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## REPORT FROM THE PACIFIC FISHERY MANAGEMENT COUNCIL MEETING June 19 – 25, 2013



### ADMINISTRATIVE

#### Managing Our Nation's Fisheries 3 Conference

The Pacific Fishery Management Council hosted the Managing Our Nation's Fisheries 3 Conference that was held May 7, 8, and 9 in Washington DC. More than 600 people attended the conference.

The conference was coordinated by the eight Regional Fishery Management Councils and NOAA Fisheries, and was sponsored by both fishing industry and environmental groups. The conference aimed to identify both legislative and non-legislative measures to advance fishery sustainability in light of the coming reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act, which governs Federal fishery management in the United States. Most participants seemed to agree that the Magnuson-Stevens Act has been successful in managing U.S. fisheries, and that large-scale revisions would not be needed. For example, under the Act, 32 fish stocks that were previously labeled "overfished" have been rebuilt. However, there was also agreement that some changes are needed to keep the Act relevant, flexible, and responsive.

The conference began on May 6 with keynotes by Rep. Doc Hastings (R-WA); NOAA Assistant Administrator Eric Schwaab; chef, author and television host Barton Seaver; and *Deadliest Catch* skipper Keith Colburn. The conference continued May 8 and 9 with sessions on improving fishery management essentials, advancing ecosystem-based decision making, and providing for fishing community stability. Senator Mark Begich (D-AK) addressed the conference attendees on May 8.

One hundred and twenty-eight findings covering nine focus topics were presented on the last day of the conference. Some of the themes that emerged included the need for better communication and collaboration among groups involved in fisheries; the need for flexibility in regulations, in part to allow managers to react to change more quickly; the need for more and better science, including collaborative research involving fishermen and scientists; and stronger measures to ensure more responsible international fishery management. Other themes included the need to consider ecosystem management; the need for stronger tools to address habitat impacts; the challenges of adapting to climate change; and the potential benefits of a federal sustainable seafood label.

Draft proceedings for the Conference and additional staff analysis will not be available until late summer; therefore, the Council will consider changes to current policy and regulatory approaches to be developed by the Council or implemented by NMFS, as well as legislative changes via reauthorization of the Magnuson-Stevens Act at its September 2013 Council meeting.

#### Fiscal Matters

The Council expected base funding of about \$3.7 million, and in addition, the Northwest Region has provided new funding of \$330,000 for a regulatory process to consider electronic

monitoring in the groundfish trawl catch share program, including the hiring of one full time Council staff member for a two-year limited-duration appointment, and to provide new funding of \$30,000 to establish a work group to support Endangered Species Act (ESA) compliance of the groundfish fishery consistent with the requirements of National Marine Fisheries Service (NMFS) and USFWS ESA biological opinions for green sturgeon, eulachon, humpback whales, Steller sea lions, leatherback sea turtles, and short-tailed albatross.

Membership Appointments and Council Operating Procedures

The three-year terms for Council members Mr. Dan Wolford, (California; at-large seat) and Mr. Herb Pollard, (Idaho; obligatory seat) expire on August 10, 2013. It was announced that Mr. Wolford and Mr. Pollard were reappointed to their current Council seats for an additional 3-year term.

The Council appointed Ms. Dorothy Lowman (Oregon obligatory seat) Council Chair, and Mr. Herb Pollard Council Vice-Chair for one year terms which commence August 11, 2013, and end August 10, 2014.

The Council established an ad hoc Trawl Electronic Monitoring Work Group consisting of the following represented entities with the appointments made by the Council Chair:

REPRESENTED ENTITY	APPOINTMENT
Pacific States Marine Fisheries Commission	Dave Hanson (serving as Work Group Chair)
At-sea whiting	Brent Paine
Shoreside mid-water trawl	Heather Mann
Shoreside bottom trawl	Paul Kujala
Shoreside bottom trawl	Travis Hunter
Individual fishing quota fixed gear	Bob Alverson
Individual fishing quota fixed gear	Geoff Bettencourt
Electronic monitoring provider	Howard McElderry
Conservation	Shems Jud

The Council also established an ad hoc Trawl Electronic Monitoring Technical Advisory Committee consisting of the following represented entities and appointments made by the Council Chair:

REPRESENTED ENTITY	APPOINTMENT
Pacific States Marine Fisheries Commission	Dave Colpo
NMFS West Coast Region	Colby Brady
NMFS Northwest Fisheries Science Center	Jon McVeigh
NMFS Office of Law Enforcement	Dayna Matthews
NOAA General Counsel	Mariam McCall
Washington Department of Fish and Wildlife	Dan Chadwick
Oregon Department of Fish and Wildlife	Maggie Sommer
California Department of Fish and Wildlife	Bob Puccinelli

The Council established an Endangered Species Work Group to work on Endangered Species Act issues related to groundfish management, and will solicit nominations for the following seats to be filled at the September Council meeting:

- 1- California Department of Fish and Wildlife
- 1- Oregon Department of Fish and Wildlife
- 1- Washington Department of Fish and Wildlife
- 1- Washington Coastal Treaty Tribe
- 1- NMFS West Coast Region Sustainable Fisheries Division
- 1- NMFS West Coast Region Protected Resources Division
- 1- U.S. Fish and Wildlife Service
- 1- Fish Taxon Expert
- 1- Seabird Taxon Expert
- 1- Marine Mammal Taxon Expert
- 1- Sea Turtle Taxon Expert

### Legislative Matters

The Legislative Committee (LC) briefly reviewed new fishery-related bills in the 113th Congress and discussed related findings. No written requests for Council comments on any bills have been received to date.

The LC briefly discussed the 128 findings developed at the Managing Our Nation's Fisheries 3 conference, with particular reference to those that might be involved in Magnuson-Stevens Act reauthorization legislation. Under the expectation that the findings will be the subject of categorization and preliminary analysis over the summer, the LC postponed serious discussions on this matter until the September Council meeting. This timeline will also allow advisory bodies to comment on the findings for the September meeting. Current expectations are that the Council Coordination Committee will ask for Pacific Council perspectives on legislative priorities in advance of a webinar meeting in October. It is also expected that refinement of Magnuson-Stevens Act reauthorization issues will be the subject of LC meetings over the course of the next year.

### Future Council Meeting Agenda and Workload Planning

The next meeting of the Pacific Fishery Management Council is scheduled for September 11 – 17, 2013 in Boise, Idaho. The Preliminary Proposed Agenda represents the agenda expectations for the September 2013 Council meeting and includes among other things:

#### Administrative

1. Managing Our Nations Fisheries 3 Follow-ups and Unrelated Legislative Matters.

#### Salmon

1. EFH Amendment 18: Adopt Final Preferred Alt.

#### Groundfish

1. Approve Stock Assessments (Final)
2. Consideration of In-season Adjustments
3. Initial Actions for Setting Fisheries in 2015-2016 and Beyond
4. Sablefish Permit Stacking Program Review – Scoping and Alts.

5. Trawl Rationalization Trailing Actions Scoping: PIE 3; AMP; Trawl Flex Regs.
6. Electronic Monitoring Scoping.

Ecosystem Based Management

1. Update List of Fisheries
2. Unmanaged Forage Fish Protection Initiative

The Council made some changes to agenda items to incorporate new information.

Trawl Rationalization Trailing Actions

For the Trawl rationalization Program, the Council and NMFS have adopted a number of program improvements through trailing amendments. This process has become inefficient and ineffective and a number of trailing actions that were passed by the Council are yet to be implemented because NMFS can not catch up. To address this, NMFS has proposed a new approach that will be applied going forward. NMFS provided the following description:

*NMFS is supportive of continuing the Council's efforts to revise the regulations and gain flexibility and efficiency in the program. In an effort to implement trawl trailing actions in a timely manner, NMFS proposes a process where trawl program changes are considered more comprehensively with similar provisions analyzed and implemented together— rather than reviewing regulations one-by-one, each with its own analysis. Taking into account the recommendations of the Council's Trawl Rationalization Regulatory Evaluation Committee (TRREC) and public feedback at Council meetings, NMFS proposes to conduct a broad review of federal regulations applying to the groundfish trawl fishery to assess:*

- *The utility of particular regulations in addressing conservation and management priorities;*
- *Whether measures remaining from the old trip limit framework unnecessarily decrease flexibility, reduces efficiency, or increase regulatory complexity and, if so, how those measures might be amended.*

*To begin this review, NMFS proposes the following for consideration by the Council, its advisory bodies, and the public at the September 2013 Council meeting during scoping for future trawl trailing actions:*

*A draft Purpose and Need statement for Council deliberation on an action to increase flexibility, improve efficiency, and reduce regulatory complexity. The NMFS report on this "trawl flexibility" action would include a summary of current trawl regulations that restrict the fishery to start the Council discussion on the scope of this action. In general, the summary of regulations would be organized by the following restrictions: how much fish can be caught, when fish can be caught, where fish can be caught, who can catch (and process) the fish, and what gear can be used to catch the fish. The current trawl regulations in the report would also include a list of corresponding Council recommendations not yet implemented and TRREC recommendations.*

*NMFS would review and discuss these documents with Council staff before the September 2013 Council meeting. Depending on the outcome from the September 2013 meeting, the*

*Council could make draft and final recommendations in 2014, with the earliest potential effective date of January 1, 2015.*

*In 2013, NMFS suggests moving away from annual program improvement and enhancement (PIE) rules that include all trawl trailing actions. This “trawl flexibility” action would continue the transition away from annual PIE rules. The PIE rules could continue as minor changes or corrections to the regulations. Ultimately, if Amendment 24 separates analysis of groundfish management measures from the harvest specifications, then management measures for all groundfish sectors, including the trawl fishery could be evaluated together.*

#### Sablefish ITQ Program

Some members of the Limited Entry non-trawl groundfish fishery have been asking for changes to the sablefish ITQ/Tier management system. The Council has recently received an inquiry from the Inspector General's Office asking why the sablefish tier management system, which is a catch share, has not been reviewed every five years as required by the Magnuson-Stevens Act. As it turns out, the sablefish ITQ predates the provision for five year review and is therefore exempt from this requirement. Because of the request for changes to the program from industry, and because the program has never undergone Council review, the Council has determined to go ahead with a full review of the program and has added an agenda item (Sablefish Permit Stacking Program Review – Scoping and Alts.) for the September meeting.

### **HIGHLY MIGRATORY SPECIES MANAGEMENT**

#### US – Canada Albacore Treaty

The U.S. and Canada have been in negotiations over a U.S. - Canada Albacore treaty that includes reciprocal access to each country's Exclusive Economic Zone by albacore vessels from the other country for the 2013 fishing season. At a meeting between the U.S. and Canada in Portland, Oregon, April 16 - 17, 2013, the two parties successfully concluded an agreement in principle on the fishing regime for 2013. The U.S. made it clear that 2013 represents the beginning of a phase-out period for reciprocal access. The details of the phase-out, such as its duration and the number of vessels allowed access in each step of the phase-out, will be the subject of a future negotiation. The Council received advisory body reports, and public comment supporting the phase out of reciprocal access, and requests that the exclusion of Canadian vessels be implemented immediately.

#### Vessel Monitoring System (VMS) Requirements

The Council decided to move forward with consideration of a VMS requirement for commercial tuna fishing vessels 24 meters (78 feet) or more in length, with this meeting as the first meeting of a two-meeting process for that consideration; the second meeting may be the November 2013 Council meeting.

In a concurrent action, the Council adopted a VMS requirement for Swordfish Drift Gillnet vessels that will become effective August 1, 2015.

### Response to Pacific Bluefin Tuna Overfished Status

The Council tasked the Executive Director with sending a letter recommending the U.S. government advocate for a higher level of protection in international fisheries, where 98 percent of the fishing mortality occurs, including catch curtailments in the Inter-American Tropical Tuna Commission and the Western and Central Pacific Fishery Commission (WCPFC) regional fishery management organizations. The Council also decided to evaluate current catch limits for Pacific bluefin in West Coast recreational fisheries as part of the biennial management process beginning in June 2014.

## **ENFORCEMENT ISSUES**

### Vessel Monitoring System Declaration Regulations

The Council recommended that under the groundfish regulations, fishery declarations be required of any vessel which registers its VMS unit with NMFS, [Vessel owners that were reimbursed for VMS purchase are required to register those VMS units with NMFS] regardless of the fishing activity in which the vessel will be engaged. The Council also recommended that, for clarity purposes, category 24 in the current list of declarations (660.13.(d)(5)(iv)) be modified from "other gear" to "other," to encompass declarations to fish in unlisted fisheries and research activities.

## **GROUNDFISH MANAGEMENT**

### Mid-Water Sport Fishery

The Council advanced consideration of a mid-water recreational fishery in Oregon and California, by designating a target implementation date of January 1, 2015, contingent on a detailed analysis of all relevant considerations to be conducted by NMFS that would be reviewed at a future Council meeting. The fishery is intended to provide increased access to healthy pelagic groundfish while minimizing overfished species bycatch and is based on a proposal included in the June Briefing Book.

### Seabird Avoidance Regulations

The Council recommended releasing alternatives for public review, which are intended to reduce incidental take of seabirds as described in the preliminary draft environmental assessment. The action alternative would require that streamer lines be deployed during setting operations on commercial longline vessels 55 feet or greater in length with a safety exemption in the event of rough weather. Additionally, the Council recommended a new alternative be added, which would not include the rough weather exemption. Final action is tentatively scheduled for the November 2013 Council meeting.

### Approve Stock Assessments

The Council adopted new data-moderate stock assessments for sharpchin rockfish, strippetail rockfish, and yellowtail rockfish north of 40°10' N lat., English sole, and rex sole; new full assessments for darkblotched rockfish and petrale sole, and; new catch reports for canary rockfish, Pacific ocean perch, and yelloweye rockfish. The Council will consider further review of draft data-moderate stock assessments for brown rockfish, China rockfish, and copper rockfish

for the September mop-up panel, which will explore alternative models that consider an area stratification north and south of 42° N lat. All stock assessments and catch reports approved in this year's process will be used to inform management decisions for 2015 and beyond.

#### Trawl Rationalization Trailing Actions

The Council established seats for an electronic monitoring (EM) workgroup, and a companion technical advisory group was also established. A preliminary DRAFT EM White Paper was available for this meeting that provided background on types of regulatory regimes; explained the difference between performance based approaches and prescriptive approaches; described an approach for blending performance/prescriptive approaches; and outlined a two tier implementation and performance standard approach that would use existing technology and methods for tier 1, and provide a pathway for new technology and methods in tier 2. Work on the White Paper on performance standards was redirected to a fuller scoping document, with comprehensive scoping of a regulatory process considering EM scheduled for the September 2013 Council meeting.

Also in September, a scoping session will be held on the next round of trawl trailing actions, including (1) any new or delayed trailing actions, (2) implementation of the Adaptive Management Program, and (3) a NMFS proposal to change the trailing action process by proceeding with a trawl flexibility rule to eliminate or modify regulations outdated by the trawl rationalization program, and to move all other trailing actions into the more general management measure process the Council is scheduled to take up at the June 2014 Council meeting.

#### Adopt Preliminary Stock Complex Aggregations

The Council adopted replacement alternatives for restructuring the slope groundfish and other groundfish stock complexes. The Groundfish Management Team (GMT) worked intensely on this agenda item and offered several options that include removing bank rockfish from the minor slope rockfish complex. Bank rockfish is a potential "inflator" species for the complex and removing it could provide increased harvest opportunity for bank rockfish. The GMT will fully analyze the implications of these alternatives and as the next priority, examine the need for and potentially analyze alternatives for the shelf rockfish complexes. Restructuring the other flatfish complex was given a low priority and alternatives for restructuring the nearshore rockfish complexes were dropped from further consideration during this cycle. Any restructuring of stock complexes and in particular removing individual stocks from complexes will require reallocation between the trawl/non-trawl fishery sectors.

#### Consideration of Inseason Adjustments

The Council considered the most recent information regarding ongoing fisheries and recommended the following trip limit increases:

1. Limited entry fixed gear fishery north of 36° N. latitude: increase the sablefish trip limits from 950 lbs/week, not to exceed 2,850 lbs/2 months to 1,110 lbs/week not to exceed 3,300 lbs/2 months as soon as possible through the end of the year.

2. Open access fixed gear fishery north of 36° N. latitude: increase the sablefish trip limits from 300 lbs/day, or one landing per week up to 700 lbs, not to exceed 1,400 lbs/2 months to 300 lbs/day, or one landing per week up to 800 lbs, not to exceed 1,600 lbs/2 months as soon as possible through the end of the year.
3. Limited entry fixed gear fishery north of 34°27' N latitude: increase the shortspine thornyhead trip limits from 2,000 lb/2 months to 2,500 lb/2 months for periods 4, 5, and 6.
4. Limited entry fixed gear fishery south of 34° 27' N. latitude: increase the shelf rockfish trip limits from 3,000 lb/2 months to 4,000 lb/2 months as soon as possible, through the end of the year.
5. Limited entry fixed gear fishery south of 34°27' N. latitude: increase bocaccio rockfish trip limits from 300 lb/2 months to 500 lb/2 months as soon as possible, through the end of the year.
6. Open access fixed gear trip limits south of 34°27' N latitude: increase bocaccio trip limits from 100 lb/2 months to 200 lb/2 months as soon as possible, through the end of the year.

The Council also adopted an approach for issuing 2012 lingcod surplus carryover into the 2013 shorebased individual fishing quota (IFQ) fishery. The GMT was also tasked with evaluating the issuance of 2012 petrale sole surplus carryover into the 2013 shorebased IFQ fishery for Council consideration in September.

☆ This report is provided to the Central Coast Community in 2013 via a grant to the Morro Bay Community Quota Fund from the Central California Joint Cable Fisheries Liaison Committee. Any interested parties may request an email copy of future reports (as long as funding continues) by contacting Christopher Kubiak at, [ckub@sbcglobal.net](mailto:ckub@sbcglobal.net)



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