GROUNDFISH ADVISORY SUBPANEL REPORT ON FINAL ACTION TO ADOPT MANAGEMENT MEASURES FOR 2019-2020 FISHERIES

The Groundfish Advisory Subpanel (GAP) received an overview of this topic from Mr. John DeVore, groundfish staff officer for the Council, and the Groundfish Management Team (GMT) and offers the following comments and suggestions regarding management measures for 2019-2020.

In general, the GAP supports most of the proposed management measures. Longer comments and rationale for any items where the GAP highlights priority issues or departs from either status quo, the April Preliminary Preferred Alternative (PPA), or GMT guidance from this meeting for those items listed on E.4, Supplemental REVISED Attachment 1 – the checklist – are detailed below. **For reference, we include a copy of the checklist with GAP recommendations highlighted in blue**.

Overarching comments

As you'll see below, the GAP supports yelloweye rebuilding plan Alternative 2. New analyses and information since April demonstrates justification for Alt. 2.

The GAP supported Alternative 1 in April. We appreciated the Council's PPA of Alternative 1 for yelloweye at the time. Both Alt. 1 and Alt. 2 will result in higher annual catch limits (ACLs) in both 2019 and 2020. These higher limits would afford more opportunity for many different sectors that have been under tight restrictions, to the detriment of fishing communities, for several years.

More detail about changes to the yelloweye rebuilding plan will be addressed later in our statement, under Action Item Checklist No. 14.

In addition, we appreciate the Council staff and GMT's hard work since the April meeting in completing several analyses for the management measures review in such a short time.

Specific management measure comments

#9 Commercial non-trawl season structures: Same as 2017, except proposed trip limit changes for:

Open Access (OA) sablefish north of 36° N. Latitude:

- **Alt. 1: 300 lbs. daily, or one landing per week up to 1,000 lbs., not to exceed 2,000 lbs. bimonthly** *(see table below)*
  Under the Council's PPA from April, the open access sector is projected to exceed its share of the landings. Alternative 1 would help assure the OA sector would not exceed its share.

Table DTL_N: Sablefish trip limits north of 36° N. Latitude for limited entry and open access fixed gears, with landed share and projected attainment for 2019.

Sector	Alt	Jan-Feb	Mar-Apr	May-Jun	Jul-Aug	Sept-Oct	Nov-Dec	Proj. Landings (mt)	Landed Share (mt)	Projected Attain. (%)
Limited Entry	PPA	1,200 lbs./week, not to exceed 3,600 bimonthly						211.4-294.2	273	77.5-107.8
Open Access	PPA	300 lbs. daily, or one landing per week up to 1,100 lbs., not to exceed 2,200 lbs. bimonthly						453.3-472.2	449	101-105.2
	Alt 1	300 lbs. daily, or one landing per week up to 1,000 lbs., not to exceed 2,000 lbs. bimonthly						381.6-397.5		85-88.5

Lingcod North Limited Entry (LE) and OA

- **OA north of 42° N. Latitude: 900 lbs monthly**
- **OA 40°10' N. Latitude to 42° N. Latitude: 600 lbs monthly**
- **LE north of 42° N. Latitude: 2,000 lbs. bimonthly**
- **LE 40°10' N. Latitude to 42° N. Latitude: 1,400 lbs. bimonthly**

Rationale: The stock assessment splits lingcod at 42° N. Latitude, but the small geographical area between the 42° N. Latitude (California/Oregon border) to 40° 10' N. Latitude is better tied to the north than to the south, which has the smaller limits and more depleted stock. The trip limit of 600 lbs/month would seem to be precautionary while still allowing some opportunity for the salmon fleet that will likely be fishing in that area. Per the stock assessment, the lingcod stock is in much better shape north of 42° N. Latitude whereas it is in precautionary management south of 42° N. Latitude.

Furthermore, the PPA inadvertently had the OA limits higher than LE limits. This change makes them nearly equal, as in the past. Furthermore, while the LE limits are custom requests, they are within the range previously analyzed – and conservative for both yelloweye and lingcod. Higher limits in the north are in accordance with optimistic projections of lingcod and the lower limits in the south are in line with pessimistic forecasts of lingcod in the south.

#13 California Recreational season structure:

Sub-bag limit options:

- **Cabezon: retain sub-bag limit of 3**
- **Canary: increase to up to 5**

Rationale: Retaining the cabezon sub-bag limit of 3 will reduce pressure on nearshore stocks often caught when targeting cabezon. While cabezon have no swim bladders, rockfish species caught as bycatch do; releasing the rockfish alive, even using descending devices, minimizes but doesn't eliminate mortality on some sensitive species. Cabezon, as well as other nearshore species, is scheduled for a stock assessment next year that could provide better information to inform the 2021-2022 harvest specifications and management measures. The canary sub-bag limit increase has been analyzed.

Furthermore, the GAP favors changing the date of the San Francisco Management Area groundfish season from April 15 to April 1, in line with the recommendation in the California Department of Fish and Wildlife (CDFW) report under this agenda item (see CDFW Figure 1, below).

Management Area	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Northern	Closed				May 1 – Oct 31 <30fm						All Depth	
Mendocino	Closed				May 1 – Oct 31 <20fm						All Depth	
San Francisco	Closed			April 1 – Dec 31 <40fm								
Central	Closed			April 1 – Dec 31 <50fm								
Southern	Closed		Mar 1 – Dec 31 <75 fm									

Figure 1. Final Preferred Alternative for California recreational groundfish season structure in 2019-2020.

#14 New management measure: Changes to yelloweye rebuilding plan:

The GAP supports Alternative 2 and believes this is the best option (highlighted in table B-1 from Appendix B, below) for flexibility and stability in all fisheries.

Table B-1. Alternative 2019 and 2020 harvest specifications (mt) for yelloweye rockfish.

2018	Alternative	2019			2020			HCR
ACL		OFL	ABC	ACL	OFL	ABC	ACL	
20	No Action	81	74	29	84	77	30	ABC (P*=0.4), ACL (SPR=76%); median time to rebuild: 2027
	Alternative 1 *Preliminary Preferred*	81	74	39	84	77	40	ABC (P*=0.4), ACL (SPR=70%); median time to rebuild: 2028
	Alternative 2	81	74	48	84	77	49	ABC (P*=0.4), ACL (SPR=65%); median time to rebuild: 2029

While Alternative 2 increases the ACL by 9 metric tons (mt)over Alternative 1 (48 mt vs. 39 mt), the GAP notes this will provide some additional opportunity but, more importantly, introduce stability and diversity to fisheries and the coastal communities – something unheard of since yelloweye was first listed as overfished. Constraints on bycatch since that time led to fisheries closures, abbreviated seasons, loss of business, etc.

The GAP provided substantial rationale for Alternative 1 in the April 2018 statement regarding biennial harvest specifications. Further, Appendix B of the draft Environmental Assessment (Agenda Item E.4, Attachment 5) provides substantive rationale for higher yelloweye ACLs.

Higher yelloweye ACLs would allow recreational fishermen potentially more all-depth fishing days and access to areas previously closed. Non-whiting trawlers would be allowed more flexibility. Commercial fixed-gear fisheries would be able to have year-round fisheries instead of intermittent closures.

Rationale for Alternative 2: Stability, flexibility, efficiency for fisheries and communities

Stability can be defined as minimizing the probability that a catastrophic inseason event will occur. This would include an unanticipated early season closure such as has occurred in the recent past. These closures have resulted in large economic losses to fishing sectors and communities.

The GAP recommends Alternative 2 because it will provide a cushion for *all* groundfish fisheries that will allow flexible and more efficient fishing operations, give fishermen an opportunity to test new gear and new areas, provide more opportunity for charter vessels to attract customers, and help compensate for negative socio-economic impacts of problems associated with other fisheries such as reduced harvest in the Dungeness crab fisheries, reduced salmon seasons, lower productivity in the pink shrimp fishery, closed sardine seasons, etc.

Management measures under Alt. 2 are similar to those under Alt. 1. The important distinction between the two alternatives is the increased stability and certainty provided by the additional 9 mt of yelloweye. The GAP highlights the GMT analysis that indicates the potential economic benefits provided by Alt. 2 because it should result in more stable management (e.g., avoiding unnecessary fishery closures) while only adding one year to the rebuilding timeline relative to Alt. 1.

Recreational fisheries

Alternative 2 would minimize fishery closures in the sport fisheries. For example, in one part of the California recreational fishery, depth restriction changes forced charter vessels to fish 10 fathoms shallower, leading to cancellations within the first week of regulation implementation. Closures, especially for charter vessels, are even more dramatic because they force businesses to expend staff time to call customers, trip cancelations lead to loss of time for deckhands, boats may sit idle if other fisheries aren't open. An early closure in the Oregon recreational fishery in 2017 could have been avoided.

Referencing Appendix C, table C-18 (reprinted below, modified), the combined economic impact for September, October, November and December for recreational fisheries totals $68.6 million. Adjusting this number downward by an assumed 40 percent to account for the removal of trips below Point Conception that would not be affected by a yelloweye closure (and also assuming no effort shifts or other changes), the negative economic impact of an early (Aug. 31) closure is projected to be approximately $41 million annually.

Table C-18 (modified). Projected loss in personal income in millions of $USD associated with fishery closures by month (based on average ex-vessel revenue and angler trips from above).

Month	CP Whiting	MS Whiting	SS Whiting	Treaty	Mid-water non-whiting	B. trawl	LEFG OA	IFQ FG	Rec.
Jan	---	---	---	0.2	1.5	3.9	1.7	0	5.4
Feb	---	---	---	0.2	1.6	5.2	1.4	0.1	5.8
Mar	---	---	---	0.6	2.4	6.2	1.7	0.3	15.6
Apr	---	---	---	1.5	0.9	5.4	3.3	0.4	17.8
May	29.4	5.9	1	1.4	1.6	4.8	5.1	0.2	25.1
Jun	9.9	5	6.7	1.4	1.8	4.2	4.8	0.5	35.2
July	0	0.9	13.2	2.8	1.2	4.2	4.9	0.9	41.9
Aug	1.8	0.8	16.3	3.4	1.2	4.6	5.3	0.9	35.3
Sep	20.7	4.5	11.7	4.2	1.1	4.2	6.4	2.8	23.4
Oct	22.9	8.9	8.3	2.6	1	4.9	5.4	2.9	17.8
Nov	11.8	2.2	2.5	0.5	1.3	4.5	2.3	1.3	15.1
Dec	2	0.1	0.1	0.3	2.1	5.3	1.8	0.7	12.3

Shoreside Individual Fishing Quota (IFQ)

An individual fisherman simply *knowing* there is more quota available will allow more flexibility for trawlers to test fishing in areas inhabited by now-abundant rockfish species. More yelloweye will allow for more quota trading as well. Lack of quota trading has hampered the shoreside trawl fishery since the inception of the program in 2011.

Appendix B identifies this issue as well, on Page 55: "However, with the consolidation of quota, vessel, and permit ownership moving away from this area in the past decade, increased trawling off the Washington coast within the recently reopened area will be limited by the extent to which returning or new entrants are able to acquire yelloweye quota from current owners. As discussed above, an increase in the availability of quota shares or pounds on the market is more likely under Alternative 1, and particularly under Alternative 2, where the IFQ allocation is almost more than double the current allocation, which would likely alleviate concerns among current owners about lightning strike insurance."

Section B.5.2.3.1 of Appendix B further discusses this quota trading issue: **"**In more than seven years of the IFQ program, zero vessels have exceeded the yelloweye rockfish vessel cap, and sector wide quota pound usage has remained around 10 percent. A number of participants discussed shifting fishing practices drastically (i.e., completely avoiding targeting certain species, staying away from certain fishing spots as a result) for fear of yelloweye rockfish catch. Low usage and avoidance behavior may reflect overweighting of the small probability of a tow that would exceed the annual vessel limit, a widely observed decisional structure in behavior economics where the probability of rare events are overestimated and potential losses weighted more than gains (see for example, Burns et al 2010). **This risk avoidance appears likely to be persistent--in 2018, the annual vessel use limit is 276 pounds, an 82 percent increase over the 2011 limit, yet attainment of yelloweye rockfish restricted stocks (e.g., lingcod)**

remains constant, with avoidance continuing to remain a large concern to trawlers (Agenda Item E.7.a, Community Advisory Body Report 1, September 2017). The annual yelloweye rockfish vessel limit would increase to 477 under No Action, a 72 percent increase over the 2018 limit. Behavioral responses to a similarly scaled increase in the first seven years of the program indicate that this would likely not provide a sufficient reduction in perceived risk, and thus would be unlikely to change fishing behavior enough to increase attainment of the underutilized stocks described above. **The vessel limit would increase to 678 pounds under Alternative 1, and 854 pounds under Alternative 2, with the additional 201 and 377 pounds respectively serving as a 'buffer' against the estimated risk of exceeding a limit and subsequent financial consequences."** *(Emphasis added)*

Commercial fixed gear fisheries

As we stated in April, California deeper nearshore permits became transferrable on April 1 and GAP members remain concerned this could reactivate latent permits and cause an effort shift from the south-central area to the north-central area. The northern California live fish fishery is lucrative; an influx of roughly 100 more permits and fishermen to this area will likely result in more yelloweye impacts. More metric tons for the nearshore fishery will prevent this sector from going over its allocation. The cushion Alt. 2 provides will allow nearshore fishermen more stability throughout the year and reduce the potential for trip-limit reductions in-season.

Furthermore, longleader gear has proven successful in the Oregon recreational fishery at avoiding yelloweye. With more yelloweye, fixed gear fishermen could explore potential use of this gear type to access the RCA to target widow, canary, and yellowtail rockfish.

Similar to sport fisheries, a higher yelloweye ACL for fixed gear fishermen could afford them greater opportunity to access healthy lingcod stocks in the north. Also, fixed gear fishermen could access species such as copper rockfish and other nearshore and shelf species.

Appendix B speaks to these issues as well, on Pages 35-36: "While there have been numerous requests in recent bienniums to increase opportunity for lingcod and shelf rockfish stocks, only minor increases have been adopted due to tight yelloweye rockfish constraints. These increases have included: (1) shifting the shoreward boundary from 20 fathoms to 30 fathoms in 2015 between 40° 10' N. Latitude and 42° N. Latitude and 30 to 40 fathoms 2017 between 34° 27' N. Latitude and 40° 10' N. Latitude; (2) shifting the seaward boundary from 150 fathoms to 125 fathoms in 2017 from 34° 27' N. Latitude to 40° 10' N. Latitude; and (3) modest increases to shelf rockfish and lingcod trip limits in 2017 and 2018. … If the Council were to select Alternative 1 or 2 as the new [harvest control rule] for the rebuilding plan, it would provide a path to critical opportunities to fixed gear communities over the next decade of rebuilding. As will be discussed below, No Action does not provide for enough yelloweye to consider significant changes to the non-trawl RCA or trip limits to access the available and healthy lingcod and shelf rockfish stocks."

To summarize, the GAP strongly recommends Alternative 2, which would support fishing communities across all sectors year-round, but still be tempered by management measures that are similar to those under Alternative 1, resulting in a more flexible approach that will be highly unlikely to cause a conservation risk.

#15 New management measure: Salmon incidental take

The GAP recognizes the new salmon biological opinion (BiOp) requires the Council to take action under 2019-2020 harvest specifications and understands the proposed new management measures are required under the BiOp. However, the GAP firmly believes that several aspects of the BiOp are inconsistent with Council direction and intent, specifically the automatic closure authority (as stated by Council members in March and April 2018). The GAP recommends the Council request National Marine Fisheries Service (NMFS) continue to consult with the Council and industry. The optimal outcome would be NMFS' reconsideration of the BiOp automatic closure provisions. Ensuring consistency with Council direction and intent should be a priority for NMFS.

#17 New management measure: Removal of automatic authority established in conjunction with Amendment 21 -3 for darkblotched rockfish and Pacific ocean perch (POP):

The GAP continues to prioritize the removal of the automatic authority provision, which would complete the action to change management of darkblotched and POP to set-asides for the at-sea sectors. Absent this action, the at-sea sectors will essentially function under hard caps for 2019-2020, which was not the intent of Amendment 21-3.

#20 New management measure: Incidental lingcod retention in the salmon troll fishery:

The GAP agrees with the Washington Department of Fish and Wildlife report under this agenda item of Alternative 1, one lingcod for every five Chinook. However, this action should not be viewed as an allocation away from any sectors of the groundfish fishery.

ACTION ITEM CHECKLIST (GAP)

2019-2020 Allocations and Harvest Guidelines (HG) Tables and analysis of items referenced below can be found in Appendix A (Agenda Item E.4, Attachment 4) and Appendix C (Agenda Item E.4, Attachment 6)				
#	**GAP**	**Category**	**Sector**	**Measure**
1	OK	Revisions	All	Updates to selected rockfish conservation area coordinates in California (Section C.5.1 in Appendix C)
2	OK	Off-the-top deductions		Confirm or modify amounts adopted in November 2017 for groundfish mortality in Tribal, exempted fishing permit (EFP), non-groundfish fisheries, and research activities (Sections A.1.1, A.2.1, A.3.1, and A.4.1 in Appendix A)
3	OK	ACT		Adopt ACTs for stocks as deemed appropriate (Table A-41)
4	OK	HG		Adopt HGs for species managed within a complex for • Blackgill rockfish within the Slope Rockfish complex south of 40°10´ N. lat. (159 mt; Section A.2.3.1 in Appendix A)

5	OK	Allocations	Trawl, Non-Trawl	Adopt 2-year trawl and non-trawl allocations; analyses in Appendix A assumed the following allocations:
				• Rebuilding species:
				  • Cowcod: trawl (40%) and non-trawl (60%)
				  • Yelloweye: trawl (8%) and non-trawl (92%)
				• Bocaccio: trawl (39%) and non-trawl (61%)
				• Canary: trawl (72%) and non-trawl (28%)
				• Big skate: trawl (95%) and non-trawl (5%)
				• Longnose skate: trawl (90%) and non-trawl (10%)
				• Shelf Rockfish north 40°10´ N. lat.: trawl (60.2%) and non-trawl (39.8%)
				• Shelf Rockfish south 40°10´ N. lat.: trawl (12.2%) and non-trawl (87.8%)

6	OK	Allocations	Within Trawl	Adopt canary allocations for the shorebased IFQ, CP, and MS sectors (Tables A-47 and A-49 in Appendix A)
7	OK	Set-Aside	Within trawl, At-Sea	Adopt final set-asides for Pacific whiting at-sea sectors (Table A-49)

2019-2020 Allocations and Harvest Guidelines (HG) Tables and analysis of items referenced below can be found in Appendix A (Agenda Item E.4, Attachment 4) and Appendix C (Agenda Item E.4, Attachment 6)				
#	**GAP**	**Category**	**Sector**	**Measure**
8	OK	HG or Shares	Within Non-Trawl	Adopt final 2-year within non-trawl HGs or shares for: • Rebuilding species: cowcod and yelloweye • Bocaccio south of 40°10' N lat. • Canary rockfish • Sablefish south of 36° N lat.: 70% limited entry and 30% open access fixed gears • Nearshore Rockfish North of 40°10´ N. latitude - consider state-specific HGs (Table A-46)

2019-2020 Season Structures				
#	**GAP**	**Category**	**Sector**	**Measure**
9	Sablefish OA North: Alt. 1; Changes to lingcod north ~~and south~~, both LE and OA (see text)		Commercial Non-Trawl	Same as 2017, except proposed routine trip limit changes for: • Sablefish N LE and OA (Table A-58) • Sablefish S LE and OA (Table A-59) • Canary LE and OA (Table A-60) • Darkblotched rockfish and Slope Rockfish North (Table A-61) • Thornyheads North OA (Table A-62) • Lingcod North LE and OA (Table A-63) • Lingcod South OA (Table A-69)
10	OK		Treaty Fisheries	Same as 2018, except petrale sole set-aside increases from 220 mt to 290 mt

2019-2020 Season Structures				
#	**GAP**	**Category**	**Sector**	**Measure**
11	OK		WA Recreational	~~Same as 2018, except~~ • ~~Progressively reduce or remove the 20 and 30 fm depth restrictions depending on Yelloweye ACL~~ • ~~Sub-Bag Limit Options~~ o ~~Canary Rockfish: no sub-bag limit in all marine areas~~ o ~~Cabezon: sub-bag limit of 1 in all marine areas~~ • ~~Allow lingcod and rockfish retention with halibut on board north of the Washington~~ The GAP supports the April 2018 WDFW Report 1 for Washington recreational seasons.
12	OK		OR Recreational	Same as 2018, except • Season open year round, except June-Aug when fishing is allowed shoreward of 40 fm • Higher Yelloweye ACLs than under No Action: o Could allow fewer months with depth restrictions o Possibly allow additional lingcod opportunities o Possibly reduce bottomfish retention restrictions with halibut on board • Bag limits will be adjusted through state regulations • April-Sept offshore longleader fishery
13	Cabezon: retain current sub-bag limit of 3. Canary: Support April CDFW report; potential sub-bag limit increase from 2 to up to 5 has been analyzed Change SF area season start from April 15 to April 1 (see text, CDFW report)		CA Recreational	Same as 2018, except • Year round fishing for CA scorpionfish in the Southern Management Area • Option to fish no deeper than 75 fm in the Southern Management Area • Higher Yelloweye ACLs than under No Action could allow year round fishing at all depths statewide • Sub-bag limit options: o Lingcod South: decrease to 1 o Cabezon: removal of sub-bag limit; up to 10 o Canary: increase to 2

New Management Measures for Implementation in 2019-2020

Analysis of items referenced below can be found in Appendix B (Agenda Item E.4, Attachment 5) and Appendix C (Agenda Item E.4, Attachment 6)

#	GAP	Category	Sector	Measure
14	ABC (P*=0.4) ACL (SPR=65%); Median time to rebuild 2029		All	• Changes to the Yelloweye Rebuilding Plan (Appendix B), including: o Determine a target rebuilding year and o Determine a harvest control rule
15	OK, but note NMFS salmon BiOp remains inconsistent with Council direction		All	• Salmon Incidental Take (Section C.1) • Stock complex restructuring (Section C.6.1)
16	OK		Trawl, Shorebased IFQ	• Eliminate daily vessel limits for rebuilt or all species (Section C.6.7) • Implement survival credits for discarded lingcod and sablefish (Section C.6.3) • Continue the Adaptive Management Program pass-through
17	OK high priority		Trawl, At-Sea	• Removal of automatic authority established in conjunction with Amendment 21-3 for darkblotched rockfish and POP (Section C.6.2)
18	OK		Commercial Non-Trawl	• Modify commercial fixed gear depths inside the Western Cowcod Conservation Area (Section C.6.5)
19	OK		CA Rec	• Modify recreational fixed gear depths inside the Western Cowcod Conservation Area (Section C.6.6)
20	OK (WDFW report)		Salmon Troll	• Incidental lingcod retention ratio in the salmon troll fishery (Section C.6.8)