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**REPORT FROM THE PACIFIC FISHERY  
MANAGEMENT COUNCIL MEETING  
September 10 - 16, 2015**

**OPEN COMMENT PERIOD**

The Council received a report on results from an Exempted Fishing Permit (EFP) titled *“Supporting a Spatial Analysis of the Distribution and Size of Rebuilding Stocks in the Rockfish Conservation Areas through Directed Surveys”*. The EFP was approved and issued for operations in 2013/14 with the goal of better understanding of distribution, abundance and size of rebuilding species to inform fishing and management decisions.

Project partners first developed predictive groundfish models (maps) using fishery-independent trawl survey data collected as part of the annual West Coast Groundfish Bottom Trawl Surveys. A research plan was then developed that included test fishing and visual surveys to ground-truth the maps, provide more information about the distribution of rebuilding species, and collect fish for biological analyses of selected species. Fishing surveys were conducted in September and October of 2013 and 2014 across a broad range of depths, habitat types, and localities in central California. Fishermen used a modified hook and line gear type with 25 foot leader that is fished vertically within the water column, and is actively lowered and hauled up using a powered snapper reel to target healthy stocks of semi-pelagic species while trying to avoid rebuilding species. All rebuilding rockfish species were retained (bocaccio, canary, cowcod, and yelloweye) and samples were selected for biological analyses. Also, a stereo-video camera system was designed and deployed at the same places in which fishing was conducted.

Over the 2-year period, 741 sets with the long leader vertical hook and line snapper reel gear were completed over 58 fishing days. A total of 8,827 lb. of fish were landed. Combined catches of vermillion, yellowtail, chilipepper, bocaccio, and widow rockfish comprised 98% of total landings by weight. The overall ratio of the weight of target species caught to that of rebuilding species caught was 10.1 lb. target to 1 lb. rebuilding species. Two cowcod and four yelloweye rockfish were caught in the two years. Biological data from the retained fishes have helped to fill in important data gaps for many of the species, and been used to update the size-dependent fecundity relationship in the bocaccio stock assessment.

299 visual surveys were conducted using the stereo video camera system. The visual surveys occurred in the same locations as fishing occurred. On those surveys, a total of 10,873 fishes were observed, representing 60 different species or species groups. Bocaccio and canary rockfish were commonly observed, and yelloweye and cowcod were widely distributed. Relatively few cowcod were observed, but yelloweye rockfish occurred in more than 20% of visual surveys. Yelloweye Rockfish were six times more likely to be encountered on high relief rocky areas than low-relief softer substrates. Results of the visual surveys suggest that the abundance of yelloweye rockfish and cowcod is much greater in Central California than previously estimated, and comparison of fishing and video surveys indicated that fishermen could fish with modified hook and line gear to catch semi-pelagic species without frequently catching rebuilding species.

## **ECOSYSTEM MANAGEMENT**

### ***Fishery Ecosystem Plan Initiative Scoping***

The Council proceeded with development of the Fishery Ecosystem Plan Initiative on Coordinated Ecosystem Indicator Review, endorsed the Climate Shift Initiative, and recommended a project to test practical application of ecosystem information in fishery management. The Council requested the Northwest Fisheries Science Center Integrated Ecosystem Assessment Team work with the sablefish Stock Assessment Team and Scientific and Statistical Committee (SSC) to initiate a comprehensive review of the status of the sablefish stock throughout its range, including Canada and Alaska. The review would overlay information in the assessments with ecosystem information (e.g. changes in ocean conditions and predator/prey interactions) to evaluate whether there is any relationship between ecosystem changes and changes in stock trends that could help inform the next assessment and Council management.

### ***Unmanaged Forage Fish Regulations***

The Council deemed regulations implementing protective measures for a suite of unmanaged forage fish that prohibit the development of new directed commercial fisheries on these species in the Exclusive Economic Zone. The regulations define directed commercial fishing, establish incidental landing limits of 10 mt per trip and 30 mt per year, and place restrictions on at-sea processing. Additionally, the Council approved Council Operating Procedure 24, a Protocol for Consideration of Exempted Fishing Permits for Shared Ecosystem Component Species, including the suggested edits of the Ecosystem Workgroup.

## **HIGHLY MIGRATORY SPECIES MANAGEMENT**

### ***Swordfish Management and Monitoring Plan Hardcaps***

At the March 2012 Council meeting the National Marine Fisheries Service (NMFS) and the Highly Migratory Species Management Team (HMSMT) presented information on bycatch and bycatch mitigation in swordfish fisheries, current research on the distribution of sea turtles and their critical habitat off the west coast, and bycatch estimates for current west coast swordfish fisheries and gear types used elsewhere to target swordfish. This information was intended to allow the Council to consider possible changes to the management of west coast swordfish fisheries.

In response, the Council directed the HMSMT, with input from the HMS Advisory Subpanel, to investigate changes to the closure dates for, and/or the southern boundary of, the Pacific Leatherback Conservation Area (PLCA) in order to enhance fishing opportunity in the California drift gillnet (DGN) fishery. The Council also requested NMFS explore the use of take caps for Endangered Species Act (ESA) listed sea turtles in the DGN fishery to mitigate bycatch impacts. The Council scheduled further consideration of potential changes for the March 2013 meeting.

In March 2013 the Council received a "*Swordfish Management Report on Potential Changes to the Turtle Conservation Area and Take Limits*". The Council did not take any kind of final action on the report; however, they did provide guidance.

The Council requested NMFS:

- Evaluate the application of recent research on leatherback sea turtle habitat utilization to support an adaptive management strategy for changes in the PLCA configuration that would minimize sea turtle - fishery interactions.
- Continue research on alternative swordfish gears, including deep-set longline and buoy gear.

The Council directed the HMSMT:

- Evaluate a potential modification of the PLCA that would allow limited DGN fishing in a triangular area south of Pt. Sur between 12 and 100 miles from shore. Vessels would require 100% observer coverage and vessel monitoring systems (VMS). The analysis would include an estimate of future fishing effort in this area under the specified conditions.
- Based on NMFS research on sea turtle habitat utilization, identify management tools consistent with the adaptive management strategy referred to above. This evaluation would include consideration of whether the current 20% observer coverage rate is sufficient and the feasibility of a VMS requirement for the DGN fishery.
- In cooperation with NMFS, continue analysis of the use of sea turtle "hard caps" (interaction limits that when reached, close the fishery) for managing the DGN fishery.

In March 2014, the Council took several actions toward a goal of developing a comprehensive plan to transition the current DGN fishery to a fishery utilizing a suite of more environmentally and economically sustainable gear types that can effectively target the healthy West Coast swordfish stock operating under Magnuson Stevens Act (MSA) authority, including:

- Requesting NMFS provide a report at the June Council meeting on issues and possible solutions to more comprehensively placing a transitioning swordfish fishery under MSA authority, including Federal permit options that would replace the current California State permit regime.
- Tasking Council staff, the HMSAS, and the HMSMT with initial development of a fishery transition plan and possible regulations under a typical MSA process, with the transition period being of sufficient duration to maintain a reasonable commercial flow of swordfish to domestic markets during the transition. The initial compilation of ideas was scheduled for the June 2014 Council meeting, with typical MSA process management tools to use such things as, seasons, areas, allowable gear alternatives, and integration of EFP results.

In addition, NMFS published a temporary rule implementing emergency actions for the DGN fishery. These actions were a response to the take of two sperm whales in the DGN fishery observed from a single set during the 2010-2011 fishing season.

In June 2014 the Council passed a motion that set the management direction for West Coast Swordfish under MSA authority, and included the following elements for 2014 and beyond:

- With the goal of reducing bycatch in the DGN fishery, direct the HMSMT to provide the Council with a range of alternatives for use in establishing hard caps on take of high-priority protected species under MSA authority. If hard caps are reached or exceeded during a fishing season, the fishery would be closed for the remainder of the season.

The alternatives for hard caps will include the following species: Fin, Humpback, and Sperm whales, and Leatherback, Loggerhead, Olive Ridley, and Green turtles; Council further directs HMSMT to develop a range of bycatch reduction alternatives for other discard species. The team should use current Biological Opinions, Potential Biological Removals, and Incidental Take Statements as well as other bycatch reduction estimation tools in developing this range of alternatives.

- Establish a control date of June 23, 2014, for purposes of possibly considering a future Federal DGN Limited Entry Program under MSA authority.
- The Council shall stress to NMFS West Coast Region and Headquarters that increasing observer coverage rates above 2013 levels for this fishery is a high priority for the West Coast moving forward. Given that take of Endangered Species are rare events, implementation of hard caps on this fishery makes precise take estimates critical, both for ensuring protection of these species, and for fishery participants who make business decisions on participating in the fishery each season. The Council's intent is that a requirement be established for 100% accountability via observers and/or Electronic Monitoring (EM) no later than late summer 2016.
- Support for continued science, discussions and building of collaborations between our fishery communities, agencies, scientists and Non-Governmental Organizations for alternative gear research with the intent to develop new fisheries, research to further minimize bycatch in the DGN fishery, maintain a viable domestic West Coast HMS fishery, and capacity reduction in the DGN fishery through buyouts or other incentives.
- Ask NMFS to report on potential regulatory amendments that would remove exemptions for un-observable vessels in the DGN fishery.
- Review of the fishery's performance routinely, to evaluate the fishery's ability to operate within hard cap levels and successfully minimize bycatch of other discard species according to bycatch performance standards adopted by the Council.
- Evaluate future access to the PLCA in light of full accountability and acceptable bycatch cap levels.

Finally, at this September 2015 meeting, the Council briefly discussed the content of the draft West Coast Swordfish Fishery Management and Monitoring Plan and scheduled further action on the plan for the November 2015 meeting.

The Council took action in adopting final preferred alternatives for management of the California large mesh drift gillnet fishery including hard caps for high priority protected species, performance objectives for non-ESA listed marine mammals and finfish, and fishery monitoring objectives. NMFS will implement these measures in regulations with a desired implementation date of the beginning of the 2016/2017 fishing season.

#### **High Priority Protected Species Hard Caps**

For the California large-mesh DGN fishery the Council adopted two-year rolling hard caps for high priority protected species based on observed mortality/ injury. When observer/ monitoring coverage is less than 75% the caps are as follows:

High Priority Protected Species	Two-year hard caps based on observed mortality / injury
Fin whale	2
Humpback whale	2
Sperm whale	2
Leatherback sea turtle	2
Loggerhead sea turtle	2
Olive ridley sea turtle	2
Green turtle	2
Short-fin pilot whale C/O/W	4
Common bottlenose dolphin C/O/W	4

- When observer coverage reaches 75% or higher the Council will revisit the above hard cap values
- Hard caps are based on and aligned with the fishing season (May 1 - January 31).
- The fishery would automatically close when any cap is reached or exceeded
- Hard caps assume 30% observer coverage and would be applied to any mortality / injury regardless of the time of year.
- Caps would not change mid-season.
- Caps are informed by incidental take statements in relevant biological opinions or estimates of potential biological removal for marine mammals but are not directly tied to them. Changes in ITS/PBR do not automatically require a change to caps. The Council has the ability to revisit caps at its discretion, but does not have to automatically revisit caps due to changes in ITS/PBR.

**Performance Objectives for Non-ESA-listed Marine Mammals and Finfish**

**Non-ESA-Listed Marine Mammals**

Species	Annual performance metrics based on estimated total mortality / serious injury extrapolated from observer data
Minke whale	5
Short beaked common dolphin	66
Long beaked common dolphin	24
Risso's dolphin	7
California sea lion	97
Northern elephant seal	6
Northern right whale dolphin	11
Gray whale	5
Pacific white-sided dolphin	22

**Finfish**

- The performance metric in a single fishing season is a total finfish retention rate of 70% based on the following calculation: retained catch / (retained catch + dead and unknown discards).
- For the following finfish species / species groups the annual performance objectives are based on estimated total encounters (all retained catch plus all bycatch):

Finfish Species Group	Annual performance objectives based on average annual total estimated encounters
Billfish (other than swordfish)	26
Prohibited sharks (megamouth, basking, white)	2

Hammerhead sharks	4
Manta Ray	2

**Fishery Monitoring**

- Maintain the 30% target observer coverage level at a minimum and/or require electronic monitoring (for the purpose of catch and bycatch accounting).
- Remove the unobservable vessel exemption.
- Achieve 100% monitoring by 2018.

**GROUND FISH MANAGEMENT**

***Mid-Water Recreational Fishing Regulations***

The Council adopted a draft purpose and need statement and directed that it be updated for further consideration at the March 2016 Council meeting. The Council also adopted a range of alternatives for developing mid-water recreational fishing regulations for Oregon only. The mid-water gear would be allowed for both charter and private vessels seaward of the 40 fathom seasonal depth closure and monitored with the existing programs. The gear configuration would include no more than three hooks, at least a 30-foot leader, and a non-compressible float required above the hooks. Lingcod retention would be prohibited. The Council is scheduled to take final action at the March 2016 meeting in Sacramento, California.

***Consideration of Gear Regulations for the Trawl Catch Shares Sector***

The Council adopted, for public review, the consideration of gear regulations for the trawl catch shares sector including a purpose and need statement. The Council also adopted a range of alternatives for consideration including recommendations forwarded by the Groundfish Advisory Subpanel, except that large footrope gear would not be considered shoreward of the rockfish conservation area. The Council is scheduled to take final action on this issue at its March 2016 meeting.

***Final Stock Assessments and Catch Reports***

The Council adopted new update assessments for bocaccio rockfish, widow rockfish, and kelp greenling off Oregon as recommended by the Scientific and Statistical Committee (SSC). These new assessments will be integrated into the biennial specifications for 2017-2018 and beyond.

**Bocaccio Rockfish**

The last full assessment of bocaccio rockfish was conducted in 2009, and was subsequently updated in 2011 and 2013. The update assessment estimates current depletion (2015) at 36.8%. The stock is projected to be rebuilt in 2016 (with depletion estimated to be 45.8%), but that is dependent on the realization of strong 2013 recruitment and will need to be confirmed by an update assessment in the next cycle.

**Kelp Greenling off Oregon**

The last assessment of kelp greenling was conducted in 2005. The base model estimate of 2015 spawning biomass depletion was 80% of unfished, indicating a lightly exploited stock. The 'scale' of the biomass was sensitive to the assumed value for natural mortality.

Widow Rockfish

The last full assessment of widow rockfish was conducted in 2011. That assessment estimated that the stock had increased above the rebuilding target of B40%, leading to the stock being declared rebuilt. The 2015 spawning biomass is estimated to be 75.1% of unfished spawning biomass, and has increased steadily since a low of 37.3% depletion in 1998. Increases in stock size are due to the low level of harvest and strong recruitment in 2008 and 2010.

**Specifications Process for 2017 - 2018 Management**

The Council adopted a range of overfishing limits (OFLs), acceptable biological catches (ABCs), and annual catch limits (ACLs) for several stocks. They also added ACL alternatives to default ACLs for China rockfish, canary rockfish, darkblotched rockfish, and widow rockfish for further analysis based on new or update assessments on those species. Most of the new management measures recommended in the Groundfish Management Team (GMT), Groundfish Advisory Subpanel, and state reports under this agenda item were also adopted for public review. In November, the Council is scheduled to narrow the range of new management measures for more detail. Establishing a manageable range of alternatives for analysis will increase the likelihood that harvest specifications are implemented January 1, consistent with the Fishery Management Plan.

**Blackgill-Slope Rockfish Intersector Allocation and Accumulation Limit Adjustments**

The Council was scheduled to take two actions on this agenda item. Both actions presume the Council is determined to remove blackgill rockfish from the Southern Slope Rockfish Complex (SSRC). The proposed actions were:

1. Adopt a preliminary preferred intersector allocation alternative for blackgill rockfish and the remaining species in the Southern Slope Rockfish Complex.

As it turns out, the Council was not prepared to select a preliminary preferred intersector allocation alternative and instead adopted the recommendations of the Groundfish Management Team (GMT). Those include:

- Removal of blackgill rockfish from the SSRF complex and managing it with species-specific quota in the IFQ fishery; and,
- Apply an adjusted allocation ratio for the trawl and non-trawl sectors; and,
- Removing Alternatives 1 and 4, and further analysis of the two remaining alternatives as follows:

Alternative	Blackgill Removed from Complex?	Allocation Basis	Slope Rockfish S		Backgill Rockfish	
			LE Trawl Alloc. %	Non-trawl Alloc. %	LE Trawl Alloc. %	Non-trawl Alloc. %
Alt. 2	Yes	2003-2013 Total Catch	91%	9%	41%	59%
Alt. 3	Yes	2011-2013 Total Catch	86.5%	13.5%	35.6%	64.4%

The Council also retained the status quo (No Action) Alternative. Further analysis of the benefits of status quo was not requested and presumably is a moot point because the Council adopted the GMT recommendation to remove blackgill from the SSRC. The Council approved this action but did not attempt to address the first question, which is whether there is a conservation concern that warrants the removal of blackgill rockfish from the SSRF complex. Blackgill rockfish

south of 40°10' N lat. has never been subject to potential overfishing even when comparing the total catch against the ABC/OFL contribution of the stock to the southern Slope Rockfish complex. In fact, the total catch since 2003 never exceeded the annual OY/ACL contribution of the stock to the complex. Simply stated, there is no conservation concern.

Catch of blackgill rockfish in the shorebased IFQ fishery rose sharply after the implementation of IFQs (2011), and was a targeted stock for the non-IFQ fisheries. Catch of blackgill rockfish in the shorebased IFQ fisheries has since declined, and IFQ fishery participants can monitor catches and avoid blackgill rockfish if necessary. In 2013 restrictive trip limits for blackgill rockfish were implemented in the limited entry and open access fixed gear fisheries to discourage targeting, and those remain in place. The basis of the proposed action (reallocation; reducing the trawl sector allocation and increasing the non-trawl sector allocation) is this restrictive trip limit that prevents targeting in the non-trawl sectors of the fishery.

2. Adopt accumulation limits for blackgill rockfish and the remaining SSRC species. The Council was also not prepared to adopt alternative accumulation limits and requested that additional information be provided regarding accumulation limits.

A final preferred alternative for Blackgill-Slope Rockfish Intersector Allocation and Accumulation Limit Adjustments is scheduled for Council consideration in November.

***Amendment to Modify Groundfish Essential Fish Habitat (EFH) and to Adjust Rockfish Conservation Areas (RCA)***

The Council adopted a Purpose and Need statement, as modified by input from Council Advisory Bodies and Management Entities. The Council also tasked the Project Team to include the following in developing a suite of alternatives for consideration at future Council meetings:

- Opening current Essential Fish Habitat Conservation Areas (EFHCAs) closed to bottom trawling that are included as part of the six public proposals or the collaborative group proposal. The proposed new or expanded EFHCAs that are included in the six public proposals or the collaborative group proposal.
- The six public proposals and the collaborative group proposal as stand-alone alternatives.
- New EFHCAs within existing trawl Rockfish Conservation Areas (RCAs), based on priority habitats.
- Closing waters deeper than 3500m to bottom contact gear, and develop an exempted fishing permit process for anyone wishing to use bottom contact gear in these waters.
- Removing the trawl RCA completely.
- Removing the trawl RCAs except establishing discrete area closures designed to reduce catch of selected groundfish species.
- Removing the trawl RCAs except establish discrete area closures designed to reduce catch of overfished species.
- FMP text and appendices that describe species life history, habitats, and major prey items; fishing and non-fishing activities that may adversely affect EFH; research and information needs; an EFH review and revision process; and minor clarifications and corrections.

The Council also asked the Project Team to develop alternatives that would exclude any changes to EFH or RCA regulations within Tribal Usual and Accustomed areas.

The Project Team will provide an update on the alternatives at the April Council meeting. The full suite of alternatives is tentatively scheduled for Council consideration and selection of preliminary preferred alternatives at the September 2016 meeting.

### ***Inseason Adjustments***

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

- Limited entry fixed gear and open access daily trip limit fisheries for sablefish north of 36° N. latitude: Close the fisheries on November 1. The fishery closure is necessary to mitigate the anticipated quota overages for both sectors.
- NMFS monitor the progress of the at-sea whiting sectors, and, taking into account other relevant factors, make 8 metric tons of darkblotched rockfish available to the at-sea whiting sectors, not to exceed 5 metric tons to either mothership or catcher-processor sector, at a time that will not interrupt the fisheries.

## **ADMINISTRATIVE**

### ***Membership Appointments and Council Operating Procedures (COP)***

The Council directed staff to solicit nominations for the three-year terms of all advisory subpanel members, the seven at-large members of the Scientific and Statistical Committee, and the four non-agency members and the tribal members of the Habitat Committee, all of which expire on December 31, 2015. A request for nominations is available on the Council website. Nominations must be received by October 15, 2015.

### ***Future Council Meeting Agenda and Workload Planning***

The next meeting of the Pacific Fishery Management Council is scheduled for November 13 – 19, 2015 in Garden Grove, California. The Preliminary Proposed Agenda represents the agenda expectations for the November 2015 Council meeting and includes among other things:

#### Salmon

1. Methodology Review
2. Salmon Management Scheduling for 2016

#### Highly Migratory Species

1. Swordfish Fishery Management Policy Connections

#### Groundfish

1. Preliminary Exempted Fishing Permit Approval
2. Stock Assessments
3. Biennial Harvest Specifications for 2017-2018 Groundfish Fisheries Specifications PPA (except Mgmt Measures)
4. Whiting Electronic Monitoring FPA Reconsideration and Deeming Regs
5. Blackgill-Slope Complex Reallocation FPA

6. NMFS Stock Assessment Prioritization Project Implementation
7. Consideration of Inseason Adjustments
8. Biennial Management Measures for 2017- 2018 ROA

Enforcement

1. Vessel Movement Monitoring PPA

Administrative

1. Membership Appointments & COPs
2. Future Council Meeting Agenda and Workload Planning

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