

Decision Summary Document

Pacific Fishery Management Council

September 11, 14-18, 2020

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](#).

Groundfish Management

Gear Switching and Sablefish Area Management Scoping

The Council voted to move forward with considering potential modification of regulations regarding the use of fixed gear to catch sablefish in the trawl individual fishing quota fishery north of 36° N lat. (gear switching for sablefish). The Council also adopted a statement of [purpose and need](#) and scheduled adoption of a range of alternatives for its November 2020 meeting.

Workload and New Management Measure Priorities-- Including the Scoping of Whiting Mothership Utilization Issues

The Council confirmed its [prioritization](#) of the whiting mothership (MS) utilization, non-trawl rockfish conservation area revisions, Emley-Platt EFP gear regulations, and sablefish gear switching issues. The Council also included the limited entry fixed gear (LEFG) permit stacking program review as a priority, but later confirmed that the [report](#) sufficed as the initiation step in that process. The Council deprioritized the Amendment 21 allocations but noted they may be addressed during a future biennial management process.

For the mothership utilization issue, the Council adopted a [purpose and need statement](#) for public review and will continue to scope the following issues: 1) Primary whiting season start date (which could apply to other whiting sectors), 2) Processor obligation deadline, 3) MS processor cap, and 4) MS/Catcher-Processor permit transfers. The Council delayed further consideration of at-sea processing south of 42° N. lat. due to the potential impact on salmonids and other

managed species, but may consider an exempted fishing permit as part of the 2023-2024 biennial management measure process.

Assessment Methodology Review--Final Action

The Council adopted the visual survey methods for nearshore groundfish stocks using remotely operated vehicles (ROVs) proposed by the California and Oregon Departments of Fish and Wildlife as recommended by the [Scientific and Statistical Committee](#) (SSC). The SSC did not endorse the [proposed length-based assessment methods](#) pending further analysis and review as detailed in their recommendations.

Inseason Adjustments – Final Action

The Council adopted inseason adjustments to 1) increase the sablefish daily trip limit (DTL) for the open access fixed gear fishery north of 36° N. lat. to 600 lbs/day or one landing per week up to 2,000 lbs, not to exceed 4,000 lbs/2 months; 2) increase the sablefish DTL for the limited entry fixed gear fishery north of 36° N. lat. to 2,500 lbs/week, not to exceed 7,500 lbs/2 months; and 3) increase incidental retention limit of Pacific halibut in the primary tier sablefish fishery north of Point Chehalis, WA from 200 to 250 lbs. of Pacific halibut per 1,000 lbs. of sablefish, and maintain the limit of up to two additional Pacific halibut in excess of the ratio.

The Council also adopted the [technical corrections](#) for sablefish in the 2021-2022 harvest specifications tables for annual catch limits and the coastwide apportionment of the acceptable biological catch.

Update on Humpback Whale Endangered Species Act Consultation

The Council recommended National Marine Fisheries Service (NMFS) include the [prospective conservation measures](#) in the biological opinion and to identify which of the measures affect the sablefish fishery.

Emergency Action to Consider a Season Extension for the 2020 Limited Entry Fixed Gear Primary Sablefish Fishery

The Council modified its September 2020 agenda to consider emergency action for an extension of the primary sablefish fishery to allow LEFG primary sablefish vessels to access the remainder of their allocations in the West Coast LEFG fishery after many vessels that also participate in Alaska fishery encountered fishery delays in that fishery due to COVID-19 issues.

The Council recommended that NMFS implement emergency rulemaking to amend the groundfish regulations to temporarily allow an extension of the 2020 primary sablefish fishery end date from October 31, 2020 to December 31, 2020. The Council recommended allowing incidental Pacific halibut allowance for this fishery north of Point Chehalis, Washington from November 1, 2020 through noon, November 15, 2020 of 250 pounds of Pacific halibut per 1,000 pounds of sablefish with up to two additional Pacific halibut in excess of the ratio contingent upon it, not interfering with the timely implementation of the inseason actions recommended under Agenda Item D.5 or the extension of the primary sablefish season end date.

Highly Migratory Species Management

Exempted Fishing Permits

The Council reviewed [20 EFP applications](#) to use standard and linked DSBG and recommended 19 in part or whole for issuance. Four applications proposed using DSBG at night, but the Council did not recommend additional night fishing until data from the one previously-approved EFP becomes available in 2021. The Council did recommend that the previously-approved night fishing EFP be allowed to be fished on another vessel owned by the applicant, but not on both vessels simultaneously. The Council recommended that NMFS prioritize these applications for EFP issuance over previously-approved applicants who have not completed the process for obtaining their permits.

The Council also recommended NMFS modify the Terms and Conditions for all DSBG and night-set buoy gear (NSBG) EFPs (new and existing) to include a mandatory lost gear reporting requirement and clear marking of gear to distinguish between DSBG and NSBG.

Biennial Harvest Specifications and Management Measures- -Preliminary

The Council requested its SSC review proxy values selected by NMFS to make status determinations for Eastern Pacific Ocean (EPO) bigeye and yellowfin tuna pending Inter-American Tropical Tuna Commission (IATTC) adoption of its new benchmark stock assessments for these stocks in advance of the November Council meeting.

Without IATTC action, NMFS would be unable to implement domestic measures to address the stock status of Pacific bluefin and EPO yellowfin under the Tuna Conventions Act and the Council would then consider its obligations pursuant to Magnuson-Stevens Act (MSA) Section 304(i), when a stock “is overfished or approaching a condition of being overfished due to excessive international fishing pressure, and for which there are no management measures to end

overfishing under an international agreement to which the United States is a party.” This could include implementing domestic catch limits “taking into account the relative impact of vessels of other nations and vessels of the United States.” As a precaution, the Council directed the Highly Migratory Species Management Team, in coordination with the Highly Migratory Species Advisory Subpanel, to examine options for taking action under the MSA and report to the Council at its November 2020 meeting.

Essential Fish Habitat Review

The Council considered the highly migratory species essential fish habitat review Phase 1 [report](#), and approved moving forward with Phase 2, in which modifications to highly migratory species essential fish habitat will be considered. The Council will consider a Phase 2 scope of work and Fishery Management Plan amendment process at its March 2021 meeting.

Ecosystem Management

Climate and Communities Initiative Update

The Council recommended a preface describing the background and intent of the scenario planning exercise be added to the final draft description of [climate change scenarios for the California Current Ecosystem](#), which would then be a stand-alone document. The Council also endorsed [phase II workshops](#), recognizing the limitations of conducting these virtually, but scheduled a final report on the workshop results in March 2021, although the Council could consider follow-on activities as needed. The Climate and Communities Core Team will plan the Phase II workshops at its [September 29 meeting](#).

Fishery Ecosystem Plan Five-Year Review

The Council recommended the Ecosystem Workgroup provide a streamlined draft of [Chapter 3](#), a draft of [Chapter 4, and an outline of Chapter 5](#), with the option of making the latter a stand-alone document, at the March 2021 Council meeting.

Coastal Pelagic Species Management

Pacific Sardine Rebuilding Plan--Final Action

The Council adopted a rebuilding plan for Pacific sardine, selecting Alternative 1 (Status quo) as the preferred management alternative. The Council also adopted the following rebuilding reference points:

T_{\min} = 12 years

T_{\max} = 24 years

T_{target} = 14 years

Rebuilding target = 150,000mt age-1+ biomass

The Council directed the Executive Director and Council staff to develop Fishery Management Plan amendment language consistent with the adopted rebuilding plan, for transmittal to NMFS.

Salmon Management

Amendment 20: Management Schedule and Klamath Management Zone Boundary Change-Final Action

The Council adopted final preferred alternatives for Amendment 20 of the Pacific Coast Salmon Fishery Management Plan (FMP). Alternatives [4.13](#), [4.1.4](#), and [4.2.2](#) were adopted that: 1) changed the effective date of annual salmon fisheries from May 1 to May 16, 2) maintained the status quo of no fixed transmittal date in the FMP, and 3) modified the southern boundary of the Klamath Management Zone from Horse Mountain (40° 05' N. lat.) to 40° 10' N. lat. In addition, several [housekeeping](#) items were also adopted.

Southern Resident Killer Whale Endangered Species Act Consultation

The Council adopted for public review the following [range of alternatives and recommendations](#):

- A suite of management strategy alternatives including status quo and a series of options establishing a Chinook abundance threshold within the area North of Cape Falcon, OR, and a list of potential actions that could be taken if abundance fell below that threshold.
- Re-evaluate conservation objectives for Sacramento River fall Chinook and for Klamath River fall Chinook.

- Improve stock assessment analytic methods by developing an age-structured stock assessment for Sacramento River fall Chinook using cohort reconstruction methods.

Pacific Halibut Management

2021 Catch Sharing Plan and Annual Regulations

The Council adopted for public review the following proposed changes to the 2020 Area 2A Catch Sharing Plan (CSP) and annual fishing regulations in Washington, Oregon, and California recreational fisheries:

1. In the Columbia River subarea, allow the retention of yellowtail, widow, canary, redstriped, greenstriped, slivergray, chilipepper, bocaccio, and blue/deacon rockfishes, Pacific cod, flatfish species, and lingcod north of the Washington – Oregon border, on all-depth halibut days.
2. Remove the description of the South Coast Recreational Yelloweye Rockfish Conservation Area (YRCA) and the Westport Offshore YRCA from section 6.9.3.h of the CSP.
3. Coastwide in Oregon allow all-depth halibut fishing and longleader gear fishing on the same trip.
4. Change the end date in the California sport fishery from October 31 to no later than November 15.

Transition of Area 2A Fishery Management

The Council adopted for public review the following as preliminary preferred [alternatives](#) :

1. 4.1.2 - Alternative 2: Consider the directed fishery framework during the CSP process in September and November, including any guidance for vessel limits and inseason changes for NMFS implementation.
2. 4.2.1 Alternative 2: Issue permits for all Area 2A halibut non-Indian fisheries (commercial directed, incidental salmon troll, incidental sablefish, and recreational charter).
3. 4.2.2 Alternative 2: Allow NMFS to determine the appropriate application deadlines for all commercial halibut applications, set to coincide with Council meetings and NMFS processing time.
4. 4.2.5 Alternative 1: Status quo (revised). Require proof of permit to be onboard fishing vessel and made readily available upon request, regardless of the type of permit (e.g., paper or electronic). NMFS to provide access to permit in a printable format or send paper copy directly to the participant.

Commercial-Directed Fishery Regulations for 2021

The Council adopted for public review two options for the 2021 Area 2A non-tribal directed commercial halibut fishery periods: 1) 10-hour periods and 2) 58-hour periods (0800 on day 1 to 1800 on day 3) starting on the fourth Monday in June, but could be open either: Suboption 1: Mondays – Wednesdays; Suboption 2: Tuesdays - Thursdays.

Habitat Issues

Current Habitat Issues

The Council approved the [letter](#) to the California Energy Commission on wind energy project siting as written, and directed the Habitat Committee to prepare quick response letters to the U.S. Army Corps of Engineers on two topics: the Corps' proposed Nationwide Permits on aquaculture, and the Sacramento Delta Conveyance Project.

Administrative Matters

NMFS Report

The Council asked that NMFS review and respond to the [Groundfish Advisory Subpanel \(GAP\) report](#) process recommendations on trawl catch share cost recovery at a future meeting.

Executive Order 13921: Promoting American Seafood Competitiveness and Economic Growth--Final Recommendations

Executive Order 13921 requires that by November 2 Councils provide to the Secretary of Commerce a prioritized list of recommended actions to reduce burdens on domestic fishing and to increase production within sustainable fisheries, including a proposal for initiating each recommended action within 1 year [5/7/2021].

The Council identified the following actions as responsive to the executive order and prioritized for action on the Council's meeting planner: 1) modifying the non-trawl rockfish conservation areas by reducing the areas, adjusting troll incidental landing limits, and the allowing use of midwater jig gear, and 2) increasing utilization in the whiting mothership sector. The Council will also request that the Secretary of Commerce work with the Department of Interior to modify USFWS rules to reclassify sea urchins and squid as shellfish.

Additionally, the Council identified several crucial funding needs: ongoing survey work needed for groundfish and CPS stock assessments, increased funding for creel surveys and biological sampling of ocean salmon fisheries, and funding for electronic monitoring.

Finally, the Council discussed sections of the executive order related to aquaculture and will be recommending that early in the process an EFH consultation be initiated on the proposed programmatic aquaculture EIS. Additionally, as the development of aquaculture opportunity areas (AOAs) is considered good communication and coordination between the Federal process and those underway for the state of California should occur. Part of the consideration AOAs should include a review of fishing regulations and fishery patterns with respect to sighting aquaculture projects. Any public comment periods on AOA, specific proposed sites, or environmental review documents should include dates that overlap a scheduled meeting of the Pacific Council.

Fiscal Matters

The Council approved the 2019 Audit Results and holding a November 2020 Budget Committee Meeting to recommend a 2021 Provisional Budget and discuss a potential No-Cost Extension for 2021. Council also directed staff to prepare an alternative 2021 budget showing liaison support funding at the 2020 level.

Membership Appointments and Council Operating Procedures (COPs)

Regarding Council Standing Committees, the change in Council Officers resulted in Chair Gorelnik replacing Mr. Phil Anderson on the Budget Committee (BC). Chair Gorelnik appointed Mr. Corey Niles to the Washington Department of Fish and Wildlife position on the BC and Mr. Phil Anderson to the Legislative Committee.

Regarding Advisory Body membership, the Council appointed:

- Dr. Phil Levin to the vacant Washington position on the Ecosystem Advisory Subpanel formerly held by Mr. Paul Dye,
- Mr. Glen Spain to the vacant Commercial Fishery position on the Habitat Committee formerly held by Mr. Noah Oppenheim,
- Ms. Amber Rhodes to the National Marine Fisheries Service West Coast Region position on the Highly Migratory Species Management Team formerly held by Mr. Lyle Enriquez,
- Mr. Michael Sawin to the Washington Charter Boat Operator position on the Salmon Advisory Subpanel formerly held by Mr. Butch Smith, and

- Dr. Fabio Caltabellotta to the vacant Oregon Department of Fish and Wildlife position on the Scientific and Statistical Committee formerly held by Dr. David Sampson.

The Council approved [revisions to Council Operating Procedure 9, Schedule 6](#), regarding the review of the compositions of Advisory Bodies and the appointment of representatives for three-year terms. Every three years beginning in 2021, this process will occur over three meetings (June, September, November) rather than the currently stipulated two-meeting process (September, November).

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