

## Decision Summary Document

### Pacific Fishery Management Council

November 15-20, 2019

Council Meeting Decision Summary Documents are highlights of significant decisions made at Council meetings. Results of agenda items that do not reach a level of highlight significance are typically not described in the Decision Summary Document. For a more detailed account of Council meeting discussions, see the [Council meeting record and transcripts](#) or the [Council newsletter](#).

## Coastal Pelagic Species

### Preliminary Review of New 2019 Exempted Fishing Permits

The Council adopted, for public review, two proposals for exempted fishing permits, from the [California Wetfish Producers Association](#) and the [West Coast Pelagic Conservation Group](#). The Council is scheduled to give final approval at the April 2020 meeting.

### Central Subpopulation of Northern Anchovy Nearshore Estimation Methodology, Frequency of Overfishing Limit Reviews, and Accountability Measures

The Council directed the Coastal Pelagic Species Management Team to continue developing a framework and proposed flowchart to guide decisions on the frequency of revisiting management reference points for the central subpopulation of northern anchovy. The Coastal Pelagic Species Management Team will report back to the Council at the April 2020 meeting, to recommend a schedule for further consideration of the draft [framework](#).

## Salmon Management

### Final Methodology Review

Four topics were discussed under this [agenda item](#). The assignment to review the methodology used to develop abundance forecasts for Willapa Bay coho was incomplete. Work on this topic will continue, and the Council will review this topic at the March 2020 Council meeting. The Council approved the updated Fishery Regulation Assessment Model user manual, which will be provided on the Council website in the near future. The Council agreed that the salmon management boundary line at Horse Mountain could be included as part of the Fishery Management Plan Amendment 20 on the annual management cycle which is scheduled to begin in April 2020. In addition, for the upper Columbia Summer Chinook topic, the Council agreed that no formal methodology review is required, and that any needed data input changes would be made in time for the 2020 preseason process.

## **2020 Preseason Management Schedule and Scope Annual Management Cycle Amendment**

The Council adopted the tentative [2020 salmon management schedule](#) including the tentative dates and sites for the public hearings, except that the California hearing will be held in Eureka, California.

The Council also decided to begin the process for amending the salmon fishery management plan (FMP) in order to potentially modify the schedule for the annual salmon management cycle. Included in this FMP amendment process will be additional changes, including a change in a salmon management boundary line (from Horse Mountain 40° 05' a line at 40° 10'), as well as [‘housekeeping items’](#).

## **Pacific Halibut Management**

### **2020 Catch Sharing Plan and Annual Regulations - Final Action**

The Council adopted final changes to the 2020 Catch Sharing Plan and annual fishing regulations consistent with the recommendations provided by [Washington Department of Fish and Wildlife](#) and [Oregon Department of Fish and Wildlife](#), excluding the recommendation for use of longleader gear.

### **Commercial Directed Fishery Regulations for 2020**

The Council adopted a final recommendation for a season consisting of a 3-day fishing period to begin at 0800 on day 1 and conclude at 1800 on day 3. The season would begin on the fourth Monday in June 2020, and subsequent periods would be scheduled as necessary to achieve the allowable catch level. This recommendation will be forwarded to the International Pacific Halibut Commission for consideration.

## **Habitat**

### **Current Habitat Issues**

The Council directed staff to work with the Habitat Committee and California Department of Fish and Wildlife on a letter to National Marine Fisheries Service Assistant Administrator Chris Oliver and West Coast Regional Manager Barry Thom, as well as the Mid-Pacific Regional Director Ernest Conant of the Bureau of Reclamation, highlighting concerns about the Central Valley Project/State Water Project Biological Opinion and the impacts of the project on essential fish habitat and Council-managed and constraining species. In order to raise concerns prior to the implementation of this Biological Opinion, the Council tasked Council staff with developing the letter before the end of 2019.

The Council also directed staff to work with the Habitat Committee and Oregon Department of Fish and Wildlife on a letter to the Federal Energy Regulatory Commission regarding the Jordan Cove liquefied natural gas project Final Environmental Impact Statement. The letter, which is due

December 15, will draw from previous Council letters to the Federal Energy Regulatory Commission, the US Forest Service and Bureau of Land Management, and including safety concerns referenced by the Salmon Advisory Subpanel and the Groundfish Advisory Subpanel.

## Groundfish Management

### Workload and New Management Measure Update

The Council received a brief [report](#) from the Groundfish Management Team regarding their workload and the groundfish management measures list. No new management measures were added to the existing list for Council consideration. The Council will take this agenda item up in April to review and revise the existing list and potentially prioritize groundfish workload for 2020.

### Electronic Monitoring Program Guidelines and Manual Review

The Council reviewed, but did not finalize, their recommendations on the revised electronic monitoring (EM) Program Guidelines and the Draft EM Manual. Instead, the Council will send a letter to the National Marine Fisheries Service (NMFS) stating they would like to delay implementation of the EM regulations until 2022 and will consider an extension of the EM Exempted Fishing Permit at the March meeting. The Council requested more information regarding the appropriate level of video review for vessel steam time (nonfishing activity). In addition, an analysis is needed to understand the effect of applying vessel-specific halibut discard mortality estimates to non-reviewed trips as noted in [Supplemental GEMPAC/TAC Report 4](#). Finally, the Council remains concerned about the cost effectiveness of the program and would like the industry to continue to work with NMFS and Pacific States Marine Fisheries Commission to examine ways to develop a mechanism for industry to fund a portion of the EM Program.

### 2020 Harvest Specifications for Cowcod and Shortbelly Rockfish - Final Action

The Council adopted final preferred alternatives for 2020 harvest specifications for cowcod south of 40° 10' N. lat. and shortbelly rockfish to mitigate against premature closures of affected fisheries next year. The Council action for cowcod south of 40° 10' N. lat. recommends removal of the 2020 annual catch target of 6 mt, coupled with a reduction of the research set-aside to 1 mt, to determine an annual vessel limit of 1,264 pounds for affected participants in the limited entry trawl fishery south of 40° 10' N. lat. The Council action for shortbelly rockfish recommends increasing the 2020 annual catch limit to 3,000 mt to reduce the risk of closing midwater trawl fisheries north of 40° 10' N. lat. The final rule for these actions is anticipated to be implemented prior to the start of Pacific whiting fisheries in mid-May next year.

### Preliminary Exempted Fishing Permit (EFP) Approval for 2021-2022

The Council decided to move seven EFPs forward for public review and adopted the set-asides for those EFPs recommended in Table 2 of the [Groundfish Management Team \(GMT\) report](#). EFPs by the following proponents were moved forward: [West Coast Seafood Processors Association](#), [Oregon Trawl Commission](#), [Midwater Trawlers Cooperative](#), and [Environmental Defense Fund](#); [California Department of Fish and Wildlife](#); [Coastal Conservation Association](#)

[California Okuma Fishing Tackle Corp](#); [San Francisco Community Fishing Association & Dan Platt](#); [Scott Cook](#); [Washington Department of Fish and Wildlife](#); and [Real Good Fish and Environmental Defense Fund](#). The Council recommended that the EFPs be modified per the specific guidance in the GMT report and taking into account the recommendations of the [Enforcement Consultants](#) report. At its March meeting, the Council will consider including the trawl sector electronic monitoring EFPs and will also check in on the development of other EFPs, as needed.

### **Harvest Specifications for 2021-2022 Management Including Final Overfishing Limits and Acceptable Biological Catches**

The Council adopted final 2020 and 2021 harvest specifications for all stocks and stock complexes under [default harvest control rules](#) except for cowcod south of 40° 10' N. lat., Oregon black rockfish, petrale sole, sablefish, and shortbelly rockfish. [Alternative harvest specifications](#) are considered for these stocks. Preliminary preferred alternatives for these stocks were identified as follows:

- Cowcod south of 40° 10' 0.N lat.: ACL = ABC (P\* = 0.4)
- Oregon black rockfish: ACL = ABC = 512 mt in 2021 and 2022
- Petrale sole: ACL = ABC (P\* = 0.4)
- Sablefish: ABC (P\* = 0.45) with options for the 5-year average and long-term apportionment methods for determining area-specific ACLs as described by the [GMT](#)
- Shortbelly rockfish: ACL = 3,000 mt in 2021 and 2022

The impacts associated with these alternatives will be analyzed to inform final decisions on 2021 and 2022 harvest specifications in April 2020.

### **Gear Switching and Sablefish Area Management Update**

The Council provided general guidance relative to the [purpose and need statement](#) developed by the Sablefish Management and Trawl Allocation Attainment Committee and requested that the analysis include a focus on the four potential causes of under-attainment of the northern trawl allocations that are identified in the purpose and need statement. At its June 2020, the Council will consider whether to move this issue forward by adopting a range of alternatives for analysis.

### **Biennial Management Measures for 2021-2022**

The Council adopted a range of management measures necessary to implement the 2021-22 harvest specifications as recommended by the Groundfish Management Team (GMT) (in Supplemental Reports [1](#), [2](#) and [3](#)), [Groundfish Advisory Subpanel](#), and the [Tribes](#). Further, the Council also adopted a suite of management measure recommendations from California (in Supplemental CDFW Reports [1](#) and [2](#)) and [Washington](#) for analysis by the GMT. Additional measures decided for detailed analysis include 1) modifications to existing allocations for lingcod south of 40° 10' N. lat., Slope Rockfish south of 40° 10' N. lat. including Blackgill Rockfish, and widow rockfish; and 2) allowance of yellowtail rockfish retention in the salmon troll fishery south of 40° 10' N. lat. The Council is scheduled to review progress on the analysis of management

measure alternatives at the March 2020 meeting and identify preliminary preferred alternatives at the April meeting.

### **Endangered Species Act Mitigation Measures for Salmon - Final Action**

The Council adopted its final preferred alternatives (FPA) from the preliminary preferred alternatives (PPA) –as described in the draft [analytical document](#)– at this meeting. The suite of measures adopted by the Council address the Terms and Conditions of the 2017 National Marine Fisheries Service biological opinion *Reinitiation of Section 7 Consultation Regarding the Pacific Fisheries Management Council's Groundfish Fishery Management Plan* for which there is a Council-specified role.

The FPA language is paraphrased below.

Block Area Closures would be developed as a routine inseason mitigation tool for midwater trawl fisheries in the whiting and non-whiting sectors.

Extension of Block Area Closures for Groundfish Vessels using Midwater Trawl Gear to the Western Boundary of the Exclusive Economic Zone and to the 700 Fathom Curve for Vessels using Bottom Trawl Gear south of 46° 16' 00" N. latitude (WA/OR border). Selective Flatfish Trawl Net Requirement would be available for use as a routine inseason mitigation tool in bottom trawl fisheries.

Pacific Whiting Cooperative Agreements would allow each whiting sector co-op to develop salmon mitigation plans to include a requirement for annual season summary reporting to the Council and NMFS describing the use of salmon mitigation measures and an evaluation of the effectiveness of these avoidance measures.

Automatic Authority for NMFS to close Trawl Sectors and Preserve 500 Chinook Salmon for Fixed Gear and Select Recreational Fisheries at 19,500 Chinook and non-whiting trawl fisheries at 8,500 Chinook

#### Development of Reserve Access Rule Provision

A sector may only access the Reserve if the Council or NMFS has taken action to minimize Chinook salmon bycatch in that sector prior to it reaching its Chinook salmon bycatch guideline.

- The requirement for the at-sea whiting sectors would be satisfied upon approval by NMFS of cooperative salmon mitigation plans in each of those sectors.
- The requirement for shoreside whiting cooperative vessels would be satisfied upon approval by NMFS of a shoreside whiting cooperative salmon mitigation plan. Individual vessels are not eligible.
- If there are whiting vessels that are not members of a whiting co-op, then additional actions by the Council or NMFS will be needed to minimize Chinook salmon bycatch (e.g., BACs) prior to allowing access to the reserve by those vessels.
- Vessels fishing under an approved Salmon Management Plan (SMP) may be exempt from additional salmon mitigation measures.

- Performance of SMPs will be evaluated via the scorecard and inseason status reporting approach.

The Council will have the option of implementing additional mitigation measures (e.g. BAC) even if access to the Reserve was automatically granted through the adoption of the SMP if the SMP measures are not sufficient in mitigating salmon bycatch, as determined upon inseason review at regular Council meetings.

### **Inseason Adjustments Including Whiting Yield Set-Asides for 2020 - Final Action**

The Council considered progress of the groundfish fisheries to date and those routine inseason adjustments needed for the fishery to attain, but not exceed, annual catch limits. The Council adopted the eleven recommendations made by the [GMT](#) for early 2020 fisheries. Additionally, the Council adopted the [yield set-asides](#) to accommodate the incidental mortality of Pacific whiting in 2020 research activities and in the pink shrimp fishery.

## **Highly Migratory Species Management**

### **Recommend International Management Activities**

The Council endorsed the recommendations to National Marine Fisheries Service of the [Enforcement Consultants](#) and the [Highly Migratory Species Advisory Subpanel](#). Specifically, the United States government should:

- Strengthen or seek adoption of regional fishery management organization measures to require vessels comply with a garbage plan to prevent discarding of waste at sea
- Seek adoption of RFMO measures to require vessels to carry and deploy boarding ladders that allow safe boarding during high seas inspections
- Establish a catch attribution system for Canadian North Pacific albacore catch within the U.S. Exclusive Economic Zone (EEZ) and vice versa
- Work with Canada Department of Fisheries and Oceans to harmonize paperwork requirements for EEZ and port access
- Investigate and provide information on the source of cheap albacore imported into Canada and re-exported to the U.S. under the label “Product of Canada”
- Support Permanent Advisory Committee recommendations on South Pacific albacore conservation and management by the Western and Central Pacific Fisheries Commission (WCPFC)
- Work through the WCPFC to determine if unreported North Pacific albacore catch is occurring in the Convention Area and to better understand the impact of incidental catch of North Pacific albacore, especially by Small Island Developing State) fleets, not bound by current fishing effort limits.

## **Scoping an Amendment Authorizing Shallow-Set Longline Gear Outside of the Exclusive Economic Zone**

The Council chose not to proceed with further scoping or consideration of an amendment to establish a west coast permit to use shallow-set longline fishing gear outside the U.S. EEZ at this time. The Council directed the HMSMT to analyze the following issues in support of the [Swordfish Monitoring and Management Plan](#) and report back to the Council at the June 2020 meeting in San Diego, California:

- 1) Analyze effort, catch, and bycatch in subsets of Hawaii shallow-set longline observer data for potential action area delineations.
- 2) Document all sources of swordfish supply to the U.S. West Coast, including both foreign and domestic (west coast and Hawaii) caught.
- 3) Estimate related conservation impacts to characterize the relationship between domestic and foreign sources of swordfish supply and the potential to mitigate conservation impacts and reduce the Nation's seafood trade deficit through increased west coast production.

## **Administrative**

### **Legislative Matters, Including the Modernization Recreational Fisheries Management Act Report to Congress**

The Council directed staff to forward comments on the Modernization Recreational Fisheries Management Act Report to Congress to National Marine Fisheries Service, and approved the text in the Council Coordination Committee working paper consensus statement on forage fish.

### **Fiscal Matters**

The Council approved the 2020 No-Cost Extension budget, 2018 audit results, and recommended a March 2020 Budget Committee meeting at the discretion of the Executive Director.

### **Membership Appointments; Statement of Organization, Practices, and Procedures; and Council Operating Procedures**

Dr. Melissa Haltuch was appointed to one of the vacant at-large positions on the Scientific and Statistical Committee. The Council will solicit nominations for a remaining at-large vacancy soon with the intent of filling that position at the March 2020 meeting.

The U.S. Fish and Wildlife Service identified two new designees to the Council, Mr. David Teuscher and Mr. Tom Sinclair, and plans to discuss their appointment to the Habitat Committee at the March 2020 meeting.

The Council will also solicit nominations for two vacancies on its Advisory Subpanels, the Washington Commercial position on the Coastal Pelagic Species Advisory Subpanel formerly held by Mr. Daniel Crome, and the Open Access North of Cape Mendocino position on the Groundfish

Advisory Subpanel held by Mr. Jeffrey Miles who informed the Council of his intent to resign after the March 2020 Council meeting.

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