

GROUNDFISH MANAGEMENT TEAM REPORT ON OVERARCHING MANAGEMENT MEASURES FOR 2011-2012 FISHERIES

At its April meeting, the Council adopted overfishing limits (OFLs), acceptable biological catch (ABCs), and annual catch limits (ACLs) including preliminary preferred ACLs for groundfish species and complexes for analysis. These harvest specifications are included in the Preliminary Draft Environmental Impact Statement (EIS) in Tables 2-1 and 2-2 (Agenda Item B.3.a, Attachment 2).

Under this agenda item, the Council is scheduled to confirm or modify the preliminary preferred ACLs for non-overfished species, confirm or modify the preliminary preferred rebuilding plans for overfished species, confirm or modify the preliminary preferred overfished species ACLs, and provide guidance on management measures for 2011-2012 fisheries.

The Groundfish Management Team (GMT) discussed these harvest specifications for 2011-2012 and their management implications and has the following comments.

Considerations for Yield Set Asides

Given the sector allocations that will formally occur with implementation of Fishery Management Plan (FMP) Amendment 21 and the 2011-2012 harvest specifications and management measures, there is a need for the Council to consider setting aside some yield of overfished species as described in Section 2.2.5.1 of Agenda Item B.3.a, Attachment 2.

As the fishery is managed currently (e.g., without intersector allocations) if the Council discovers that the set-asides in the scorecard are mis-specified due to changes in tribal take, research, exempted fishing permits (EFPs), or incidental open access, the scorecard is simply updated and management measures for fisheries may be adjusted up or down to attain but not exceed optimum yield (OYs). Then these changes to management measures are implemented by NMFS via routine inseason action.

Under Amendment 21 and biennial specifications, formal sector allocations and set asides are specified in Federal regulations. Once the yield is compartmentalized like this, the GMT notes that it will be much more complicated to revise the estimates if changes in the set asides arise mid-biennium (i.e., much more than a scorecard update and subsequent remedy through inseason action). Further the GMT notes that any revision of set asides will impact non-trawl sectors disproportionately under a rationalized trawl fishery since the trawl allocation cannot be changed without recalculating quota pounds. **The GMT requests additional guidance from NMFS on the implications of formal allocations on inseason management if they need to be revised during the biennium.** Assuming that NMFS wants to minimize the number of adjustments made during the biennium to these allocations or set asides will be extremely rare, **the GMT recommends that the Council set the set-asides high enough that there is a very low risk they will be exceeded during the biennium. The GMT also recommends that the total set aside (sum of tribal, research, EFP, and incidental open access) be specified as one number to provide maximum flexibility.** That is, it would be easier to accommodate changes in these

activities under one set aside instead of having to update four different set aside numbers in regulation should changes in these estimates occur in season.

Section 2.2.5.1 of the draft EIS (Agenda Item B.3.a Attachment 2) lays out considerations for setting yield set asides for overfished groundfish species, including petrale sole. Section 2.2.5.2 of the draft EIS proposes set-asides for non-overfished species that are based on the highest recent mortality in the various types of activities mentioned above (Table 2-41 through 2-44). In the draft EIS chapters included in this agenda item there were a few technical corrections between the set-aside tables and the text. Corrections to the overfished species set-aside table are in Table 1; corrections to the non-overfished species set-aside tables are in Tables 4 and 5, at the end of this document. All corrections are indicated by numbers in bold. **The GMT recommends the Council adopt the set-asides for overfished and non-overfished species with the corrections and recommendations shown in Tables 1, 4, and 5.**

Research Estimates of Canary and Petrale

Under the PPA the Council adopted a level of yield for set asides for the overfished rockfish species and petrale sole (Table 2-30 of Agenda Item B.3.a, Attachment 2). In their recommendation for scientific research set asides for canary rockfish and petrale sole the Council did not recommend the highest catch in recent years, but a lower value. The GMT cautions that the Council may want to be more conservative and set the scientific research set asides erring towards the larger side for the reasons listed above and because regulations imposed under the MSA do not apply to scientific research; therefore, they cannot be closed or restricted by fishing regulations. Table 2-38 and 2-39 provide recent catch estimates in scientific research. **The GMT recommends that the Council consider the maximum recent catch in research should be the set as the scientific research set aside for 2011-2012.**

EFP Set Asides

Prior to 2011, the Council considered the merits of EFP applications and the projected impacts and available yield of both overfished and non-overfished species when approving EFPs on an annual basis. Given the sector allocation implications listed above, there is a need for the Council to consider setting aside some yield that could be used for development or continuation of EFPs on a biennial basis. This means that set-asides must be made pre-season and before EFP applications have even been received. This may be somewhat easier in future cycles as EFP applications for the following year will be submitted at the same meeting that set asides will be decided for the coming cycle. The analysis presented in the draft EIS uses the previous year's EFP for a starting point for the analysis however, the Council would not be setting catch limits for any specific EFP projects, but considering future EFPs and the potential for needing to give those projects some amount of yield of both overfished species as well as non-overfished species.

Specific to petrale sole, the GMT notes that in recent years, the only non-whiting EFP that has taken petrale sole in appreciable amounts is the community-based fishing association project sponsored in part by The Nature Conservancy (TNC). In 2009, their catch cap for petrale sole was 6 mt. TNC voluntarily reduced cap from 6 mt to 3 mt for 2010 in light of the petrale sole stock status falling below the overfished threshold in the 2009 petrale sole stock assessment and the 2010 petrale sole OY being reduced by approximately 50%. A proportional cut in the cap relative to the preliminary preferred ACL is 2 mt. The preliminary preferred set aside for petrale

is 6 mt, which is the highest seen in recent years. The Council should consider whether it anticipates approving EFPs that impact petrale and to what magnitude during the 11-12 cycle.

The GMT therefore recommends that the Council establish overfished species set asides for EFPs that will accommodate the anticipated need for such projects.

Incidental Open Access

It has recently come to the GMT’s attention that the petrale set aside for incidental open access (43.2 mt) maybe incorrect. This catch is largely comprised of landings in what was classified as coming from the California halibut trawl fisheries. A recent review of West Coast Groundfish Observer Program reports including both the Total Mortality Report and the specific California halibut trawl report indicate that this number is too high. For example, the WCGOP reports state that trace amounts of petrale occur in this fishery (e.g., less than 1 mt). The GMT was unable to confirm the accuracy of the landings data that were provided to the team in April, since it was the weekend and no staff were available.

Table 1. Preliminary GMT Recommended 2011-2012 Set Aside for overfished species (corrections to Table 2-30 in Agenda Item B.3.b Attachment 2 are in **bold**, recommended increases are in *italics*).

Category	Bocaccio South 40'10	Canary	Cowcod South 40'10	Dark-blotched	POP	Widow	Yelloweye	Petrale
Tribal Whiting Trawl		4.3		0.1	7.2	5	0	
Tribal Mid-water Trawl		3.6			0	40	0	
Tribal Bottom Trawl		0.8			3.7	0	0	45.4
Tribal Troll		0.5			0		0	
Tribal Fixed Gear		0.3			0	0	2.3	
Open Access Incidental	0.7	2.0	0	15.0	0.1	3.3	0.2	43.2
Research	1.7	7.2	0.1	2.1	1.8	1.6	3.3	17.0
EFP	11	1.3	0.2	1.5	0.1	11	0.4	6.0
Total	13.4	20	0.3	18.7	12.9	60.9	6.2	111.6

Annual Catch Targets (ACTs) and Harvest

The GMT reviewed the analysis of the effectiveness of the current management system to prevent overfishing (Agenda Item E.4.a, Attachment 4, March 2010). We also examined total mortality of FMP species compared to OYs for recent years in light of the National Standard 1 requirement to examine existing accountability measures (AMs) in cases where the ACL is exceeded¹. Given our current ability to monitor and react to fisheries impacts inseason, the GMT does not see any instances where specification of ACT is necessary.

The Council’s current system of managing the commercial fishery, cumulative vessel landing limits combined with frequent monitoring and evaluation, has generally proven highly effective in preventing commercial catch targets from being substantially or serially exceeded. Although fishery-wide canary OYs of less than 50 mt were exceeded for several years, catches have

¹The National Standard 1 Final Rule reads, “If catch exceeds the ACL for a given stock or stock complex more than once in the last four years, the system of ACLs and AMs should be re-evaluated, and modified if necessary, to improve its performance and effectiveness.”

consistently been less than more recent higher OYs. Perhaps the greatest source of uncertainty in managing to commercial total catch targets is the fact that discard rates are not known for a particular year until well afterward. Thus, even in circumstances where landings are effectively constrained, taking into account expected discards, total catch may later be found to have exceeded specified targets, if realized discards exceeded those expectations. Uncertainty also arises from sampling uncertainty in the observation of discards and landings species composition for rockfish. Recreational fisheries have traditionally been more difficult to monitor and some fishing modes lack scientific observation of discards.

Under trawl rationalization, three sources of management uncertainty are addressed for that sector. Both fishing and landings are independently and comprehensively monitored, resulting in vastly less uncertainty regarding the amounts of retained and discarded catch by species or assemblage. Additionally, trip limits do not provide an automatic mechanism for ceasing harvest at the appropriate time. The product of trip limit amounts times the number of permits vastly exceeds the available amount of landed catch. Under individual quotas, if no individual exceeds their quota poundage, the fleet target cannot be exceeded.

For target species that are more likely to be fully subscribed in 2011-2012 (see Table 2-45 from Agenda Item B.3.a, Attachment 2), particularly sablefish and shortspine, the Council may want to set more conservative set asides to ensure that ACLs are not exceeded. While ACTs might also provide a mechanism for ensuring that ACLs are not exceeded either from impacts from a given sector or on the whole, the GMT notes that the reason that these species are fully subscribed is due to their importance as fishery targets. Both trawl and non-trawl fisheries that target these species have the aforementioned inseason monitoring and control mechanisms in place, however most of the set aside fisheries do not. For that reason, the **GMT recommends the use of conservative set asides rather than ACTs to prevent exceeding ACLs.**

Harvest guidelines (HGs) remain important management tools for fisheries where some portion is shared among states (e.g. recreational fisheries). They also provide a mechanism for inseason action to prevent or minimize impacts to other states or sectors. **The GMT therefore recommends continued use of HGs for management of recreational fisheries.** Use of HGs as a harvest specification to prevent overfishing is discussed in a separate report (Agenda Item B.3.b, Supplemental GMT Report 1).

GMT Recommendations

- 1. Adopt the updated preliminary set-asides for overfished and non-overfished species with the corrections shown in Tables 1, 4, and 5.**
- 2. Establish one set aside for each non-overfished and overfished species that includes anticipated catch of tribal, EFP, research, and incidental open access.**
- 3. Set precautionary research set asides, particularly for petrale and canary for 2011-2012.**
- 4. Establish overfished species set asides for EFPs that will accommodate the anticipated need for projects in 2011-2012.**
- 5. Use conservative set asides rather than ACTs to prevent exceeding ACLs and continue use of HGs for recreational fisheries.**

Table 4. GMT Recommended 2011 Set Aside for non-overfished species (corrections to values in Table 2-40 in Agenda Item B.3.b Attachment 2 are in **bold**).

Species/Species Group/Area	2011 PPA ACL	Tribal	EFP	Research	Incidental OA	Fishery HG	Trawl			Non-Whiting		Non-Whiting		Non-trawl A21 mt
							A21%	Non-trawl A21%	A21 mt	A21 %	A21 %	A21 mt	A21 mt	
Lingcod N. of 42° N latitude (OR & WA)	2,330.0	250.0	0.0	5.0	16.0	2,059	45%	55%	927	99.7%	0.3%	924	3	1,132
Lingcod S. of 42° N latitude (CA)	2,102.0	0.0	0.0	0.0	7.0	2,095	45%	55%	943	99.7%	0.3%	940	3	1,152
Pacific Cod	1,600.0	400.0	0.0	0.0	0.0	1,200	95%	5%	1,140	99.9%	0.1%	1,139	1	60
Sablefish N of 36° N. lat.	4,961.0	496.1	0.0	16.0	17.2	4,426	52.5%	47.5%	2,322	98.2%	1.8%	2,281	42	
Sablefish S of 36° N. lat.	1,298.0	0.0	26.0	2.0	6.2	1,264	42%	58%	531	100.0%		531	0	733
Dover sole	17,560.0	1497.0	0.0	38.0	55.0	15,970	95%	5%	15,172	100.0%		15,172	0	799
English sole	19,761.0	91.0	0.0	5.0	4.0	19,661	95%	5%	18,678	99.9%	0.1%	18,659	19	983
PETRALE SOLE	976.0	45.4	6.0	10.0	43.2	871	95%	5%	828	100.0%		828	0	44
Arrowtooth flounder	15,174.0	2041.0	0.0	7.0	30.0	13,096	95%	5%	12,441	100.0%		12,441	0	655
Starry Flounder	1,352.0	2.0	0.0	0.0	5.0	1,345	50%	50%	673	100.0%		673	0	673
Other flatfish	4,884.0	60.0	0.0	13.0	125.0	4,686	90%	10%	4,217	99.9%	0.1%	4,213	4	469
PACIFIC OCEAN PERCH	180.0	10.9	0.1	1.8	0.1	167	95%	5%	159	The rest	17% or 30 mt	129	30	8
WIDOW	600.0	45.0	11.0	1.6	3.3	539	91%	9%	491	The rest	52.0%	235	255	49
Chilipepper (coastwide)	2,130.0	1.0		8.6	5.4	2,115	75%	25%	1,586	100.0%		1,586	0	529
Splitnose S. of 40°10' N lat.	1,461.0	0.0	0.0	7.0	0.0	1,454	95%	5%	1,381	100.0%		1,381	0	73
Yellowtail N. of 40°10' N lat.	4,364.0	490.0	2.0	4.0	3.0	3,865	88%	12%	3,401	The rest	300	3,101	300	464
Shortspine thornyhead N. of 34 27' N. lat.	1,573.0	38.0	0.0	5.0	2.0	1,528	95%	5%	1,452	99.9%	0.1%	1,450	1	76
Shortspine Thornyhead S. of 34 27' N. lat.	405.0	0.0	0.0	1.0	41.0	363	50 mt	The Rest	50	100.0%		50	0	313
Longspine thornyhead N. of 34 27' N. lat.	2,119.0	30.0	0.0	13.0	1.0	2,075	95%	5%	1,971	100.0%		1,971	0	104
DARKBLOTCHED	332.0	0.1	1.5	2.1	15.0	313	95%	5%	298	The rest	9% or 25 mt	271	27	16
Minor Slope Rockfish North 40°10' N lat.	1,160.0	36.0	2.0	10.9	19.0	1,092	81%	19%	885	98.6%	1.4%	872	12	207
Minor Slope Rockfish South 40°10' N lat.	626.0	0.0	2.0	8.0	17.0	599	63%	37%	377	100.0%		377	0	222

Bold text indicates overfished species with A:21 allocations. These set-asides were adopted by the Council April 2010

Table 5. GMT Recommended 2012 Set Aside for non-overfished species (corrections to values in Table 2-42 in Agenda Item B.3.b Attachment 2 are in **bold**).

Species/Species Group/Area	2012 PPA ACL	Tribal	EFP	Research	Incidental OA	Fishery HG	Trawl		Non-Whiting		Whiting		Nonrawl A21 mt	
							A21%	A21 mt	A21 %	A21 %	A21 mt	A21 mt		
Lingcod N. of 42° N latitude (OR & WA)	2,151.0	250.0	0.0	5.0	16.0	1,880	45%	55%	846	99.7%	0.3%	843	3	1,034
Lingcod S. of 42° N latitude (CA)	2,164.0	0.0	0.0	0.0	7.0	2,157	45%	55%	971	99.7%	0.3%	968	3	1,186
Pacific Cod	1,600.0	400.0	0.0	0.0	0.0	1,200	95%	5%	1,140	99.9%	0.1%	1,139	1	60
Sablefish S of 36 N. lat.	1,258.0	0.0	26.0	2.0	6.2	1,224	42%	58%	514	100.0%		514	0	710
Dover sole	17,560.0	1497.0	0.0	38.0	55.0	15,970	95%	5%	15,172	100.0%		15,172	0	799
English sole	10,150.0	91.0	0.0	5.0	4.0	10,050	95%	5%	9,548	99.9%	0.1%	9,538	10	503
PETRALE SOLE	1,160.0	45.4	6.0	10.0	43.2	1,055	95%	5%	1,003	100.0%		1,003	0	53
Arrowtooth flounder	12,049.0	2041.0	0.0	7.0	30.0	9,971	95%	5%	9,472	100.0%		9,472	0	499
Starry Flounder	1,360.0	2.0	0.0	0.0	5.0	1,353	50%	50%	677	100.0%		677	0	677
Other flatfish	4,884.0	60.0	0.0	13.0	125.0	4,686	90%	10%	4,217	99.9%	0.1%	4,213	4	469
PACIFIC OCEAN PERCH	183.0	10.9	0.1	1.8	0.1	170	95%	5%	162	The rest	17% or 30 mt	132	30	9
WIDOW	600.0	45.0	11.0	1.6	3.3	539	91%	9%	491	The rest	52.0%	235	255	49
Chilipepper (coastwide)	1,924.0	1.0		8.6	5.4	1,909	75%	25%	1,432	100.0%		1,432	0	477
Splitnose S. of 40°10' N lat.	1,538.0		0.0	7.0	0.0	1,531	95%	5%	1,454	100.0%		1,454	0	77
Yellowtail N. of 40°10' N lat.	4,371.0	490.0	2.0	4.0	3.0	3,872	88%	12%	3,407	The rest	300	3,107	300	465
Shortspine thornyhead N. of 34 27' N. lat.	1,556.0	38.0	0.0	5.0	2.0	1,511	95%	5%	1,435	99.9%	0.1%	1,434	1	76
Shortspine Thornyhead S. of 34 27' N. lat.	401.0		0.0	1.0	41.0	359	50 mt	The Rest	50	100.0%		50	0	309
Longspine thornyhead N. of 34 27' N. lat.	2,064.0	30.0	0.0	13.0	1.0	2,020	95%	5%	1,919	100.0%		1,919	0	101
DARKBLOTCHED	329.0	0.1	1.5	2.1	15.0	310	95%	5%	295	The rest	9% or 25 mt	268	27	16
Minor Slope Rockfish North 40°10' N lat.	1,160.0	36.0	2.0	10.9	19.0	1,092	81%	19%	885	98.6%	1.4%	872	12	207
Minor Slope Rockfish South 40°10' N lat.	626.0	0.0	2.0	8.0	17.0	599	63%	37%	377	100.0%		377	0	222