

COASTAL PELAGIC SPECIES MANAGEMENT TEAM REPORT ON LIVE BAIT FISHERY ALLOWANCE AMENDMENT - SCOPING

Background

At the April 2018 meeting, in response to the potential that the Pacific Sardine (sardine) fishery could be declared overfished with only a minor decline in the upcoming 2019 biomass estimate, the Council tasked the Coastal Pelagic Species Management Team (CPSMT) with reviewing CPS Fishery Management Plan (FMP) section 5.1.4 regarding prescribed limits on the live bait fishery and to develop a purpose and need statement for a potential fishery management plan amendment. During the review of the CPS FMP, the CPSMT also identified section 5.1.1, which contains prescribed values for commercial incidental allowances, as another possible FMP revision. Currently when a stock is overfished, the CPS FMP prohibits any directed live bait fishing and would automatically limit incidental take in live bait fisheries to 15 percent of any load as well as reduce the maximum incidental landing allowance in the commercial fleet from 45 percent to 20 percent. The prescribed range of values for incidental take in the live bait and commercial fisheries from these sections stem from Amendment 8 of the FMP as a means of regulating catch when a stock is overfished. These provisions were put in place as requirements of the FMP prior to adoption of overfishing limits and annual catch limits for all stocks.

The live bait fishery provides fish for recreational and commercial fisheries in California, Oregon, and Washington. In California, live bait is primarily used by commercial passenger fishing vessels (CPFVs) and private fishing vessels, with some live bait also sold to commercial fishing operations. Sardine and northern anchovy are the main species collected in this fishery. In California, the live bait fishery is open year round, and is primarily located in southern California with smaller fisheries in San Francisco and Monterey Bay. Live bait is an important fishery in California and provides substantial economic value.

Fishing for live bait in Oregon is minimal. Commercial vessels, such as the albacore fleet, are allowed to catch anchovy for use as live bait on their vessel. Although this fishery is allowed in four bays and is open from July 1 to October 31, no activity has been reported, as required. A small commercial beach seine operation allowed only in the Umpqua River estuary harvests CPS and other species for bait for recreational anglers, and some of which are sold as live bait.

In Washington, the live bait fishery targets anchovy and is open year round. A substantial amount of live bait is sold to albacore tuna fishermen, in addition to sport anglers or charter operations. The live bait fishery occurs in Federal waters as well as inside three miles on the southern Washington coast, inside Grays Harbor, Willapa Bay, and the lower Columbia River.

Landings of live bait are recorded on logbooks in California and Oregon and fish receiving tickets in Washington. Incidental catch refers to CPS catch that are not targeted but are retained. The CPS FMP allows for incidental take allowances to be implemented when a fishery reaches a catch limit or is closed. Historically, incidental allowances have been set for sardine and Pacific mackerel to allow for other commercial CPS fisheries to continue to operate since CPS typically schools or mixes together. The CPSMT is responsible for analyzing CPS catch composition to recommend

the most appropriate catch allowance when a fishery is closed. The CPSMT recognizes that the dynamics of the CPS fisheries may change as stocks increase or decrease in stock size or change distribution in time and space and that shifts in effort occur with the absence of a directed fishery.

Proposed Action

The proposed action is to revise the CPS FMP regarding allowable harvests for live bait fisheries and incidental harvests for other commercial fisheries when a stock is overfished.

Purpose and Need

The purpose of the action is to provide the Council the ability to set incidental catch allowances or allow directed fishing in the live bait fishery with consideration of variables such as stock status, stock mixing, and fishery priorities during each management cycle or under a developed rebuilding plan without being restricted to predetermined limits. The proposed action is needed because the current prescribed fishery management measures in Chapter 5 of the FMP for when a stock is overfished limits the ability of the Council to determine on a case by case basis the appropriate catch levels that will reduce mortality and discard potential, while still allowing for the continued prosecution of other important CPS fisheries.

Rationale

The Council is required to minimize fishing mortality on an overfished stock to the extent practicable and to undertake a rebuilding program, which for CPS may be implicit to the harvest control rule or explicit. The intent of this action is not to prevent the Council from undertaking any measure authorized under the CPS FMP that may be necessary to manage the live bait or other commercial fisheries under normal procedures or any conditions if the need arises. For example, the FMP already states that the live bait fishery could be managed by harvest guideline or quota, season, or gear restrictions at any point under the framework management process. Additionally, actively managed CPS stocks have an implicit rebuilding plan through the use of the CUTOFF that reduces harvest rates at low biomass levels and provides a buffer of spawning stock. Further, as has been the case with sardine, the Council has taken additional management measures to reduce mortality and discards.

With the closure of the directed sardine fishery since 2015, the CPSMT has annually provided the Council with recommendations on annual catch limits (ACL) levels based on projections and needs of other fishery sectors, including live bait and incidental catch limits for other commercial CPS fisheries. These recommendations considered current fishery operations and potential levels of stock mixing, and have allowed other commercial CPS fisheries to continue while still limiting the harvest of sardine well below the levels necessary to prevent overfishing, and therefore presumably allowing rebuilding to occur when ocean conditions are favorable. The CPSMT foresees pursuing a similar process – evaluating fishery sector needs while considering resource status and providing the Council recommendations for setting incidental landing limits.

Scope

While the April 2018 motion was specific to live bait, during evaluation of section 5.1.4 of the CPS FMP, the CPSMT identified section 5.1.1 as an additional section that would need to be amended in order to also allow Council discretion in determining the most appropriate way to manage harvest under any rebuilding acceptable biological catch (ABC) or ACL.

Currently, the CPS FMP section 5.1.4 reads:

When a stock is overfished according to the definition of overfishing in the FMP, incidental catch allowances for live bait fishing shall be set to no more than 15 percent of landed weight, as determined by the Council.

CPS FMP Section 5.1.1 reads:

When a stock is overfished according to the definition of overfishing in this FMP, incidental catch allowances for commercial fishing shall be set at 0 percent to 20 percent of landed weight, as recommended by the Council.

The CPSMT recommends that the scope of the proposed action consider prescribed incidental harvest values in the live bait and commercial fisheries, and whether to allow directed fishing for live bait when a stock is in an overfished condition.

Proposed Timeline

- Scoping - June 2018
- Range of Alternatives - September 2018
- Council Final Action - November 2018

Additional Background on the West Coast Live Bait Fishery

California

The live bait fishery is primarily located in southern California with smaller fisheries in San Francisco and Monterey Bay. Sardine and anchovy are the main species collected in this fishery and they are primarily used by CPFVs and private fishing vessels. Other species used as live bait include jack mackerel, Pacific mackerel, and market squid, as well as non-FMP species such as smelt. These trips can range from a few hours to multiple days, and vessels can hold about 200 pounds of live bait for day trips and can hold far more (up to 2,500 pounds) for long-range trips. Since 2000, live bait catch has been recorded in logbooks. The live bait fishery is a crucial component to the recreational fishery supporting many businesses that rely on recreational fishing. National Oceanic and Atmospheric Administration's (NOAA) 2015 report on Fisheries Economics of the United States (NOAA Technical Memorandum NMFS-F/SPO-170, May 2017) indicates that recreational fishing provides more than \$2 billion in annual sales and more than \$1.2 billion in added value to the state of California. The impact of having no directed fishery for live bait to the State would be highly significant.

Studies conducted by the California Department of Fish and Wildlife, National Marine Fisheries Service, and others have examined the live bait fishery, generally with a focus on the dominant species taken over a given period. As in the directed commercial CPS fisheries, the local availability of each CPS to the bait fleet changes periodically. The ratio of anchovy to sardine in the southern California live bait harvests shifts significantly as the populations of these two fish expand and contract over periods of years or decades.

Oregon

Historically, commercial capture of CPS for live bait has been a very small and intermittent activity allowed in the Umpqua River estuary where sardine and anchovy may be taken by beach seine and sold as bait, some of which is sold as live bait. In 2009, the Oregon Fish and Wildlife Commission implemented rules to allow capture of anchovy in a limited number of Oregon estuaries (Tillamook, Yaquina, Winchester, and Coos Bays). This harvest of anchovy is limited to commercial vessels that use the anchovy as live bait in commercial fishing operations on the catching vessel, such as for albacore tuna. The gear used to capture anchovy is restricted to purse seines with a maximum length of 300 feet, lampara nets, and hook and line. This live bait fishery is open from July 1 to October 31. Fishermen intending to fish for anchovy in this manner must notify Oregon State Police with the vessel name, fishing location and estimated time of the activity 12 hours prior to fishing activity. Information on live bait catch must be recorded in logbooks provided by Oregon Department of Fish and Wildlife. Under these provisions, there have been no reported harvests of anchovy for live bait outside of the Umpqua River estuary since 2009.

Washington

The majority of Washington's anchovy catch is harvested as live bait for use in recreational and commercial fisheries. The Washington live bait fishery occurs in Federal waters as well as inside three miles on the southern Washington coast, inside Grays Harbor, Willapa Bay, and the lower Columbia River. Although all Washington anchovy landings are reported on fish tickets, no distinction is made between anchovy destined for packaged product versus anchovy destined for use as live bait. Documented catch of anchovy has averaged about 124 metric tons a year since 1990, excluding 2009. Past actual catch was likely higher; before 2007 commercial fishers were not required to report anchovy caught for their own use. To better account for this catch, the Washington Department of Fish and Wildlife began in 2007 to require fishers to document all forage fish used for bait in another fishery on the fish receiving ticket for the target species. Incidentally caught species include other forage fish species (e.g. sardine, herring), each of which have specific landing limits. Bycatch of non-forage fish species has not typically been documented but includes rare encounters with sturgeon by purse seine gear. Since quality is paramount in the live bait fishery, fishermen avoid encountering non-forage fish species; any that are encountered are released quickly.

PFMC

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