

NATIONAL MARINE FISHERIES SERVICE REPORT ON MANAGEMENT MEASURES  
FOR THE 2019–20 BIENNIAL HARVEST SPECIFICATIONS

The 2019–20 harvest specifications and management measures is the second biennial cycle after implementation of [Amendment 24](#) to the Pacific Coast Groundfish Fishery Management Plan (FMP). The goal of Amendment 24 was to create a disciplined process to allow the Pacific Fishery Management Council (Council) and the National Marine Fisheries Service (NMFS) to consider the best available science to set harvest specifications, and then adopt the management measures necessary to achieve these specifications, all on a timeline to implement new specifications and management measures on January 1 of odd years.

In September 2017, the Council preliminarily adopted several candidate management measures for inclusion in the 2019–20 biennial harvest specifications and management measures cycle ([Table 1 of Agenda Item E.9a. Supplemental GMT Report 1](#)). NMFS was asked to review these measures after an initial review by the Groundfish Management Team (GMT) and provide the Council with NMFS’s views on: (1) whether the measures are appropriate for inclusion in the 2019–20 harvest specifications and management measures, and (2) the impact of the analytic workload associated with each measure on the goal of meeting the January 1 implementation deadline.

NMFS supports the selection of a range of management measures that will allow for implementation of the 2019–20 harvest specifications and management measures on January 1, 2019. We wish to remind the Council that, in the past, it has not been a single new management measure that caused a delay in implementation. Rather, it has been the sum of new and routine management measures, the addition of management measures after the November (e.g. 2017) meeting, and the sum total of the analytic work required to support those measures, that has caused delays.

With the goal of implementing the harvest specifications and management measures by January 1, and adhering to the Amendment 24 process, NMFS reviewed the preliminary list of management measures and GMT report under this agenda item ([Agenda Item F.9.a GMT Report 1](#)) and provides the following advice and recommendations. Proposed management measures are discussed using the numbering and order of the [Action Item Checklist](#) for this agenda item. Additionally, NMFS only provided comment on non-routine management measures, therefore some items on the Action Item Checklist are skipped.

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2. Modifications and corrections to waypoints of existing rockfish conservation area (RCA) lines in California

*Summary:* Changes to RCA boundary line waypoints to correct omissions and/or modify RCA lines to more closely approximate depth contours will be explored by the California Department of Fish and Wildlife (CDFW). There have been multiple places where the coordinates could be re-specified to better approximate the specified RCA depth line to more closely align with the intended depth contour. CDFW staff will work with Law Enforcement officers to provide corrections, if these corrections are necessary.

*GMT:* The GMT stated that the anticipated workload for this item is medium, unless any of the proposed changes open up new areas that haven't been open previously. The GMT also noted that typically, all three states consider proposed RCA boundary corrections as needed; however, none have been identified at this time for Washington or Oregon. If other coordinates are identified which better approximate the relevant depths during the overwinter analysis, those will be brought forward in March or April. Analyses by GIS will be conducted to determine if the existing RCA waypoints reasonably approximate the correct depth contour.

*NMFS:* NMFS agrees with the GMT's assessment of the workload and support analysis of this measure as part of the 2019–20 harvest specifications process.

### 3. Establishing and accessing annual catch limit (ACL) buffers

*Summary:* In the 2017–18 biennium, the Council adopted a new category of off-the-top deductions, or “buffers,” for unforeseen catch events for darkblotched rockfish, canary rockfish, and Pacific ocean perch (POP). However, at the time, “unforeseen catch event” was not defined in regulation. This management measure would establish more specific criteria for releasing ACL buffers.

*GMT:* The GMT recommends the Council consider establishing a buffer for yelloweye rockfish and darkblotched rockfish for the 2019–20 biennial cycle. The GMT believes that there is a low analytical workload in analyzing the impacts of establishing criteria for creation and release of the buffer, but notes that there will be a high workload in terms of Council discussion, advisory body time, and NMFS rulemaking if and when the buffer is released inseason.

*NMFS:* NMFS agrees with the GMT on its workload assessment. NMFS recommends that the Council lay out specific criteria for when ACL buffers would be released. NMFS agrees that this measure would fit within the workload and scope of the harvest specifications, however, reminds the Council that this measure would add additional inseason workload for NMFS that may need to be balanced alongside other priorities.

### 6. Modifying trawl/non-trawl allocations

*Summary:* This management measure would analyze changes to the allocations between the trawl and non-trawl sectors for several species that are not allocated under Amendment 21, including cowcod, bocaccio, yelloweye, canary, big skate, longnose skate, and shelf rockfish North and South.

*GMT:* The GMT believes the workload for this issue depends on the species and the range of allocation options.

*NMFS:* NMFS supports analysis of this management measure in the harvest specifications package. This management measure will need a discussion of fairness and equity for allocation changes between sectors. Additionally, modifications to the trawl/non-trawl allocations may result in higher attainment of the ACL, which should be a consideration included in the analysis of biological impacts.

### 10/11/12/14/15/16. Modification or removal of lingcod size limit

*Summary:* Minimum lingcod length limits were implemented in the 1990s to minimize harvest of immature lingcod while maintaining the reproductive potential of the stock. The minimum lingcod length limit in the shorebased IFQ fishery and the limited entry and open access fixed gear fisheries (except pink shrimp) vary north and south of 42° N. latitude and are 22 and 24 inches, respectively. Recreational lingcod length limits vary by state and region. In Washington, there is no lingcod size limit whereas the limit is 22 inches in Oregon, and California.

In November 2011, the Council requested analysis for removing or reducing the lingcod size limits to 20 inches in the shorebased IFQ fishery because all catch in the IFQ fishery counts against quota and lingcod less than 24 inches length are considered marketable. In June 2012, the Council recommended maintaining the minimum lingcod length limit in the

shorebased IFQ fishery for the start of the biennium in response to concerns expressed by the Council's Enforcement Consultants about differential length limits between sectors ([Agenda Item D.5.b, Supplemental EC Report](#)). The Council requested additional analysis for removing and reducing the minimum lingcod length limits for all sectors (commercial and recreational) to address the Enforcement Consultants' concerns.

*GMT:* The GMT believes this item would have a medium workload depending on the scope of what sectors and gear types are included. The GMT also noted that it would be prudent for the Groundfish Advisory Panel to provide input regarding this proposed management measure and lingcod discard mortality rates (DMR) together, since the two are connected and one may be preferable to the other. For example, if there are limited markets for undersized lingcod, these fish will continue to be discarded, so it could be preferable to have "survival credits" (i.e., lesser DMRs). However, if there is a market for undersized lingcod, then it could be preferable to remove, or reduce, the minimum size limit.

*NMFS:* NMFS agrees with the GMT on workload and notes that the potential impacts to the population dynamics from a removal of a long-standing size limit should be analyzed by stock assessment authors. NMFS also agrees that the analysis should look at the interaction between this agenda item and changes to the lingcod DMRs, as well as changes to the minimum mesh size requirements which were recommended for removal under the trawl gear change rulemaking package.

## 18. Changes to stock complexes

### *a. Blue/Deacon/Black Rockfish Complex in Oregon*

*Summary:* At the September 2017 meeting, the Oregon Department of Fish and Wildlife (ODFW) proposed that Oregon blue and deacon rockfish be removed from the Nearshore Rockfish North Complex and instead either grouped alone or with Oregon black rockfish to create a new rockfish complex. ODFW proposed this modification due to concerns that blue and deacon rockfish are midwater species, whereas the majority of the Nearshore complex are more benthic-associated stocks.

*GMT:* The GMT does not expect further consideration of the Oregon nearshore complex alternatives to entail much additional work for the GMT since the impacts analysis to the ACLs, and to the other states, have already been completed. Note that none of these stocks are formally allocated in the FMP, which should result in a relatively simple process for change. The broader rationale for the proposals include: (1) better grouping stocks to meet the NS1 and FMP (Section 4.7.3) criteria for stock complexes; (2) reducing management complexity; and (3) providing for greater management flexibility ([Agenda Item E.9.a, Supplemental ODFW Report 1, September 2017](#)).

*NMFS:* NMFS supports analysis of this management measure in the harvest specifications package. In general, NMFS supports better tracking and accountability for individual species and their overfishing limit (OFL) or OFL contribution, which may be accomplished by removing them from a larger stock complex. NMFS notes that if black rockfish is considered for inclusion in the complex, appropriate sideboards will need to be included to prevent harvest in excess of its OFL contribution.

*b. Oregon Kelp Greenling/Oregon Cabezon*

*Summary:* At the September 2017 meeting, ODFW proposed creating a new stock complex consisting of Oregon kelp greenling and Oregon cabezon. Oregon kelp greenling is currently managed under the ‘Other Fish’ complex.

*GMT:* See above

*NMFS:* NMFS supports analysis of this management measure in the harvest specifications package. As a component of this measure, NMFS recommends specific sideboards to prevent harvest of cabezon in excess of its OFL contribution within any new stock complex. In 2017, Oregon exceeded their state harvest guideline limit for cabezon ([see Agenda Item E.10a ODFW supplemental report](#)), therefore NMFS would be concerned that creating a new stock complex would potentially mask any stock-specific exceedance of guideline harvest limits.

19. Modify the outer boundary of the western Cowcod Conservation Area

*Summary:* Cowcod was declared overfished in 2000. In 2001, as a management measure to reduce catch, Cowcod Conservation Areas (CCA) were implemented in the Southern California Bight where cowcod are abundant and catches were highest. The Western CCA closed an area of 4,200 square miles. Though currently non-trawl commercial and recreational fishing for select species is allowed shoreward of 20 fathoms; there is no fishing allowed in deeper depths. The 2013 stock assessment provided a more optimistic status of the stock than previously thought, and the 2013 rebuilding analysis indicated that the stock is projected to be rebuilt in 2019 under all catch levels previously analyzed.

CDFW expects that modifying the outer boundary of the western CCA would apply to both the commercial and recreational fisheries, and would continue to reduce cowcod impacts while providing increased access to historically important deep-water species. While the change applies to both sectors, CDFW anticipates that only the commercial fishery will operate in these deeper waters, providing greater access to sablefish and thornyheads.

*GMT:* The GMT noted that the workload for this proposed management measure would likely be high. The GMT also stated that it will need to evaluate the impacts of this measure, including those to habitat and target and non-target stocks, including cowcod.

*NMFS:* NMFS agrees with the GMT that the workload for this proposed management measure could be high. NMFS does not necessarily recommend its removal from the list of management measures, but suggests that the Council evaluate the potential benefits of this measure compared to the workload “cost.”

For the 2011–12 biennial cycle, NMFS disapproved the Council recommended changes to the CCAs and retention of shelf rockfish because we were unable to conclude that the changes would not result in increased mortality for cowcod and because the impacts to juvenile cowcod were too uncertain. The CCA has functioned as a defacto essential fish habitat (EFH) conservation area, therefore an EFH consultation may be required for this proposed management measure. These factors could lead to a more complex analysis.

## 20. Mid-biennium harvest specifications adjustments (greenlight)

*Summary:* This item is being considered separately under [Agenda Item F.5](#). There is currently no mechanism in the FMP for modifying harvest specifications when a stock is rebuilt mid-biennium. Therefore, this measure would establish a framework in the FMP that allows exploration of mid-biennium harvest specification changes when a stock is declared rebuilt. This management measure may also be used for stocks with a significant improvement in stock status under a new stock assessment, and may not necessarily be limited to rebuilt stocks only. To use the framework for the 2019–20 cycle, or any cycle going forward, projected OFLs, acceptable biological catch (ABC), and ACLs for individual stocks would have to be produced based on the updated stock assessment and impacts analyzed to allow access mid-biennium to increased catch.

*GMT:* The Council is set to take final action on this item under Agenda Item F.5, at this meeting. Pending the outcome of that decision, the GMT will provide comments on the analysis and workload considerations in a supplemental GMT report.

*NMFS:* NMFS has provided a separate report under Agenda Item F.5 for this item. The following is a summary of this report. If this item was included as a management measure under the 2019–20 harvest specifications, NMFS notes that this measure would have two separate components: the creation of the framework through an FMP amendment and the subsequent analysis of any projected OFLs, ABCs, ACLs. Using the framework upon receipt of 2019 stock assessments would require that both components are covered. Additionally, the analysis would need to include consideration of possible management measures for stocks that would have modified harvest specifications mid-biennium.

For 2019–20, NMFS anticipates this measure could be implemented by January 1, depending on the number of other, new management measures. However, one potential hurdle would be that on the current schedule, the proposed plan for what species will have new stock assessments is not decided until March and the final plan is not decided until June. This would delay the analysis for specific stocks in the 2019–20 harvest specifications process until after the bulk of the analytical work is expected to be completed.

NMFS agrees with the GMT expectation that the workload for this measure would be high and notes that work by the stock assessment teams would need to be done to provide forecasted 2019–20 OFLs, ABCs, and ACLs for overfished or depleted species assuming an improved status. If the NEPA analysis for the harvest specifications adequately analyzed a range of increased OFLs, ABCs, ACLs, and management measures for a particular species, then new NEPA analysis would not be required to utilize this policy mid-biennium. However, adding additional projected OFLs, ABCs, ACLs, and management measures for analysis could increase the overall analytical workload for the 2019–20 harvest specifications process, depending on the species.

NMFS does not anticipate that, if limited to a narrow range of species, this measure alone would cause a delay in the 2019–20 harvest specifications and management measures. However, given the complexity of this measure, inclusion of this measure leaves little room for other new management measures.

## 21. Carryover

*Summary:* The revised National Standard 1 (NS1) guidelines allow for consideration for two new carryover provisions. Approach 1 would move unharvested allocation from year 1 to year 2 up to the ABC level, where the ACL is set less than the ABC. Approach 2 would recalculate the ABC for year 2 based on unharvested surplus, for stocks where the ABC is set equal to the ACL. In September, the GMT developed a purpose and need for the action and provided examples for the Council's consideration ([Agenda Item E.5.a, Supplemental GMT Report 1, September 2017](#)).

At the September meeting, the Council also forwarded two additional options to consider within this item. The first would change the percentage amount of carryover that could be issued to IFQ vessel accounts from 10 percent to up to 100 percent, for species where ACL is set below the ABC. Under the current policy, NMFS and the GMT annually evaluate the eligibility of each stock for carryover and the harvest of IFQ allocations in relation to the ABC. Whiting and halibut are not eligible for carryover consideration, nor are any species where the ACL is set at the ABC. The second would allow for carryover for at-sea set asides. In this latter action, any unutilized set asides from the at-sea sector in year one would mean less would have to be deducted from the trawl allocation in year two and thus could be made available to the IFQ sector.

*GMT:* Within this proposed management measure, the GMT has identified separate timelines for all three components, each with its own level of analysis: all sector carryover, increasing IFQ Program carryover, and at-sea carryover. After further consideration, the GMT recommended that the all sector carryover, which is the action that would allow carryover of unharvested ACL, not be considered as a part of the 2019–20 harvest specifications process; however, they do recommend considering it on a timeline that would get this action in place for 2020. The GMT noted that there has been no Council action on the selection of a final preferred alternative and therefore, any analysis would likely not be completed until the spring. This does not align with the analysis schedule adopted by the Council in June 2016. The GMT believes this component would have a high workload.

For the second component of this item, increasing IFQ Program carryover, the GMT recommends this item be included in the 2019–20 biennial harvest specifications cycle. The evaluation of the percentage of quota pounds that could be carried over would be based on the risk to the ACL and the ABC, but would be similar to the framework already established. The GMT believes this component would have a low workload.

For the third component of this item, at-sea carryover, the GMT believes that the issue of stranding yield in the at-sea sectors would be better addressed by re-examining the current set-aside amounts and process, and recommends this item not be moved forward as part of the 2019–20 biennial process or any follow-on action. Furthermore, the GMT believes there may be greater benefits in prioritizing work on the all sector carryover provisions.

*NMFS:* NMFS agrees with the GMT that the workload for the all sector carryover measure would be high and that this measure may lend itself better to a separate development pathway, rather than being included in the 2019–20 harvest specifications. There are a significant

number of details that need to be determined by the Council before this item can move forward, which could be detrimental to the timeline for the specifications if it were to be included. Questions that remain to be decided include whether any stock could be considered for carryover or only those with stock assessments completed within a certain timeframe, and whether this provision would be available for rebuilding stocks, what the process by which new OFLs, ABCs, and/or ACLs are determined would be and the role of the SSC in so doing. An additional question would be whether the carryover would be sector-specific or if it would apply across all sectors, especially if it was a particular sector that did not harvest their full allocation.

NMFS also agrees with the GMT that increasing the portion of unused quota in an IFQ account that is allowed to be carried over from one year to the next in the current trawl catch shares program may require less analytical work to develop and implement within the specifications timeline. NMFS notes that, while increasing the percentage of IFQ that could be carried over may benefit some IFQ permit holders, QP or QS trading is an existing avenue that allows specific permit holders to gain access to more pounds of a species.

NMFS also agrees with the GMT that carryover of set asides for the at-sea sector is better addressed on a pathway separate from the 2019–20 harvest specifications and management measures.

## 22. Multi-year catch policy for determining overfishing and adjusting management measures

*Summary:* This management measure would incorporate two provisions of the National Standard 1 guidelines into the FMP. Section 600.310(e)(3) of the National Standard 1 guidelines describes a multi-year approach to determine overfishing status, which allows a determination of overfishing status based on a period of no more than 3 years. Under the current regulations, the overfishing determination for a stock, or stock complex, is determined based on data for a period of one year.

Additionally, every biennium, the Council sets ACLs and develops management or accountability measures designed to keep stocks or stock complexes within their specified ACLs. Under the National Standard 1 guidelines at § 600.310(g)(5), accountability measures may be based on a multi-year historical mortality.

*GMT:* The GMT stated that the multi-year approach to overfishing determinations would provide the Council and NMFS a pathway for retrospectively determining if a stock was truly undergoing overfishing and potentially changing the overfishing status determination. The GMT does not believe there is a high analytical workload for implementing the multi-year overfishing determination provision. It would require a FMP and regulatory amendment to change the definition of overfishing from annual mortality compared to one year versus a three year period.

For accountability measures based on multi-year catch data, the GMT noted that if an ACL were exceeded, the GMT could use this policy to assess the final catch data early in the following year, and determine what adjustments to accountability measures, if any, are needed to keep the ACL from being exceeded in the subsequent year. The GMT does not believe there is a large workload associated with implementing this item with respect to assessing accountability measures after an ACL is exceeded. We currently have the flexibility to take

into account multiple years of data when setting management measures and assessing if the previous year was truly representative of the future conditions, and therefore this may provide little benefit once implemented. The GMT requested NMFS provide feedback on whether this provision could be used to reduce the level of inseason adjustments needed when the ACL is projected to be exceeded (e.g., area closures instead of fishery closures).

*NMFS:* NMFS notes that the National Standard 1 guidelines do not demonstrate that the multi-year approach to overfishing determinations allows for a blanket approach, but rather require stock-specific analysis and criteria such as data availability or predictability in abundance. Therefore, the FMP would need to include criteria for when the multi-year definition would be appropriate for particular stocks. Due to the requirement that a multi-year approach to overfishing determinations be stock-specific, this proposed management measure could require more analysis than the GMT predicted. Additionally, NMFS would like to remind the Council that this provision of the guidelines is only intended as a hindcast, and does not allow the specification of future ACLs at levels that do not prevent overfishing. If the Council were to move towards determining overfishing status using a multi-year approach, this would **not** obviate the need to take an inseason action if there is a risk to exceeding an ACL.

In response to the discussion about using a multi-year approach to set accountability measures under the National Standard 1 guidelines (§ 600.310(g)(5)), NMFS notes that this provision was established for fisheries with highly variable annual catches **and** without reliable inseason or annual data on which to base accountability measures. In general, this provision is intended to be used post-season as a way to inform accountability measures for the following season. The National Standard 1 guidelines require inseason accountability measures to prevent catch from exceeding an ACL. Even with a multi-year approach to determining accountability measures, the Council and NMFS would still need to take steps such as inseason area closures or fishery closures to prevent an ACL to be exceeded if such a projection was made.

### 23. U.S. Fish and Wildlife Service (USFWS) Endangered Species Act (ESA) mitigation measures

*Summary:* In May 2017, the USFWS completed a biological opinion on interactions between the West Coast groundfish fisheries and seabirds. As a component of this ESA consultation, the USFWS issued an incidental take statement (ITS). The ITS includes reasonable and prudent measures that must be implemented through terms and conditions.

*GMT:* The GMT will provide comment on mitigation measures after the Council has received the update from the USFWS on the ITS at this meeting.

*NMFS:* NMFS is required to address the terms and conditions for the ITS from the May 2017 biological opinion on seabirds. The ITS states that initiation of implementation of mitigation measures shall not exceed a three-year period after issuance of the biological opinion. Providing more time for analysis and consultation with all stakeholders would be beneficial for this action rather than including it with multiple other measures in the 2019–20 harvest specifications. NMFS recommends the Council create a separate agenda item for the implementation of mitigation measures to meet the ITS terms and conditions to ensure proper time and attention will be devoted.

#### 24. ESA salmon mitigation measures

*Summary:* NMFS is expected to complete the ESA consultation for salmon in the groundfish fisheries at the end of 2017. The consultation will include a new ITS which will require the development of mitigation measures. A Council motion from April 2017 included consideration for sector-specific catch limits, bycatch thresholds, harvest guidelines, time and area closures, and gear restrictions.

*GMT:* The GMT will comment on mitigation measures once the Council has received the update on the consultation scheduled for this meeting.

*NMFS:* The workload associated with this action is dependent on the completion of the consultation, the outcome of the ITS, and the resulting terms and conditions. Timing for the development of new mitigation measures stemming from the salmon consultation may not be ideal for the 2019–20 harvest specifications. Mitigation measures developed could require significant analysis and implementation work. Some measures may fit well with the trawl gear rulemaking package, while others may need to be addressed separately. The efficacy of the existing salmon bycatch reduction measures in regulation and relevant bycatch reduction measures described in the proposed action, should be evaluated in the 2019-20 analysis. Such analysis should be based on keeping harvest within the Chinook management thresholds proposed by the Council for each fishery, as described in the proposed action (see Agenda Item F.7.a Supplemental NMFS Report 1, November 2017).

#### 25. Modify the trawl regulations regarding Dungeness crab retention in California

*Summary:* In September, CDFW proposed “clean up and housekeeping” regulation changes that would apply to the exempted trawl fisheries ([Agenda Item E.9.a, Supplemental CDFW Report, September 2017](#)). The proposed changes relate to the prohibited species section of the regulations (§ 660.11) that govern retention of Dungeness crab. Specifically, CDFW proposes to prohibit retention of Dungeness crab caught seaward of California, which would make the prohibition coastwide.

*GMT:* The GMT stated the workload for this proposed measure is dependent on the scope of action, which would include analyzing any potential impacts on vessels that would no longer be able to retain Dungeness crab and assessing other implications by way of regulatory cross-references that would be modified by making this change.

*NMFS:* At the GMT discussion, NMFS confirmed that Dungeness crab was deliberately not included in the definition of prohibited species in § 660.11 for California. It appears there may be current retention of Dungeness crab by groundfish fishermen, therefore this action would require more analysis than a simple housekeeping action, but the amount of additional analysis should be minimal. NMFS believes it is appropriate for inclusion in the 2019–20 harvest specifications analysis.

#### 26. Establish biennial set-asides for whiting bycatch in research and incidental open access

*Summary:* NMFS has generally established whiting bycatch deductions for research and incidental open access annually in April. In March 2017 ([Agenda Item I.4.b., GMT Report](#)), the GMT recommended the Council consider including this action in the future within the biennial harvest specifications cycle, or at the November Council meeting prior

to the current year (i.e., November 2017 for the 2018 fishing year), in order to facilitate a more expedited rulemaking process. At this meeting, the Council is scheduled to adopt the set-asides under inseason adjustments ([Agenda Item F.13 Sit. Sum.](#)).

*GMT:* The GMT believes the workload for this item would be low but also noted that predicting the magnitude of the whiting TAC almost three years in the future may be difficult; however, mortality in these sectors that use set-asides has been extremely low relative compared to any TAC.

*NMFS:* NMFS supports analysis of this management measure in the harvest specifications package with provisions to adjust it annually if necessary. Due to the short time between the bilateral TAC setting and the whiting season start date, establishing a set-aside in November is desirable whether that is through the harvest specifications or through an inseason action.

27. Remove the FMP formula for establishing the darkblotched and POP at-sea set-asides for catcher/processors and motherships

*Summary:* Amendment 21-3 to the FMP would modify the management of darkblotched rockfish and POP in the at-sea sectors from allocations to set asides. It was noted in September 2017 that under Amendment 21-3, the current formula established in Amendment 21 would be used to determine set aside amounts. However, set asides for the at-sea sector are generally established each biennium and for the at-sea sector as a whole.

*GMT:* The GMT assessed this proposed management measure as having a medium to medium-high workload. The GMT notes that in general, set aside amounts are established each biennium based on best available information, however, the formulas established under Amendment 21 exist in the FMP and will be used to establish the darkblotched rockfish and POP set-asides in 2019–20. Both species may have much larger ACLs than previous biennial cycles, so using the current FMP formula could leave a large amount of either species unharvested in the at-sea sector. If the Council were to change from the Amendment 21 formula to setting the total set-aside amount each biennium, the GMT would ask that NMFS provide additional guidance on the level of additional NEPA analysis need. This action would require a FMP amendment.

*NMFS:* NMFS agrees with the GMT’s workload assessment and determination that this action would require an FMP amendment. Additionally, NMFS notes that this action would be a fundamental change to the Amendment 21 allocation formulas and could lead to allocation discussions between the at-sea sectors and the IFQ sector every biennium, which have the potential to be contentious and time consuming. Analytically, there would likely need to be a discussion of fairness and equity issues associated with the action. Due to the complexity of the allocation issues that this proposed management measure could include, NMFS recommends consideration on a pathway separate from the 2019–20 harvest specifications process.

29. Lingcod and sablefish discard mortality rates (DMRs) applied to IFQ quota pounds (QP)

*Summary:* Currently, the DMRs used by the West Coast Groundfish Observer Program (WCGOP) for estimates of total mortality are less than what is used by the IFQ accounting system (100 percent). The Science and Statistical Committee (SSC) endorsed the DMRs

used by the WCGOP in June 2017. This measure would require applying the new DMRs in the IFQ accounting system and to how IFQ are deducted from accounts.

*GMT:* The GMT estimates this item would have a low to medium workload as most of the analysis for consideration of IFQ survival credits for sablefish and lingcod has already been completed ([Agenda Item F.3.a, GMT Report 1, June 2017](#); [Agenda Item F.3.a, Supplemental GMT Report, June 2017](#)). Additionally, the GMT notes that under the gear regulation package, if the minimum mesh size limit is removed, there is the potential for an increase in small lingcod in the nets. These smaller fish may not have the same survival rate.

*NMFS:* NMFS agrees with the GMT that this management measure would have a low to medium workload and also notes that the implementation burden for this measure would be expected to be low. Modifying the DMRs for lingcod and sablefish would require minor programming changes by the WCGOP and Pacific States Marine Fisheries Commission, similar to what is already done for halibut. However, NMFS also notes that the analysis should also look at the interaction between this agenda item and changes to the lingcod size limit, as well as changes to the minimum mesh size requirements which were recommended for removal under the trawl gear change rulemaking package.

### 30. Modifications or removal of the IFQ Daily QP Vessel Limits

*Summary:* Amendment 20 requires daily QP vessel limits for all overfished species as a method to encourage the market availability of QP for potentially restrictive species. Daily QP vessel limits exist for bocaccio, cowcod, darkblotched, Pacific halibut (individual bycatch quota), POP, and yelloweye. Since bocaccio and darkblotched have been declared rebuilt, they are no longer in need of daily QP vessel limits. Removing or modifying these limits may increase utilization rates. The Council also expressed interest in reviewing possible adjustments to limits for remaining species with daily vessel limits such as cowcod, Pacific halibut, yelloweye, and POP.

*GMT:* The GMT assessed the workload for this item as low.

*NMFS:* Removing the daily QP vessel limits for species that have been declared rebuilt is straightforward and could be included in the 2019–20 harvest specifications package with relatively low analytical workload. The implementation workload for this measure is expected to be minimal. Removal of the daily QP vessel limits for all species, including those that are under rebuilding plans, would require more analysis and would entail modifications to Appendix E of the FMP.

### 31. Modifications to the IFQ QP Individual Species Limits

*Summary:* The Council has requested review of the individual species limits and to consider adjusting limits based on attainment. The vessel limit was intended to achieve the following: ensure that there is at least some minimum number of fishing vessels in the fleet to support more job positions and the purchase of more equipment, supplies, and support from fishing communities; increase the likelihood that harvest would be geographically dispersed; and serve as a backup to the control limit, which may be difficult to monitor and enforce ([Amendment 20 FEIS](#), page A-287). Vessel limits were set above the maximum historic catches of any individual vessel.

*GMT:* The GMT assessed the workload as dependent on the number of species included.

*NMFS:* NMFS concurs with the GMT's assessment of potential workload, and does not recommend a reconsideration of every individual species limit in the 2019–20 biennial process, as associated analysis would likely hinder timely implementation. As discussed by both the GMT and the Community Advisory Board at their October meetings, the Council may wish to weigh potential changes in fishing behavior, participation, and vessel limit attainment likely to result from the implementation of the gear rule and changes to essential fishing habitat/RCA when considering changes to current limits.

NMFS suggests that, in conjunction with this proposal, the Council consider that there may be alternate mechanisms to address concerns about low attainment of southern species and the economic barriers faced by southern fishing communities.

32 and 33. Eliminate or modify depth restrictions in the directed Pacific halibut fishery off of Oregon and California

*Summary:* At the September Council meeting, CDFW proposed to change or eliminate depth restrictions through the modification of RCA lines ([Supplemental CDFW report, E.9.a](#)) for the directed commercial halibut fishery, which was supported by the GAP for implementation coastwide ([Supplemental GAP report, E.9.a](#)). Options included moving the non-trawl RCA boundary for the commercial directed halibut fishery from 100 to 75 fathoms, and/or creating cutouts from the 100 fathom non-trawl RCA boundary in Oregon. It was intended that this only be effective for vessels participating in the directed commercial halibut fishery, and only allowed on days open to the directed halibut fishery. Because of the challenges in monitoring associated with opening a closed area to one fishery with other fisheries using the same area and gear, a vessel monitoring system (VMS) and declaration requirement were also proposed.

*GMT:* The GMT assessed the workload for this proposed management measure as high and noted that the directed commercial Pacific halibut fishery is an incidental open access fishery, so any impacts to overfished species (e.g. yelloweye rockfish) would be deducted from the ACL and would affect the allowable impacts for all other sectors downstream. If this moves forward, the GMT requests that Pacific halibut data experts and managers be involved in this analysis. However, some of those people are also on the GMT, which may influence their ability to work on other groundfish related items.

*NMFS:* NMFS concurs with the GMT's workload assessment. This management measure would likely require significant analysis and would have major enforcement implications, as noted by the Office of Law Enforcement during the September 2017 Council meeting. The impetus to pursue this management measure in the groundfish specifications process is not clear as it will primarily benefit directed Pacific halibut fishermen. NMFS recommends any analysis of this proposed change occur as a separate halibut agenda item in which impacts to groundfish are discussed.

For any changes to the RCA boundary or implementation of any cut-outs, projected impacts to overfished species would need to be estimated, along with any habitat impacts associated with opening an area which hasn't been fished in recent years. Yelloweye rockfish is the only currently overfished species that interacts in this area and with this gear. There may be little to

no data to inform this analysis. Discussion of changes to the structure of the derby-style fishery is ongoing, and analysis of potential scenarios could result in significant uncertainty.

Additionally, developing cutouts would require significant communication and coordination with fishery participants to determine the appropriate locations and sizes for any proposed cutouts. This has the potential to be time and resource consuming and therefore NMFS recommends this not be included in the 2019–20 harvest specifications package.

## **Summary**

As a summary, NMFS has included below a bulleted list of the proposed management measures we **do not recommend** for inclusion in the 2019–20 harvest specifications and management measures package and instead should be analyzed on separate trajectories:

- Carryover
- USFWS ESA mitigation measures
- Remove the FMP formula for establishing the darkblotched and POP at-sea set-asides for catcher/processors and motherships
- Modifications to the IFQ QP Individual Species Limits
- Eliminate or modify depth restrictions in the directed Pacific halibut fishery off of Oregon and California

For the remaining management measures, while no single measure would prevent achieving a January 1, 2019, implementation of the harvest specifications and management measures, the sum of the proposed management measures do create a significant workload that would impact timely implementation. At this time, the number of proposed new management measures, even excluding those bulleted above, would make achieving a January 1, 2019, implementation date impossible and endanger a March 1, 2019, implementation date. NMFS strongly recommends that the Council narrow its proposed management measures to facilitate timely implementation of the 2019–20 harvest specifications and management measures. Measures that are not prioritized for the 2019–20 biennial cycle can be considered for prioritization under Omnibus.