals. The case reaches across all commercial fisheries and related businesses. A District Court jury had convicted a commercial fisherman of one of two possession offenses. The appellant’s argument was that he could not be held liable for the conduct of his employees, asserting that he could not oversee his crew and operate the vessel at the same time. The justices ruled that the vessel operator is indeed responsible for the conduct of his employees. In other words, blaming the deckhands for illegal crab on the vessel doesn’t hold any water with the Court of Appeals.

## **NATIONAL STANDARD 1 GUIDELINES CARRYOVER PROVISIONS**

NMFS has revised the guidelines for National Standard 1 of the Magnuson-Stevens Act. National Standard 1 states, “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.”

The revisions allow two new approaches to be considered to allow carryover of unused harvestable surplus of a stock or stock complex from one year to the next. This would require an amendment to the Council’s affected fishery management plans. The carryover provisions are likely to fit best within the groundfish management framework. In March, the Council asked for feedback from its advisory bodies and NOAA General Counsel on incorporating these provisions.

The Council was also briefed on whether and how these provisions would apply to the groundfish fishery management plan. The Council will discuss this further in September, and may incorporate an analysis of this issue in the 2019-2020 groundfish harvest specifications process. Further analysis depends on NMFS funding.

## **MEMBERSHIP APPOINTMENTS AND COUNCIL PROCESSES**

In March, the Council reviewed and approved the following appointments: **Abigail Harley** was appointed to the NOAA West Coast Region seat on the Groundfish Management Team, replacing **Gretchen Hanshew**; Dr. **Steve Haesecker** was appointed to the vacant U.S. Fish and Wildlife Service (USFWS) seats on the Salmon Technical Team and the Model Evaluation Workgroup; **Caroline Mcknight** was appointed to the California Department of Fish and Wildlife seat on the Groundfish Endangered Species Workgroup, replacing **Joanna Grebel**; and **Michael Clark** was appointed to the USFWS seat on the Habitat Committee, replacing Dr. **Haesecker**. Clark was added as the USFWS’ first Council designee and Dr. **Denise Hawkins** as the second Council designee.

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

In terms of Council operations, the Council made changes to submission of supplemental written public comments at Council meetings. Previously, people submitting written comments

at Council meetings (after the supplemental deadline) were required to make 40 labeled copies for distribution at the meeting. Now, Council staff will distribute written comments that are in support of oral testimony in electronic form only (hard copy comments will be scanned and distributed). Such late comments must be submitted to Council staff no later than 5 p.m. the day before the agenda item is scheduled. These written submissions should include the submitter's name, the Council agenda item number, and the meeting date. Submitted comments that are not in support of oral testimony will be included in the briefing materials for the next Council meeting.

In addition, the deadline for submission of exempted fishing permits for Highly Migratory Species is now the public comment deadline, rather than two weeks before a Council meeting.

## *Upcoming Meetings*

### **SCIENTIFIC AND STATISTICAL COMMITTEE ECONOMICS AND GROUND FISH SUBCOMMITTEE MEETING**

Dates: May 24-25  
Location: Watertown Hotel, Wallingford Room, Seattle, WA  
Purpose: To review draft analyses informing the Pacific Council's five-year review of the U.S. West Coast Trawl Catch Share Program. The Council and its advisors will receive the report and recommendations of the SSC Economics and Groundfish subcommittees on the five-year review at the Council's June 7-14, 2017 meeting in Spokane, Washington.  
Contact: John DeVore ([John.DeVore@noaa.gov](mailto:John.DeVore@noaa.gov))  
For More Info: <http://tinyurl.com/k4cfn3z>

### **GROUND FISH TRAWL CATCH SHARE COMMUNITY ADVISORY BOARD MEETING**

Dates: May 30-31  
Location: Sheraton Portland Airport, St. Helens Room, Portland, Oregon  
Purpose: To review a draft of the trawl catch share program review document and develop recommendations for a prioritized list of issues that would be pursued following completion of the review process in November 2017. The Council is scheduled to prioritize possible follow-on actions at its June 2017 meeting, with the aim of developing a range of alternatives for each issue by November 2017.  
Contact: Jim Seger ([jim.seger@noaa.gov](mailto:jim.seger@noaa.gov))  
For More Info: <http://tinyurl.com/k2lusyp>

### **COASTAL PELAGIC SPECIES MANAGEMENT TEAM AND ADVISORY SUBPANEL WEBINAR**

Dates: May 31  
Purpose: To consider topics on the June 2017 Council meeting agenda, and develop supplemental reports.  
Contact: Kerry Griffin ([kerry.griffin@noaa.gov](mailto:kerry.griffin@noaa.gov))  
For More Info: <http://tinyurl.com/lyrd77j>

## **GROUNDFISH MANAGEMENT TEAM WEBINARS**

Dates: May 18, June 1

Purpose: To consider topics on the June 2017 Council meeting agenda, and develop supplemental reports.

Contact: Kelly Ames ([kelly.ames@noaa.gov](mailto:kelly.ames@noaa.gov))

For More Info: <http://tinyurl.com/m9u6cnp>

## **SALMON ADVISORY SUBPANEL WEBINARS**

Dates: June 2

Purpose: To consider topics on the June 2017 Council meeting agenda.

Contact: Robin Ehlke ([robin.ehlke@noaa.gov](mailto:robin.ehlke@noaa.gov))

For More Info: <http://tinyurl.com/k99lsau>

## *June Council Meeting Agenda*

### **GROUNDFISH**

- « Trawl catch share program review draft report and intersector allocation report
- « Scoping of trawl catch shares discard survival credits for sablefish and lingcod
- « Final stock assessments and catch reports
- « Scoping of multi-year average catch policy
- « Electronic ticket reporting timeline requirements
- « Specifications and management measures process for 2019-2020 fisheries
- « Coastwide non-whiting midwater and gear modification exempted fishing permit progress reports
- « Updated coordinates for the 125 fathom California Rockfish Conservation Area line (FINAL)
- « Inseason adjustments

### **HALIBUT**

- « Scoping of Catch Sharing Plan changes and International Pacific Halibut Commission data request report

### **COASTAL PELAGIC SPECIES**

- « Pacific mackerel stock assessment and management measures (FINAL)
- « Aerial survey methodology (FINAL)

### **HIGHLY MIGRATORY SPECIES**

- « Amendment 4 to the highly migratory species fishery management plan
- « Authorization of deep-set buoy gear and Federal permitting
- « Proposed deep-set buoy gear Exempted Fishing Permits
- « Recommendations for international management activities

### **OTHER**

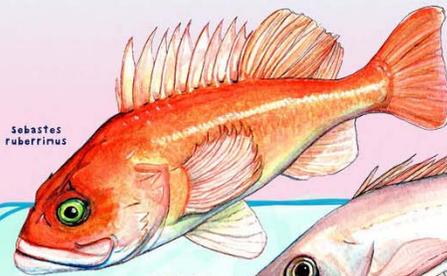
- « Report on Council Coordination Committee meeting
- « National Marine Fisheries Service Office of Law Enforcement Strategic Review
- « Stock Assessment Improvement Plan comments
- « National Marine Fisheries Service white paper on best scientific information available
- « Legislative matters
- « Habitat issues



# The secret lives of Bocaccio and Yelloweye Rockfish

There is a special population of Bocaccio and Yelloweye rockfish who live their entire lives in Puget Sound. Bocaccio have big lower lips and adult yellow eye have bright yellow eyes. These rockfish take 20 years to mature and may live longer than humans—up to 120 years! As they grow, their bodies change size, color, and shape.

They also live in 3 different habitats as they grow bigger:  
 A. The plankton is a pelagic (open water) habitat for larvae and pelagic juveniles.  
 B. Bullkelp and rocks are benthic (bottom) habitat for benthic juvenile stages.  
 C. Mud walls and clay caves are deep water benthic habitat for adults.

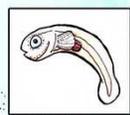


Sebastes ruberrinus



Sebastes paucispinus

**1** Female rockfish give birth to live babies otherwise known as larvae. Depending on the size of the mama rockfish, she can produce anywhere from hundreds of thousands to two million larvae each year!



**2** When they are born, larvae first live among tiny plants and animals called plankton. Larvae are shorter than a penny (5-15 mm) and their clear color helps them hide from hungry predators. Larval rockfish hunt nauplii which are baby copepods that also float in the plankton.



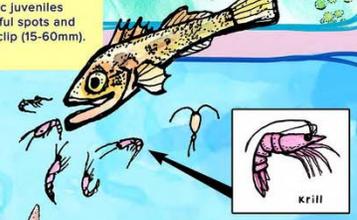
**3** Rockfish are considered pelagic juveniles when they start to grow more colorful spots and are about the size of a large paperclip (15-60mm).



As they transition from pelagic to benthic habitat, they begin exploring bull kelp forests and rocks in shallow water. In this benthic juvenile life stage they start eating krill, copepods and other tiny shrimp-like crustaceans.



Herring



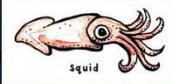
Krill

**4** Once they reach 60 mm in length, rockfish are considered truly benthic (meaning they live near the bottom). Their larger size allows them to be more adventurous and they begin diving down to the clay, mud and rock structures near the bottom of the Sound. Benthic juveniles love hunting for anchovies, herring, smelt, and flatfish.

At one time, yelloweye juveniles and adults were thought to be two different species since they look so different. Juveniles have two white stripes. As they mature they lose their stripes and become bright orange. Anything red or orange becomes invisible in deep water. This color camouflage helps yellow eye rockfish sneak up on prey.



**5** As rockfishes grow into adulthood they move to the deepest benthic habitat. Along deep glacial-mud walls, they find tasty squid and fishes like Pacific cod and walleye. Eating big food, gives them the energy to grow into bigger and bigger adults.



Squid



Artwork by Claudia Makeyev @ mermaidscientist.com  
[www.westcoast.fisheries.noaa.gov](http://www.westcoast.fisheries.noaa.gov)