

GROUND FISH ADVISORY SUBPANEL REPORT ON GROUND FISH WORKLOAD AND NEW MANAGEMENT MEASURE PRIORITIES

The Groundfish Advisory Subpanel (GAP) received an overview of this item from Pacific Fishery Management Council (Council) Staff Officer Todd Phillips and discussed this agenda item with the Groundfish Management Team (GMT).

The GAP agrees with the items contained in [GMT Report 1](#) under this agenda item. Based on discussions, we also agree that item B11, Sablefish Harvest Specification Change/Managing with annual catch targets, from Table B of that report has been accomplished through the biennial harvest specifications process and recommends it be removed. We also agree that item B6, the Exempted Fishing Permit (EFP) relating to Removing Certain Time and Area Management Restrictions for Midwater Trawl Gear Targeting Non-whiting, is in year four of the EFP and the table should reflect that.

Cowcod Conservation Areas

The GAP discussed the Supplemental [California Department of Fish and Wildlife Report 1](#) suggesting the Cowcod Conservation Areas (CCAs) be removed from the Non-trawl Rockfish Conservation Area (RCA) Adjustments item. The GAP agrees with California Department of Fish and Wildlife to repeal the CCAs and making this a stand-alone item on the groundfish workload schedule.

Non-trawl Rockfish Conservation Area agenda item

The GAP recommends this item remain a priority item on the groundfish workload schedule. This will become more important to fishermen as salmon seasons are limited and crab seasons seem to be on a downward trend.

Much of the discussion of this item centered around whether to limit the gear types to non-bottom contact gear so fishermen could access the productive stocks within the RCA with several types of midwater gear, including the Emley-Platt EFP gear, shrimp flies, and more. Using these gear types are designed to minimize contact with yelloweye.

However, we realize that some fixed gear fishermen remain interested in using dinglebar, pots, or bottom longline gear, for example, within some areas of the RCA to access abundant stocks. This may be a consideration for the future; the ultimate goal is for all gear types to access the RCA.

Furthermore, the GAP held a work session on this issue in February and Council staff are prepared to work on this item in April. More discussion is necessary, but the GAP requests this issue continue to move forward.

Mothership Utilization item

The GAP continues to support this item remaining on the priorities list (Appendix 2 of [GMT Report 1](#)) to improve attainment and flexibility in the mothership sector. Our recommended range of alternatives is in our G.3 report and we hope the Council will adopt the purpose and need and select a range of alternatives at this meeting.

Inclusion of items in biennial harvest specifications/NEPA review

The GAP also discussed whether new National Environmental Policy Act (NEPA) review guidelines may make it easier for some items to be moved into regulations or whether some of the items could be included in biennial harvest specifications and management measures. We understand National Marine Fisheries Service (NMFS) is in the process of issuing internal NEPA review guidance and that likely few or none of the items could be wrapped into the biennial harvest specifications process.

Many GAP members were dismayed that some of these items take so much time for analysis, have no clear path forward for implementation, or are scheduled for planning. That is, we take a lot of time discussing the groundfish items but they remain mired in workload planning with little to no forward movement.

We realize the groundfish workload planning item is not working quite as intended (i.e., add items in March and discuss prioritization, followed by only brief check-ins during subsequent meetings), but at this time have no suggestion for a better process.

Similarly, the GAP discussed our frustration with determining when an EFP has sufficient data to be moved into regulation. The GMT has voiced similar concerns in the past. The GAP recommends that, as we start the 2023-2024 biennial harvest specifications process, the Council consider ways to facilitate movement of EFPs into regulation.

Cost Recovery Committee

As outlined in the Situation Summary for this agenda item, the GAP supports the reformation of the Cost Recovery Committee. The GAP provided extensive comment and a summary of all previous comments in our [November 2020 GAP report](#) under the groundfish workload agenda item, and by this reference, incorporates herein.

COVID-19 emergency rule

The GAP supports the [request submitted by PWCC, MTC, UCB and several catcher vessels](#) requesting the Council recommend NMFS implement an Emergency Rule to allow an at-sea Pacific whiting processing platform to operate as both a mothership and a catcher-processor in the same calendar year during the 2021 Pacific whiting fishery. The GAP recommends the Council also support this request.

The comment letter submitted by industry provides compelling rationale for the emergency rule request. The letter also details how the evolution of the COVID-19 pandemic, including its lasting and expanding impacts on the fishing industry, add to and exacerbate the problems facing the 2021 whiting fishery relative to 2020. As noted in the letter, while the requested regulatory remedy for this emergency petition is similar to the 2020 action, the underlying causes of this emergency are different than those that precipitated the emergency action in 2020. The emergency facing the whiting fishery in 2021 is that catcher vessels delivering to a mothership (MS) will strand fish because, a) there is no available replacement MS processing platform if one experiences a coronavirus outbreak, and b) the company in 2020 that elected to put their vessel in the catcher-processor sector and not in the MS will be forced to again make the same operational decision that resulted in lost fishing opportunity for MS catcher vessels, again jeopardizing a significant portion of the MS allocation.

Finally, the GAP agrees with the industry letter that because the current regulatory remedy is similar to the 2020 emergency action recommended by the Council and implemented by NMFS, the workload associated with the current request should be reduced because the Council, its advisory bodies, and NMFS already developed a record of decision in support of the action implemented in 2020. To that end, our expectation is that the previous work on a similar action will facilitate Council and NMFS consideration and action on this item, that implementation of an emergency rule will elevate the urgency of finalizing long-term fixes to systemic issues causing under-attainment in the MS sector without delay, and that shifting of near-term priorities will be minimal. Our anticipation is that the Council will fully discuss these issues under Agenda Item G.2.

Public comments

The GAP would like to acknowledge two public comments received during this agenda item.

The first, from Anna Weinstein, Audubon, and Dr. Geoff Shester, Oceana, pertains to shortbelly rockfish and a potential directed fishery prohibition in the 2023-2024 biennial harvest specifications. At this time, the GAP recommends Ms. Weinstein and Dr. Shester to continue working with fishery participants and processors for further discussion. The GAP does not see the same urgency as presented by the proponents or the accuracy of the representations made in their presentation. Therefore, the GAP does not see the necessity of Council action at this time.

Secondly, salmon troller Steve Wilson requested a change in the lingcod incidental catch in the salmon troll fisheries, north of 42° N. latitude, recognizing salmon seasons may be restricted again this year and lingcod could help supplement salmon trollers' incomes while providing more seafood to the public. The GAP suggested this may be more appropriate for an inseason discussion in April. However, subsequent discussions with the GMT revealed modeling the change may be a heavy lift and it would be better suited to inclusion in the 2023-2024 biennial harvest specifications process.

PFMC
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