

NATIONAL MARINE FISHERIES SERVICE REPORT ON
POTENTIAL REGULATIONS TO IMPLEMENT SHORTBELLY ROCKFISH MITIGATION
MEASURES

The National Marine Fisheries Service (NMFS) would like to thank the Groundfish Management Team (GMT) for its thorough analysis of the mitigation options for shortbelly rockfish. For consistency, it is important to use current mitigation tools and the current management process to design regulations for these options. Therefore, to provide some context regarding how these options could be structured, we have developed draft regulations for the options and provide some comments on the future management of shortbelly rockfish.

The GMT report outlines several options (i.e., year, exemptions, and formulas) for developing the annual catch limit (ACT) mitigation measure for shortbelly rockfish. These options help define when the ACT would apply, who it would apply to, and at what amount the closure should occur. Based on these options, the ACT could be structured in the regulations in four different ways. All of the ACTs below include a closure if the ACT is exceeded.

The Overage Carryover ACT

Under the GMT's Formula Option 1, the GMT report discusses using a formula that takes into account any annual catch limit (ACL) overage in the first year of a cycle to develop an ACT for the second year. The Overage Carryover ACT would not establish an ACT in the first year or second year. NMFS would only implement an ACT in the second year if there is an ACL overage for shortbelly rockfish in the first year. The ACT in the second year would be set by subtracting the ACL overage in the first year from the fishery harvest guideline (HG) in the second year. Subtracting the ACL overage from the fishery HG takes into account all off-the-top deductions for groundfish bycatch in other fisheries (research, exempted fishing permits, and incidental open access). Under the Overage Carryover ACT, all directed groundfish fisheries would close if catch reaches the ACT level. Fisheries that take groundfish incidentally would be unaffected.

For the Overage Carryover ACT, the regulations could include an automatic closure at 50 CFR §660.60 and could include the 2022 ACT in the footnotes to Table 2a (2022 Specifications of Overfishing Limit [OFL], Allowable Biological Catch [ABC], ACL, ACT, and Fishery HGs).

In 660.60(d)(1)(vii):

Close all directed groundfish fishing upon the groundfish fishery exceeding its 2022 ACT for shortbelly rockfish. The 2022 ACT is specified in the footnote for shortbelly in Table 2a to Part 660, Subpart C.

In the footnotes for Table 2a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch

(8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set below the fishery HG and is equal to the 2022 fishery HG-any ACL overage in 2021.

The Fixed ACT

The GMT Formula Option 2 would establish a fixed ACT in both years. The Fixed ACT would set a fixed ACT in both years at an amount below the fishery HG determined by the Council. The Fixed ACT would not adjust the ACT in the second year to take into account any ACL overage in the first year. Under the Fixed ACT, all directed groundfish fisheries would close if catch reaches the ACT level. Fisheries that take groundfish incidentally would be unaffected.

For the Fixed ACT, the regulations could include an automatic closure at 50 CFR §660.60 and could include the ACTs in the footnotes to Table 1a (2021 Specifications of OFL, ABC, ACL, ACT and Fishery HGs) and Table 2a (2022 Specifications of OFL, ABC, ACL, ACT and Fishery HGs).

In 660.60(d)(1)(vii):

Close all directed groundfish fishing upon the groundfish fishery exceeding its ACT for shortbelly rockfish. The shortbelly rockfish ACT is specified in the shortbelly footnotes in Tables 1a and 2a to Part 660, Subpart C.

In Table 1a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set at XXXX.

In the footnotes for Table 2a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set at XXXX.

The Trawl Fishery ACT

Under the exemption options, the GMT report discusses the possibility of exempting certain fisheries from the shortbelly rockfish ACT in order to allow them to continue fishing if the ACT is exceeded. Under the Trawl Fishery ACT, all groundfish trawl sectors would close if catch exceeds the ACT. All catch would count towards the ACT. If the Council would like only trawl catch to count towards the Trawl Fishery ACT, the Council could do this by further allocating the fishery HG to the trawl and non-trawl sectors. Then, the Council could specify an ACT for the trawl sector equal to the trawl allocation that if exceeded would result in closure of all trawl groundfish sectors. Exemption option 1 would allow all non-trawl fisheries, including recreational, limited entry fixed gear, open access fisheries, and fixed gear vessels in the individual fishing quota fishery (IFQ), to continue to operate if catch exceeds the ACT. Fisheries that take groundfish incidentally would also be unaffected.

For the Trawl ACT, the regulations could include an automatic closure at 50 CFR §660.60 and could include the ACTs for the trawl fishery in the shortbelly rockfish footnotes for Table 1a (2021 Specifications of OFL, ABC, ACL, ACT and Fishery HGs) and Table 2a (2022 Specifications of OFL, ABC, ACL, ACT and Fishery HGs). If the Council would like to further allocate the

shortbelly rockfish fishery HG to the trawl and non-trawl sectors, the allocation would be included in Table 1b (2021, Allocations by Species or Species Group) and Table 2b (2021, Allocations by Species or Species Group)

In 660.60(d)(1)(vii):

Close all groundfish trawl sectors (mothership, catcher/processor, and IFQ trawl) upon exceeding its ACT for shortbelly rockfish. The shortbelly rockfish ACT for the groundfish trawl sectors is specified in the shortbelly footnotes in Tables 1a and 2a to Part 660, Subpart C.

In Table 1a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set at XXXX for the groundfish trawl sectors (mothership, catcher/processor, and IFQ trawl).

In Table 1b to Part 660, Subpart C:

Add shortbelly rockfish to the table to read as:

Stock/stock complexes	Area	Fishery HG or ACT	Trawl		Non-Trawl	
			XX %	XX MT	XX %	XX MT
Shortbelly rockfish	Coastwide	1,970.1	XX %	XX MT	XX %	XX MT

In the footnotes for Table 2a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set at XXXX for the groundfish trawl sectors (mothership, catcher/processor, and IFQ trawl).

In Table 2b to Part 660, Subpart C:

Add shortbelly rockfish to the table to read as:

Stock/stock complexes	Area	Fishery HG or ACT	Trawl		Non-Trawl	
			XX %	XX MT	XX %	XX MT
Shortbelly rockfish	Coastwide	1,970.1	XX %	XX MT	XX %	XX MT

The At-Sea Whiting ACT

Under the second exemption option in the GMT report, the GMT discusses the possibility of exempting additional fisheries from the ACT closure by making the ACT more focused. All at-sea whiting sectors (i.e., mothership and catcher/processors) would close if catch exceeded the ACT. All catch would count towards the ACT. If the Council would like only at-sea whiting catch to count towards the At-Sea Whiting ACT, the Council could do this by further allocating the fishery HG to the trawl and non-trawl sectors, and then creating a set-aside for the at-sea whiting sectors. Then, the Council could specify an ACT for the at-sea whiting sector equal to the at-sea whiting set-aside that if exceeded would result in closure of the at-sea whiting sectors. Exemption option 2 would allow all non-whiting fisheries, including recreational, limited entry

fixed gear, open access, and non-whiting IFQ fisheries from the ACT. Fisheries that take groundfish incidentally would also be unaffected.

For the At-Sea Whiting ACT, the regulations could include an automatic closure at 50 CFR §660.60 and could include the ACTs for the at-sea whiting sectors in the footnotes to Table 1a (2021 Specifications of OFL, ABC, ACL, ACT and Fishery HGs) and Table 2a (2022 Specifications of OFL, ABC, ACL, ACT and Fishery HGs).

In 660.60(d)(1)(vii):

Close the at-sea whiting sectors (mothership and catcher/processors) upon exceeding its ACT for shortbelly rockfish. The shortbelly rockfish ACT for the at-sea whiting sectors is specified in the shortbelly footnotes for Tables 1a and 2a to Part 660, Subpart C.

In Table 1a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set at XXXX for the at-sea whiting sectors (mothership and catcher/processors).

In Table 1b to Part 660, Subpart C:

Add shortbelly rockfish to the table to read as:

Stock/stock complexes	Area	Fishery HG or ACT	Trawl		Non-Trawl	
			XX %	XX MT	XX %	XX MT
Shortbelly rockfish	Coastwide	1,970.1	XX %	XX MT	XX %	XX MT

In the footnotes for Table 2a to Part 660, Subpart C:

bb. Shortbelly rockfish. 29.87 mt is deducted from the ACL to accommodate the incidental open access fishery (2.157 mt), EFP catch (0.1 mt), and research catch (8.2 mt), resulting in a fishery HG of 1,970.1 mt. An ACT is set at XXXX for the at-sea whiting sectors (mothership and catcher/processors).

In Table 2b to Part 660, Subpart C:

Add shortbelly rockfish to the table to read as:

Stock/stock complexes	Area	Fishery HG or ACT	Trawl		Non-Trawl	
			XX %	XX MT	XX %	XX MT
Shortbelly rockfish	Coastwide	1,970.1	XX %	XX MT	XX %	XX MT

Future Management of Shortbelly Rockfish

If the Council does not choose to further distribute the Fishery HG during this cycle, in future harvest specifications cycles, the Council may want to consider further distributions of the shortbelly ACL beyond the current management structure. Currently, shortbelly rockfish is managed to the fishery HG level. There is no further distribution to the trawl or non-trawl fishery.

If shortbelly rockfish continues to be of interest to the Council, the Council may want to establish allocations to the trawl and non-trawl fisheries and also consider establishing a shortbelly rockfish bycatch set-aside for the at-sea whiting sectors (Figure 1). Further distributing the shortbelly rockfish fishery HG could help the Council develop more precise accountability measures in future cycles.

Figure 1 depicts the potential distribution that could be implemented for shortbelly rockfish. The boxes in bold represent the current management system.

