

GROUND FISH ADVISORY SUBPANEL REPORT ON
TENTATIVE ADOPTION OF 2013-2014 BIENNIAL HARVEST SPECIFICATIONS AND
MANAGEMENT MEASURES

The Groundfish Advisory Panel (GAP) heard presentations from Mr. John DeVore, Mr. Frank Lockhart, and Ms. Jamie Goen regarding adoption of harvest specifications and management measures for 2013-14.

The GAP discussed at length several of the issues and recognized many of the others are ones we have commented on before. Therefore, we discuss thoroughly our reasoning here for issues we feel require further attention. For easy reference, the last five pages include the summaries of our determinations, presented using the format of Agenda Item D.5.a, Attachment 1, “Anticipated Council Actions and References Relevant to Decision-Making.”

Referencing the actions numbered on that document, we suggest modifications to the following:

2. Final Overfished Species Harvest Specifications and Rebuilding Plans

For canary rockfish, the GAP recommends a 2013 ACL of 147 mt and a 2014 ACL of 151 mt. This corresponds to either Alternative 7 or Alternative 8; the ACLs and accountability measures are the same for canary.

The GAP discussed a recent paper published by Daniel S. Holland and Jason E. Jannot, of the Northwest Fisheries Science Center (“*Bycatch risk pools for the US West Coast Groundfish Fishery*”), relating to the trawl rationalization program and the use of risk pools. One of the most compelling arguments for higher ACLs for canary is evidence of risks associated with low canary quotas in the rationalized fishery. The Holland and Jannot analysis indicates that low quotas do not correspond with the risk of high unexpected bycatch events. This leads to hoarding of canary quota, higher quota transaction costs, low attainment of shelf species’ quotas, and a less efficient and less profitable IFQ system. Furthermore, it’s worth reiterating that the low canary harvest in the trawl fishery is a poor indicator of the needs of the fleet. Fishermen avoided targeting shelf species for fear of exceeding their canary quotas.

This goes back to the “sticky quota” issue: at lower levels of canary ACLs, fishermen tend to hoard their canary quota to use if they have a lightning strike. That very problem goes against one of the guiding philosophies of the trawl individual quota program, since that quota is not being traded or used. The program was designed with the idea that fishermen could trade their quota to cover mishaps, but if the overall ACL is low, individual quota is unintentionally stranded due to hoarding. The GAP believes the higher canary ACL may not solve all of these problems but will help mitigate these risks. Further, the GAP maintains that a higher canary allocation is not likely to result in a significantly higher attainment of the canary allocation.

Trawl fishermen will still be highly risk-averse by not fishing in high canary bycatch areas. The higher ACL will likely improve the individual quota system without a high conservation cost of significantly higher canary catches.

The GAP reiterates what it said in its statements from April (Agenda Item 1.3.b, http://www.pcouncil.org/wp-content/uploads/I3b_SUP_GAP_APR2012BB.pdf, and Item 1.8.b, http://www.pcouncil.org/wp-content/uploads/I8b_SUP_GAP_APR2012BB.pdf, Harvest Specifications for 2013-14, and request their inclusion here): That higher ACLs would provide direct benefits to the trawl sector and communities; that the trawl fleet caught only 14 percent of its canary quota in 2011; that increased canary quota would allow for a targeted midwater widow/yellowtail fishery; and that all sectors of the fishery would benefit from higher ACLs.

One of the problems with arguing for higher ACLs is that fishery managers look primarily at data and numbers related to models, fish stocks, landings, fishermen, etc. The behaviors and changes in the fleet and fishing business practices when a management regime is changed – such as the introduction of the individual quota program – are not taken into account. There is little room for predictability when new management is implemented; a little wiggle room in the aspects of the management program over which we DO have control can help mitigate problems that arise from changes in fishery management.

From our April statement:

“It is also worth noting that the amount of canary landed and quota trading in the 2011 rationalized trawl fishery had unanticipated effects. ...

“The industry’s hesitancy to trade quota had the end result of a stagnant market or poor economy. There was no way to encourage trading, no way to urge fishermen to target nearshore healthy species, no mechanism to minimize their risks, whether those risks were real or perceived. Regarding quota trading of canary, only 1,200 pounds – less than half a metric ton and only a fraction of the landed catch – were traded on a public trawl fishery trading site. ...

“ As we’ve noted before, full accountability in the rationalized trawl fishery should lessen projected mortality, therefore decreasing the estimated time to rebuild.”

Regarding one of the public comment submissions on this issue, the argument has been made that the needs of the fishing communities have not changed since the last harvest specifications cycle, when the ACL was lower than the Council’s preferred option for 2013-14. This is an erroneous argument, as the only way to get an accurate picture of the groundfish fishery is to take a historical snapshot covering more than one or two years.

3a. Adopt set-asides from the annual catch limits (ACL) and, for some species, the trawl allocations

For at-sea whiting: The GAP feels at this time that no changes in the set-asides are necessary. Regarding the issue discussed in Agenda Item D.5.b, the NMFS letter, set-asides in the at-sea whiting fishery, the GAP believes the 2011 fishing year was an anomaly and that the higher than anticipated incidental catches were due to atypical fishing patterns. The

at-sea sectors were delayed in returning to the whiting season because of the lateness of the pollock B-season. A large part of the 2011 season occurred after mid-November and extended well into December. This timing, in combination with schools of whiting more highly dispersed than usual, resulted in atypical bycatch patterns. This confluence of events is highly unlikely to happen again. Moreover, the at-sea whiting sectors have a demonstrated history of taking proactive measures to address bycatch concerns (for example, darkblotched rockfish in 2004 and Chinook salmon in 2006). Therefore, the GAP is hesitant to incorporate into specifications a change based on an anomaly and believes the at-sea sectors will take proactive measures.

For tribal petrale set-asides: With reference to Agenda Item D.3.B, “Supplemental Makah Report,” the GAP suggests any increase to the tribal set-aside should be proportional to the increase in the petrale ACL. A proportional increase would result in approximately 156 mt, which is 6 percent of the coastwide 2013 ACL and 159 mt in 2014. The supplemental request for 220 mt is approximately 8 percent of the ACL.

3b. Two-year trawl and non-trawl allocations for bocaccio, canary, cowcod, petrale, and yelloweye

For cowcod, the GAP agrees the Council-preferred option (1.9 mt trawl/1 mt non-trawl) is the best. One year of trawl data under a rationalized fishery is insufficient to show that bycatch of cowcod is near non-existent, especially as it is anticipated that more trawlers may move onto the shelf to fish in the future. However, recognizing the considerable difficulties of the southern California recreational fleet, a different allocation may be in order – something along the lines of 1.5 mt for trawl and 1.4 mt for non-trawl, for example.

4a. Shoreside IFQ fishery, trawl RCA line modifications

The trawl fishery currently is working under inseason changes made to the RCA lines for 2012. The Groundfish Management Team (GMT) brought to the GAP’s attention that these changes could be rolled over into the harvest specifications for 2013-14. The GAP feels this is a reasonable idea and one that would encompass requests the GAP has often made during inseason discussions in the past.

From the GMT's statement:

Trawl RCA boundaries as of June 21, 2012 (published in inseason action, 76 FR 22679 on April 17, 2012, effective May 1, 2012).

	JAN-FEB	MAR-APR	MAY-JUN	JUL-AUG	SEP-OCT	NOV-DEC
North of 48°10' N. lat.	shore - modified ^{2/} 200 fm line ^{1/}	shore - 200 fm line ^{1/}	shore - 150 fm line ^{1/}		shore - 200 fm line ^{1/}	shore - modified ^{2/} 200 fm line ^{1/}
48°10' N. lat. - 45°46' N. lat.	75 fm line ^{1/} - modified ^{2/} 200 fm line ^{1/}	75 fm line^{1/} - 150 fm line^{1/}	100 fm line^{1/} - 150 fm line^{1/}	100 fm line ^{1/} - 150 fm line ^{1/}	100 fm line^{1/} - 150 fm line^{1/}	75 fm line^{1/} - 150 fm line^{1/}
45°46' N. lat. - 40°10' N. lat.		75 fm line ^{1/} - 200 fm line ^{1/}	100 fm line^{1/} - 200 fm line^{1/}	100 fm line ^{1/} - 200 fm line ^{1/}	100 fm line^{1/} - 200 fm line^{1/}	75 fm line ^{1/} - modified ^{2/} 200 fm line ^{1/}
South of 40°10' N. lat.	100 fm line ^{1/} - 150 fm line ^{1/2/}					

4f. California Recreational season dates, bag limits, area closures

The GAP agrees with keeping the status quo of retaining the 60-fathom line south of Pt. Conception (34°27' N lat.) throughout the year, but if that is not possible, a compromise of adopting a 50-fathom line in period six could be an option. The GAP requested an analysis of a change to 50 fathoms at the April 2012 meeting.

Moving the line from 60 to 50 fathoms for the whole year would be a huge hit to the southern California recreational fleet, which depends on fishing the grounds between 40 and 60 fathoms. The fleet is the victim of the increasing implementation of conservation areas closed to fishing and further restriction could be disastrous.

The compromise to a 50-fathom line in period six would likely reduce incidental cowcod impacts, the species driving consideration for further restricting this fishery. Most of the increased recreational catch of cowcod in 2011 occurred late in the year.

5f. Modifications to the shorebased IFQ accumulation limits

The GAP suggests the following changes to the vessel accumulation limits, to better reflect the nature of the fishery under trawl rationalization:

Species	Existing cap	Proposed cap	Percentage harvested
Chilipepper	15%	20%	21%
Minor slope rock North	7.5%	15%	17.5%
Minor slope rock South	9%	20%	13.6%
Sablefish north	4.5%	3%	94%
Lingcod north	3.8% coastwide	5.3%	15% coastwide
Lingcod south		13.3%	

For chilipepper and minor slope rockfish north and south, the GAP suggests the above changes to allow greater flexibility for fishermen to catch species for which the overall harvest has been quite low.

For sablefish, a lower use cap would ensure a broader distribution of that fish, rather than the aggregation of sablefish quota in the hands of only a few. With the ACLs of sablefish going down in 2013 and 2014, it is more important than ever to ensure the distribution of this primary species.

For lingcod, the changes in vessel caps will produce the equivalent of equal sharing that was in place prior to the change to a management line for north and south, rather than a coastwide management. This was first brought up in November 2011 (reference our GAP statement under E.4: http://www.pcouncil.org/wp-content/uploads/E4b_SUP_GAP_NOV2011BB.pdf), at which time we introduced a formula that would provide the correct percentages.

ANTICIPATED COUNCIL ACTIONS AND REFERENCES RELEVANT TO DECISION-MAKING,
INCORPORATING GAP RECOMMENDATIONS

Under Agenda Item D.5, the Council is scheduled to tentatively adopt final harvest specifications and management measures, including allocations. Under Agenda Item D.9, the Council will take final action by confirming or modifying actions from Agenda Item D.5. The following is a summary of the Groundfish Advisory Panel’s discussions and suggestions.

Anticipated Actions	Preliminary Draft Environmental Impact Statement (EIS) Section
<p>1. Final Non-Overfished Species Harvest Specifications</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>The GAP agrees with the Council’s preferred alternative for this section.</i></p> </div>	Table ES-1, Section 2.1, 4.1-4.4, Appendices B and C
<p>2. Final Overfished Species Harvest Specifications and Rebuilding Plans</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>Canary rockfish: A 2013 ACL of 147 mt and a 2014 ACL of 151 mt (alternative 7 or 8 for canary only). Bocaccio: There is an adequate buffer at an ACL of 320 mt. The GAP agrees with the Council’s preferred options for all other species</i></p> </div>	Table ES-1, Section 2.1, 4.1-4.4, Appendices B and C
<p>3. Final Set-Asides and Allocations</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>The GAP agrees with all the Council-preferred options for final set-asides and allocations, with the exception of: 3a, set-asides in the at-sea whiting fishery, and 3b, cowcod and petrale allocations.</i></p> </div>	
<p>3a. Adopt set-asides from the annual catch limits (ACL) and, for some species, the trawl allocations a/</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>Set-aside in the whiting fishery: No change in existing set-asides. Petrale tribal set-aside: Any increase in tribal petrale set-aside should be proportional to any increase in the ACL</i></p> </div>	Section 2.2.1
<p>3b. Two-year trawl and non-trawl allocations for bocaccio, canary, cowcod, petrale, and yelloweye</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p><i>Cowcod: The GAP agrees with the Council-preferred option (1.9 mt for trawl; 1 mt for non-trawl), but is open to a potential different allocation arrangement, as yet to be determined.</i></p> </div>	Section 2.2.2.2, Appendices B and C
<p>3c. Confirm or modify the Fishery Management Plan (FMP) within trawl allocations for widow rockfish</p>	Section 2.2.3.1, Appendix C
<p>3d. Adopt bocaccio, canary, and yelloweye harvest guidelines (HG) for the recreational fisheries</p>	Section 2.2.3.2, Appendices B and C

Anticipated Actions	Preliminary Draft Environmental Impact Statement (EIS) Section
3e. HGs for black rockfish (OR and CA), blackgill (south of 40°10), blue rockfish (CA), longnose skate b/	Section 2.2.3.2
4. Final Season Structures	
<p><i>The GAP agrees with all the Council-preferred options for final RCA configurations and season structures, with the exception of: 4a, RCA lines in the shorebased IFQ fishery and 4f, California recreational.</i></p>	
4a. Shorebased Individual Fishing Quota (IFQ) Fishery --Trawl rockfish conservation area (RCA) configurations	Section 2.4, 4.2-4.4, Appendix B
<p><i>The GAP agrees with the GMT's analysis of rolling over the RCA line changes made during inseason action in 2012 to 2013-14.</i></p>	
4b. Non-Nearshore --Non-trawl RCA seaward configurations	Section 2.4, 4.2-4.4, Appendix B
4c. Nearshore --Non-trawl RCA shoreward configurations	Section 2.4, 4.2-4.4, Appendix B
4d. Washington Recreational --Season dates --Bag limits --Area closures	Section 2.4, 4.2-4.4, Appendix B
4e. Oregon Recreational --Season dates --Bag limits --Area closures	Section 2.4, 4.2-4.4, Appendix B
4f. California Recreational --Season dates --Bag limits --Area closures	Section 2.4, 4.2-4.4, Appendix B
<p><i>The GAP agrees with the Council-preferred option, but if that is not possible, a potential compromise would be keeping the 60 fathom line for periods two through five, but changing the line to 50 fathoms in period six (November and December).</i></p>	
5. Final Management Measures	
<p><i>The GAP agrees with the Council-preferred options in this section, with the exception of 5f, accumulation limits and 5g, surplus carryover provisions, as noted below.</i></p>	
5a. RCA boundary modifications	Section 2.2-2.4, 4.2-4.4, Appendix C

Anticipated Actions

**Preliminary Draft Environmental
Impact Statement (EIS) Section**

- Washington and Oregon 150 and 200 fm lines
- Oregon 200 fm line
- California Usal and Noyo Canyons 150 fm line

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| 5b. Management of ACL set-asides | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5c. Sorting requirement for aurora (north 40°10), shortraker (north 40°10), rougheye (north 40°10) | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5d. Catch accounting between limited entry and open access | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5e. Related regulatory and FMP language clarifications
--Offload requirements
--Relationship between open access fishery regulations and the IFQ fishery | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5f. Modifications to the shorebased IFQ accumulation limits | Section 2.2-2.4, 4.2-4.4, Appendix C |

The GAP suggests the following changes to accumulation limits, to better reflect the prosecution of the fishery under trawl rationalization:

Species	Existing cap	Proposed cap	Percentage harvested
<i>Chilipepper</i>	15%	20%	21%
<i>Minor slope rock North</i>	7.5%	15%	17.5%
<i>Minor slope rock South</i>	9%	20%	13.6%
<i>Sablefish north</i>	4.5%	3%	94%
<i>Lingcod north</i>	3.8% coastwide	5.3%	15% coastwide
<i>Lingcod south</i>		13.3%	

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| 5g. Modifications to the shorebased IFQ surplus carry-over | Section 2.2-2.4, 4.2-4.4, Appendix C |
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The GAP supports suspending the carryover provision in 2013-14 for petrale and sablefish until a long-term fix is in place

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| 5h. Remove or reduce to 20 inches the minimum length limit for lingcod in the shorebased IFQ fisheries (all legal gears) | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5i. Threshold for moving between the sablefish primary fishery to the daily trip limit fishery north of 36° | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5j. Proposed changes to sablefish limited entry and open access bi-monthly cumulative landing limits | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5k. Modifications to blackgill rockfish (south of 40°10) bi-monthly cumulative landing limits for limited entry and open access fixed gear | Section 2.2-2.4, 4.2-4.4, Appendix C |
| 5l. Modifications to longnose skate bi-monthly cumulative landing limits and RCAs | Section 2.2-2.4, 4.2-4.4, Appendix C |

Anticipated Actions	Preliminary Draft Environmental Impact Statement (EIS) Section
5m. Modifications to spiny dogfish bi-monthly cumulative landing limits and RCAs	Section 2.2-2.4, 4.2-4.4, Appendix C
5n. Recreational shelf rockfish retention in the Cowcod Conservation Area	Section 2.2-2.4, 4.2-4.4, Appendix C
5o. Remove the California recreational bocaccio size limit	Section 2.2-2.4, 4.2-4.4, Appendix C
5p. Increase the California recreational bocaccio bag limit	Section 2.2-2.4, 4.2-4.4, Appendix C
5q. Increase the California recreational greenling bag limit	Section 2.2-2.4, 4.2-4.4, Appendix C

a/ It is expected that the preliminary set-asides adopted by the Council and used in the analysis of the integrated alternatives will be updated based on the tribal requests from April (see Agenda Item I.3.b, Supplemental Tribal Report, April 2012) and final adoption of exempted fishing permits for 2013-2014 under Agenda Item D.4. The best reference for this action will be a GMT report under Agenda Item D.5.

b/ Sorting, prior to the first weighing after offloading, is required for species with a HG; see regulations at 660.12 (a)(8).