



## Pacific Fishery Management Council

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Philip Anderson, Chair | Charles A. Tracy, Executive Director

DRAFT , 2018

Mr. Chris Oliver  
Assistant Administrator for Fisheries  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, MD 20910

Dear Mr. Oliver:

The Pacific Fishery Management Council (Pacific Council) met June 7-13, 2018 and discussed the National Marine Fisheries Service's (NMFS) request for assistance in the review of federal West Coast fishery regulations as required by Executive Order (E.O.) 13771 and E.O. 13777. The Pacific Council reviewed a list of candidate management activities and regulations developed by Pacific Council staff and staff of the NMFS West Coast Regional Office and Office of Law Enforcement with the potential of meeting the intent of E.O. 13771 and E.O. 13777.

The Pacific Council continually reviews and revises West Coast fishery regulations through annual or biennial management cycles of its four Fishery Management Plans (FMPs) established under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Table 1 presents examples of recently completed and ongoing regulatory review and revision efforts undertaken by the Pacific Council. The Pacific Council is not requesting or anticipating any immediate regulatory action by NMFS or the Department of Commerce via this correspondence. Rather, the Pacific Council intendeds to continue the reform and revision of these and other regulations through its effective, transparent, and public process under MSA. To this end, the Pacific Council is appreciative of the recently announced federal funds in support of these efforts.

In addition to continually reviewing and revising West Coast fishery regulations, the Pacific Council strives to maintain contemporary and effective FMPs. For example, in 2017, the Pacific Council approved Amendment 4 to the FMP for U.S. West Coast Fisheries for Highly Migratory Species to complete housekeeping changes that would revise dated and inaccurate text and streamline the biennial management cycle for these stocks. Amendment 4 was approved by the Secretary of Commerce and NMFS and promulgated in federal regulation (50 CFR § 660.709) in the spring of this year.

The Pacific Council appreciates the opportunity to comment on these regulatory reform efforts and looks forward to continued cooperative efforts with NMFS to maintain efficient and effective West Coast fishery regulations. Should you or your staff have and questions or require further assistance, please feel free to contact me.

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Sincerely,

Charles A. Tracy  
Executive Director

MDB:xxx

Cc: Council Members  
Mr. Samuel D. Rauch III, NMFS, Deputy Assistant Administrator for Regulatory Programs  
Mr. Alan Risenhoover, NMFS, Director, Office of Sustainable Fisheries  
Dr. Scott Rumsey, NMFS, Deputy West Coast Regional Administrator  
Regional Council Executive Directors

TABLE 1. Completed and ongoing Fishery Management Plan regulatory review by the Pacific Fishery Management Council.

Title 50 CFR Reference	Regulatory Action	Rationale <sup>a/</sup>	Status
<b>COASTAL PELAGIC SPECIES FISHERY MANAGEMENT PLAN</b>			
§ 660 Subpart I (660.501-660.520)	The Pacific Council is considering a Coastal Pelagic Species (CPS) Fishery Management Plan (FMP) amendment provide greater flexibility in the determination of incidental catch allowances in the live bait fishery.	Currently, the CPS FMP prescribes a predetermined limit on incidental allowances when a particular stock is in an overfished condition. This could impose economic costs that exceed conservation benefits.	Ongoing, Scoping completed in June 2018; final action scheduled for November 2018.
<b>PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN</b>			
§ 660.140 (h)(1)(i)(A)(3)	Remove observer requirement when offloading bocaccio and canary rockfish.	Bocaccio and canary rockfish are no longer declared overfished and therefore observer verification is no longer necessary.	Council recommendation in March 2017.
§ 660.140(d)(1)(ii)	Eliminate September 1 deadline to transfer all quota pounds (QP) and Individual Bycatch Quota (IBQ)QP to vessel accounts.	Reduces regulatory burden on industry and NMFS.	Ongoing Trawl Catch Share Review trailing action effort.
§ 660.140(e)(3)(iii)(B)	Eliminate annual vessel QP limits at end of year.	Reduces regulatory burden on industry and NMFS.	Ongoing Trawl Catch Share Review trailing action effort.
§ 660.140(e)(4)	Eliminate daily QP limits.	Reduces regulatory burden on industry and NMFS.	Ongoing Trawl Catch Share Review trailing action effort.
§ 660.70 - 660.79	Modify Essential Fish Habitat (EFH)/Rockfish Conservation Area (RCA).	Modification EFH closed areas and removal trawl RCA closed areas off Oregon and California provides fishing opportunity while preserving EFH and the conservation of stocks.	Pacific Council final action in April 2018. Regulations under development.

TABLE 1. Completed and ongoing Fishery Management Plan regulatory review by the Pacific Fishery Management Council.

Title 50 CFR Reference	Regulatory Action	Rationale <sup>a/</sup>	Status
PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN -continued			
§ 6630.130	Modification of selective flatfish trawl gear requirements.	A decrease in areas where selective flatfish gear is required could provide flexibility and efficiency benefits when targeting healthy and rebuilt stocks.	Rulemaking for EFH/RCA and trawl gear modifications underway.
§ 660.130	Clarify regulations relative to areas "seaward of the RCA" and "shoreward of the RCA".	Modify text to use depth contour as demarcation when Trawl RCA is removed (for bottom trawl vessels only); shoreward of 100 fathom contour and seaward of the 150 fathom contour.	Pacific Council final action in April 2018. Regulations under development.
Multiple Sections	Mitigation measures for salmon impacts in groundfish fisheries.	Ongoing effort to eliminate or replace existing regulations to increase effectiveness.	Included in the Pacific Council's preliminary preferred alternative for 2019-2010 management measures.

*a/ Eliminate jobs, or inhibit job creation; are outdated, unnecessary, or ineffective; impose costs that exceed benefits; create a serious inconsistency or interfere with regulatory reform initiatives and policies.*