

GROUND FISH ADVISORY SUBPANEL REPORT ON EXECUTIVE ORDER 13921:  
PROMOTING AMERICAN SEAFOOD COMPETITIVENESS AND ECONOMIC GROWTH  
– FINAL RECOMMENDATIONS

The Groundfish Advisory Subpanel (GAP) received an overview of Executive Order (EO) 13921, Promoting American Seafood Competitiveness and Economic Growth, by Dr. Jim Seger, Pacific Fishery Management Council (Council) staff, and an overview of the aquaculture aspects of the EO from Mr. Ryan Wulff, National Marine Fisheries Service (NMFS) West Coast Region Assistant Regional Administrator, and Ms. Diane Windham, NMFS California Regional Aquaculture Coordinator, and developed several proposed action items for Council consideration. We also include some comments relative to aquaculture opportunities.

### Proposed actions

The GAP agrees that the COVID-19 pandemic has taken a toll on the West Coast seafood industry and the need to take action to increase the viability of the seafood supply chain. The GAP discussed a number of ideas under this agenda item and notes that all of these are important to GAP members and public members participating in the GAP meeting.

However, we recognize that several items already in the Council/NMFS pipeline can achieve the objective of increasing the viability of the seafood supply chain; thus, we have put those at the top of our list. In lower priority and in no particular order, we have listed several items the Council may want to consider in the future. Many of these items are more fully discussed in Agenda Item B.1, open public comment letter from [Mr. Jon Gonzalez and Pacific Seafood](#) at the June 2020 Council meeting. Additionally, we've added the items from the [GMT workload planning document](#) that were not prioritized.

As we mentioned in our [D.2.a Supplemental GAP Report 1](#), we are unable to rank the lower priority items list due to the composition of our group and the diverse sectors and communities each GAP member represents.

## Priority items for proposed action

Action description	How does it reduce burdens and/or increase production?
A2 – Nontrawl area management and salmon troll incidental landings limits AND A5 – Moving Emley/Platt exempted fishing permit (EFP) into regulations	The GAP understands these items have now been combined after action earlier at this Council meeting under Agenda Item D.2. See discussion in the <a href="#">June 2020 Informational Report about High Priority Items</a> and under <a href="#">D.2, Workload and New Management Measures GAP Report</a> at this meeting.
A3 – Mothership sector utilization: the Council will begin scoping under this agenda item at this meeting	See discussion in the <a href="#">June 2020 Informational Report about High Priority Items</a> and under <a href="#">D.2, Workload and New Management Measures GAP Report</a> at this meeting.
A6 – gear switching and trawl sablefish area management	This is already a separate agenda item and some members of the GAP see this as a priority. More information about this issue is available under Agenda Item D.1, Gear Switching and Sablefish Area Management at this meeting, and specifically, <a href="#">GAP Report 1</a> under that agenda item.

## Lower priority items (in no particular order)

Action description	How does it reduce burdens and/or increase production?
Eliminate the aggregate cap in IFQ fisheries. Default to the sum of individual species limits (5.84%)	The aggregate cap forces fishermen to select species portfolios that will avoid lesser value species, which essentially eliminates underutilized species market development, contrary to the optimum yield (OY) mandate and the IFQ program goals and objectives.
Increase allowance of surplus carryover, including for species where ABC=ACL	Revisiting these carryover provisions in the IFQ program could increase flexibility, which would promote short-term harvest opportunities and would further complement the basic economic objectives in the IFQ program environmental impact statement (EIS) while still adhering to the ACLs within each biennium. For more information, see: <a href="#">Informational Report 1, National Standard 1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions</a> .
"Soft cap" vessel limits and in-season adjustments	Adjusting vessel limits through in-season management could be raised for a particular species if it is lagging behind in attainment. This would allow more utilization of each IFQ species.

Allow discards or survival credits greater than 50% for sablefish smaller than 22 inches caught with trawl gear	Sablefish are known to have high survivability rates, especially if harvested in shallower waters using shorter tows. This is similar to the quota program in effect in Canada. These smaller sablefish are undesirable and frequently unmarketable. Allowing discards or increased survival credits would increase the availability of individual quota for fishermen and thereby achieve greater resource utilization.
Establish a process to provide incentives for cooperative research using underutilized bycatch	Using underutilized species from the previous year in the biennial management cycle could fund cooperative research projects.
Expedite the regulatory process to initiate harvest of species that are rebuilt	Allowing the NMFS Regional Administrator to relax ACLs for overfished species that are considered rebuilt based on updated stock assessments in the second year of a biennial management cycle would allow harvesters to access higher ACLs and provide more fishing and processing opportunity.
Amend West Coast groundfish FMP to allow inclusion of a multi-year average catch policy	The Council considered this issue in 2017 but it dropped off the workload agenda. NMFS policies may have changed since then, and this issue may be ready to be considered again. For more information, see documents under <a href="#">Agenda Item F.5, June 2017</a> .
Change the fishing calendar year from Jan. 1-Dec. 31 to April 1-March 31.	For catch shares program trawlers, this would allow more unused “insurance” species kept by whiting boats for incidental catch to be used by trawlers. Some of the most important species for bottom trawl (sablefish and canary, darkblotched, yelloweye and minor shelf rockfish) and midwater trawl (widow and yellowtail rockfish) are kept in large quantities until mid-October or November and then released, but are either not well utilized or their value not maximized because there is so little time left in the year. An April 1 start would allow use of those species for five months (Nov-Mar) instead of two (Nov-Dec).
Allow a year-round non-whiting midwater trawl fishing and eliminate the selective flatfish trawl requirement	The trawl fishery has had three years of data from exempted fishing permits to support lifting these regulations permanently.

The GAP requests that, for those items above not currently on the groundfish Workload and New Management Measures list, they be added to the list for consideration the next time this issue is on the Council’s agenda.

## Additional non-prioritized items

The following are found in Table B of [Agenda Item D.2.a, Supplemental GMT Report 1](#).

Item #	Sector	Short Title	Category
B1	Trawl, Non-Trawl	Clarify Catch Accounting Rules for Amendment 21	Catch Accounting
B2	Trawl IFQ	Removal of Selective Flatfish Trawl (SFFT) requirement between 40° 10' and 42° N. lat.	Gear
B3	LE FG	LEFG Permit Price Reporting	Permitting
B4	Trawl, Non-Trawl, Rec	Create 60-Mile Bank RCA Lines	Area Management
B5	Trawl, Non-Trawl	New Dressed to Round Conversion Factors for Sablefish	Catch Accounting
B6	Trawl IFQ	Remove Certain Time and Area-Management Restrictions for Midwater Trawl Gear Targeting Non-whiting	Area Management
B7	Trawl IFQ	Carryover when Management Units Change	Catch Accounting
B8	Rec	Discard Mortality Rates for the Recreational Fisheries	Catch Accounting
B11	All	Sablefish Harvest Specification Change- Managing with ACTs	Allocation
B12	Rec	Permitting Commercial Sale of Recreational Fish Waste	Permitting
B13	Trawl IFQ	Petrale; Gutted/ Head-on conversion factor	Catch Accounting
B14	OA FG	Salmon VMS Ping Rate	Enforcement

## Aquaculture concerns

The GAP appreciates Mr. Wulff and Ms. Windham discussing the aquaculture portion of the Executive Order with us. It was informative and helpful. The GAP continued discussion of the Aquaculture Opportunity Area under consideration off Southern California that was recently designated under the Executive Order. The GAP is genuinely concerned about aquaculture. GAP members depend on plentiful wild stocks for their businesses and some of those stocks are not fully utilized. Why put money into aquaculture when we should be fully realizing the access to

healthy wild stocks? Underutilized species could be contributing to the market while also enabling gainful employment for fishing and processing workers and related community businesses. The GAP also wants to ensure aquaculture facilities and designated areas do not restrict access to wild fisheries.

At the same time, the GAP understands that one proposed ocean finfish farm, from [Pacific Ocean AquaFarm](#), would raise California yellowtail (*Seriola dorsalis*) a species native to southern California waters. It is our understanding the fish would be harvested at a smaller size than those that can be fished commercially. The competition between farmed California yellowtail and wild-harvested yellowtail would be minimal. In this case, an aquaculture entity could be complementary to wild harvests.

Regardless, at this time, the GAP requests the Council remain engaged in any aquaculture project that could have an effect on seafloor habitat, essential fish habitat, or wild-harvest fisheries in any way. If we can work with the Council and NMFS on these issues, we can increase demand for U.S. seafood products and reduce our dependence on imported seafood.

PFMC  
09/17/20

## Groundfish potential EO actions

Fishery	Priority	Classification (regulation, order, guidance, other agency action)	Relevant CFR ( <a href="https://is.gd/BOYPce">https://is.gd/BOYPce</a> )	Action description	How does it reduce burdens and/or increase production?	Brief proposal for initiating the action (current status of discussions, steps to take, timeline)
<b>GAP High Priority Items</b>						
Groundfish		Regulation		A2 – Nontrawl area management and salmon troll incidental landings limits AND A5 – Moving Emley/Platt exempted fishing permit (EFP) into regulations	The GAP understands these items have now been combined after action earlier at this Council meeting under Agenda Item D.2. See discussion in the June 2020 Informational Report about High Priority Items <sup>1</sup> and under D.2, Workload and New Management Measures GAP Report <sup>2</sup> at this meeting.	
Groundfish		Regulation		A3 – Mothership sector utilization: the Council will begin scoping under this agenda item at this meeting	See discussion in the June 2020 Informational Report about High Priority Items <sup>1</sup> and under D.2, Workload and New Management Measures GAP Report <sup>2</sup> at this meeting.	
Groundfish		Regulation		A6 – gear switching and trawl sablefish area management	This is already a separate agenda item and some members of the GAP see this as a priority. More information about this issue is available under Agenda Item D.1, Gear Switching and Sablefish Area Management at this meeting, and specifically, GAP Report 1 <sup>3</sup> under that agenda item.	
<b>GAP Low Priority Items (in no particular order)</b>						
Groundfish		Regulation		Eliminate the aggregate cap in IFQ fisheries. Default to the sum of individual species limits (5.84%)	The aggregate cap forces fishermen to select species portfolios that will avoid lesser value species, which essentially eliminates underutilized species market development, contrary to the optimum yield (OY) mandate and the IFQ program goals and objectives.	
Groundfish		Regulation		Increase allowance of surplus carryover, including for species where ABC=ACL	Revisiting these carryover provisions in the IFQ program could increase flexibility, which would promote short-term harvest opportunities and would further complement the basic economic objectives in the IFQ program environmental impact statement (EIS) while still adhering to the ACLs within each biennium. For more information, see: Informational Report 1, <i>National Standard 1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions</i> <sup>4</sup> .	
Groundfish		Regulation		"Soft cap" vessel limits and in-season adjustments	Adjusting vessel limits through in-season management could be raised for a particular species if it is lagging behind in attainment. This would allow more utilization of each IFQ species.	

Groundfish	Regulation		Allow discards or survival credits greater than 50% for sablefish smaller than 22 inches caught with trawl gear	Sablefish are known to have high survivability rates, especially if harvested in shallower waters using shorter tows. This is similar to the quota program in effect in Canada. These smaller sablefish are undesirable and frequently unmarketable. Allowing discards or increased survival credits would increase the availability of individual quota for fishermen and thereby achieve greater resource utilization.
Groundfish	Guidance? Regulation?		Establish a process to provide incentives for cooperative research using underutilized bycatch	Using underutilized species from the previous year in the biennial management cycle could fund cooperative research projects.
Groundfish	Regulation	§660.60(d) Automatic Actions	Expedite the regulatory process to initiate harvest of species that are rebuilt	Allowing the NMFS Regional Administrator to relax ACLs for overfished species that are considered rebuilt based on updated stock assessments in the second year of a biennial management cycle would allow harvesters to access higher ACLs and provide more fishing and processing opportunity.
Groundfish	Regulation (FMP amendment)		Amend West Coast groundfish FMP to allow inclusion of a multi-year average catch policy	The Council considered this issue in 2017 but it dropped off the workload agenda. NMFS policies may have changed since then and this issue may be ready to be considered again. For more information, see documents under Agenda Item F.5, June 2017 <sup>5</sup> .
Groundfish	Regulation		Change the fishing calendar year from Jan. 1-Dec. 31 to April 1-March 31.	For catch shares program trawlers, this would allow more unused “insurance” species kept by whiting boats for incidental catch to be used by trawlers. Some of the most important species for bottom trawl (sablefish and canary, darkblotched, yelloweye and minor shelf rockfish) and midwater trawl (widow and yellowtail rockfish) are kept in large quantities until mid-October or November and then released, but are either not well utilized or their value not maximized because there is so little time left in the year. An April 1 start would allow use of those species for five months (Nov-Mar) instead of two (Nov-Dec).
Groundfish	Regulation		Allow a year-round non-whiting midwater trawl fishing and eliminate the selective flatfish trawl requirement	The trawl fishery has had three years of data from exempted fishing permits to support lifting these regulations permanently.

<sup>1</sup> [June 2020 Groundfish Advisory Subpanel Informational Report for High Priority Items](#)

<sup>2</sup> [Agenda Item D.2, Workload and New Management Measures Supplemental GAP Report 1](#)

<sup>3</sup> [Agenda Item D.1, Gear Switching and Sablefish Area Management Supplemental GAP Report 1](#)

<sup>4</sup> [June 2020 Informational Report 1: National Standard 1 Technical Guidance of Designing, Evaluating and Implementing Carry-over and Phase-in Provisions](#)

<sup>5</sup> [June 2017: Agenda Item F.5, Scoping of Multi-year Average Catch Policy](#)