

## GROUND FISH MANAGEMENT TEAM REPORT ON PACIFIC WHITING UTILIZATION IN THE MOTHERSHIP SECTOR

The Groundfish Management Team (GMT) reviewed the materials in the advanced briefing book including the scoping of the draft purpose and need and a range of alternatives ([Agenda Item G.3, Attachment 1, March 2021](#)), and received a briefing from Mr. Brett Wiedoff and Ms. Jessi Doerpinghaus from Pacific Fishery Management Council (Council) staff. The GMT provided a preliminary analysis and comments on this issue during the September 2020 Council meeting ([Agenda Item D.2.a, Supplemental GMT Report 3, September 2020](#)) and now provides the following additional comments on the revised draft purpose and need, along with a potential range of alternatives.

### **Purpose and Need Statement**

As the National Marine Fisheries Service (NMFS) notes, one of the questions a purpose and need statement strives to answer is “what are we trying to achieve?” ([Agenda Item G.3.a, Supplemental NMFS Report 1, March 2021](#)). An effective purpose and need statement not only clearly lists the existing condition(s) that justifies the need for a proposed action, but is also measurable in a way that the analysis of the range of alternatives can be used as a metric when determining which alternative(s) is most likely to reasonably solve the problem. The Council staff-drafted Purpose and Need Statement states that “the purpose of this action is to improve the MS sector’s ability to utilize their whiting allocation” ([Agenda Item G.3, Supplemental Attachment 2, March 2021](#)).

The level of improvement sufficient to label this action “achieved” is not clear in either the Groundfish Advisory Subpanel (GAP)-proposed Purpose statement in their March 2021 report or the Council staff-drafted Purpose statement. A measurable indicator need not necessarily be a quantitative metric but could qualitatively highlight a specific actionable goal. The GMT attempted to incorporate such an indicator into the team’s recommended Purpose statement.

The GMT understands the term “attainment” to mean an absolute percentage harvested of a fishery or sector’s allocation. Full attainment is unlikely due to market constraints, improbability, and other factors outside of the industry or Council influence. There is little helpful guidance, however, in either the Groundfish Fishery Management Plan (FMP), the Amendment 20 Trawl Rationalization Program, or the Magnuson-Stevens Fishery Conservation and Management Act (MSA), for defining the term “utilization” when referring to utilization of a sector’s allocation. The GMT feels that these terms (“attainment” and “utilization”) are not equivalent as implied in the Council staff-revised Purpose and Need. Merriam-Webster defines “utilization” as “to make use of or to turn to practical use or account”. Thus, the GMT interprets “full utilization” to mean making complete use of, or processing and selling to market, the Pacific whiting that is within the fleet’s operational capacity to harvest and process.

The GMT also acknowledges that some of the proposed regulatory revisions outlined in the Attachment 1 scoping document may provide flexibility beyond the mothership (MS) sector in addition to the intended result of improving the MS sector’s ability to utilize their allocation.

Therefore, the GMT recommends the following Purpose statement, where we replace “attainment” with “utilization,” and consciously include all whiting sectors as potential beneficiaries of actions designed to aid the MS sector:

*The purpose of this action is to identify and potentially revise regulations that could provide additional flexibility in the Pacific whiting fishery to optimize the MS sector’s ability to utilize their allocation, while maintaining fair and equitable access to Pacific whiting amongst all sectors of the program. (see also in context of Purpose and Need Appendix 1)*

The industry-proposed Need statement clearly outlines the need to improve Pacific whiting utilization in the MS sector, so **the GMT recommends combining our revised Purpose statement with the GAP-proposed Need statement in their March 2021 statement (Agenda Item G.3.a, Supplemental GAP Report, March 2021)**. Together, these statements fully encompass the need to improve MS utilization and the purpose to seek regulatory flexibility that could address this need. The GMT’s recommended full Purpose and Need statement can be found in Appendix 1 of this statement.

### **Range of Alternatives**

The GMT offers the following comments on the current list of proposals in the [Attachment 1](#) scoping document. These comments are largely intended to ensure a sufficient range is included in the alternatives. The team intends to comment on the specifics of the alternatives at a later meeting when the Council schedules adoption of a Preliminary Preferred Alternative. **The GMT recommends adopting the GAP-proposed Range of Alternatives, with the following modifications described below, at this meeting.**

#### **Pacific Whiting Season Start Date**

The proposal under this option is to change the Pacific whiting season start date to earlier than May 15 for all Pacific whiting sectors, with sub-options of April 1, April 15, and May 1. The NMFS report ([Agenda Item G.3.a, Supplemental NMFS Report 1, March 2021](#)) indicates that starting the season before May 15 may require reconsultation on the salmon Biological Opinion. This action may also trigger reinitiation of consultation on other Endangered Species Act (ESA)-listed species. Given the range of sub-options (i.e. from 2 weeks earlier to 1.5 months earlier) under this proposal, and the associated wide range of potential impacts, the Council may wish to determine which of the sub-options are most likely to optimize both benefit to industry and analytical and administrative workload for both NMFS and the GMT. Given that MS activity and catch per unit effort are high (and increasing in the case of activity) during the early months of May through June (Figure 17 and Table 15, [Agenda Item G.3, Attachment 1, March 2021](#)), a start date of even just two weeks earlier than May 15 could provide significant improvement for utilization.

The GMT notes that the ratio of salmon bycatch to Pacific whiting has been lower in the start of the season than in later months (Figure 13, [Attachment 1](#)); however, bycatch and bycatch rates prior to May 15th remain unknown for this fishery. Nonetheless, there are measures in place to help mitigate impacts to Chinook and coho salmon, including optional Salmon Mitigation Plans,

inseason monitoring, and inseason management tools. The GMT can further discuss these tools in the future if this proposal is included in the Range of Alternatives.

Furthermore, it has been suggested that the proposal to change the Pacific whiting season start date could be explored through an Exempted Fishing Permit (EFP). An EFP could allow some of the fleet to fish earlier than May 15 and may provide some data to assess potential impacts on Endangered Species Act (ESA)-listed salmon evolutionarily significant units. However, even over several years, the EFP may not provide sufficient data to fully assess these impacts. The Council should consider whether an EFP is the most efficient way to explore changing the season start date, especially given the associated GMT workload. More generally, the process of transitioning EFPs into regulations remains ambiguous, as has been identified as challenging by the GMT in previous statements ([Agenda Item G.2.a, Supplemental GMT Report, March 2016](#), [Agenda Item G.3.a, Supplemental REVISED GMT Report, June 2016](#), [Agenda Item E.2.a, Supplemental GMT Report 1, June 2018](#), [Agenda Item C.4.a, Supplemental GMT Report 1, September 2020](#)). **If the Council considers an EFP to explore altering the Pacific whiting season start date, the GMT recommends including benchmarks or indicators for when the Council would either move forward with recommending a regulatory change or otherwise end the EFP.**

### MS Processor Cap

Included in the proposed options is a request to increase the MS processing cap above 45 percent, with an industry-suggested range of 45 (Status Quo), 65, or 85 percent or removal from regulation. Regardless of the Council-selected range of processing caps for analysis, **the GMT recommends that the Council include the Total Allowable Catch (TAC) dependent cap as a sub-option in the range of alternatives and specify that this sub-option be applicable only to the status quo option (45 percent).** The [Attachment 1](#) scoping document states that:

*“...since the development and implementation of the catch shares program, industry has noted that ownership of the MS permits and vessels has changed. These changes could result in companies being more limited in the ability to process fish and therefore be restricted by the 45 percent limit. In a lower whiting TAC year, it is possible that the benefit of acting as a MS processor may not be sufficient enough to cover the cost. For example, if only two companies' processors participated under the current regulations, it would result in the inability to harvest the full allocation (45 percent x 2 vessels = 90 percent maximum attainment).”*

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The scoping document and the September 2020 GMT report ([Agenda Item D.2.a, Supplemental GMT Report 3, September 2020](#)) both clearly outline the significant interactions between the Alaska pollock fishery and the Pacific whiting fishery, and the GMT sees merit in analyzing any potential flexibility that could pertain to this interaction. The intended flexibility provided by this sub-option was contingent on the Council preferring to maintain a 45 percent cap that sets boundaries on participation. Increasing the processing cap above 45 percent could create flexibility that no longer warrants TAC-dependent flexibility.

## Other Considerations

### GMT Workload and Timeline

In Table 1 below, the GMT provides expected workload for the industry-proposed options that were highlighted in both the [GAP Informational Report](#) (June 2020) and the March 2021 scoping document. If the Council wishes to include the Pacific whiting season start date option in the range of alternatives, NMFS would need to determine whether ESA reconsultation is needed. NMFS may be unable to begin the process of making this determination until Fall 2021 at the earliest and so should indicate the likelihood that an EFP related to this action could be in place for the 2022 season.

**Table 1: GMT anticipated workload for each proposal.**

<b>Proposed Option</b>	<b>GMT Workload</b>
Season Start Date	High
Obligation Deadline	Low
MS Processor Cap	Moderate
MS/CP Permit Transfer	Low

## Summary of Recommendations

### The GMT recommends:

- 1. The Council adopt the following Purpose statement, where we replace “attainment” with “utilization,” and consciously include all whiting sectors as potential beneficiaries of actions designed to aid the MS sector.**
  - 1. The purpose of this action is to identify and potentially revise regulations that could provide additional flexibility in the Pacific whiting fishery to optimize the MS sector’s ability to utilize their allocation, while maintaining fair and equitable access to Pacific whiting amongst all sectors of the program. (see also in context of Purpose and Need Appendix 1)*
- 2. The Council combine the GMT’s revised Purpose statement with the GAP-proposed Need statement in their March 2021 statement. (see Purpose and Need Appendix 1)**
- 3. The Council adopt the GAP-proposed Range of Alternatives, with the following modifications, at this meeting:**
  - a. If the Council considers an EFP to explore altering the Pacific whiting season start date, the GMT recommends including in that action benchmarks or indicators for when the Council could initiate an action to recommend a regulatory change to the season start date or otherwise end the EFP.**
  - b. The Council include the TAC-dependent cap as a sub-option in the range of alternatives and specify that this sub-option be applicable only to the status quo option (45 percent).**

## Appendix 1. GMT Recommended Purpose and Need Statement

\*Red edits are GAP-recommended revisions.

*“The mothership (MS) sector of the Pacific whiting fishery has experienced lower average attainment than the other non-tribal whiting sectors since the start of the trawl catch share program, particularly since 2017, leading to social and economic losses for participants. The Council’s five-year review of the Trawl Rationalization Program confirmed that ~~mothership-MS~~ sector participants were not realizing the same economic gains as their counterparts in the shoreside and catcher processor whiting sectors. During ~~the last five seasons 2016-2020~~, more than 350 million pounds of whiting worth more than \$28 million in ex-vessel revenue has been left unharvested in the mothership sector. Some catcher vessels have been unable to harvest and deliver their full MS sector allocations and, in certain cases, catcher vessels have been stranded without a mothership processor to deliver to for a season or year(s). Many MS whiting sector participants, including all six MS processor vessels and several MS catcher vessels, participate in the Alaska pollock fishery. The pollock fishery’s record high catch limits in recent years has limited the availability of processor vessels and some catcher vessels to participate in the Pacific whiting fishery during the primary whiting season, between May 15 and December 31. This reduced availability has coincided with record high catch limits and insufficient bycatch in the Pacific whiting fishery.*

*These factors, combined with regulatory barriers that have hindered flexibility, have contributed to decreased utilization rates in the ~~mothership-MS~~ sector. The purpose of this action is to identify and potentially revise regulations that could provide additional flexibility in the Pacific whiting fishery to optimize the MS sector’s ability to utilize their allocation, while maintaining fair and equitable access to Pacific whiting amongst all sectors of the program.”*