

## STAFF SUMMARY FOR OCTOBER 9-10, 2019

**22. DEPARTMENT INFORMATIONAL ITEMS (MARINE)**

<b>Today's Item</b>	<b>Information</b> <input checked="" type="checkbox"/>	<b>Action</b> <input type="checkbox"/>
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This is a standing agenda item to receive and discuss informational updates from DFW.

- (A) Director's report
- (B) Law Enforcement Division
- (C) Marine Region

**Summary of Previous/Future Actions (N/A)****Background**

Verbal reports are expected at the meeting for items (A) through (C).

- (A) The director's report will include items of interest since the last FGC meeting.
- (B) Law Enforcement Division (LED) report: DFW's cannabis enforcement unit has worked with state, federal, and local partner agencies to remove illegal cannabis grows near sensitive wildlife habitat in Trinity and Shasta counties (See Agenda Item 12, Exhibit B1).
- (C) The Marine Region report will include a video, *California Sea Cucumber Fishery: A Collaborative Project*, which showcases a DFW-fishing industry joint venture to support research and sustainable management of the fishery.

Also, decisions from the Pacific Fishery Management Council's Sep 13-18, 2019 meeting are provided to assist FGC in its continued tracking of council activities relevant to California (Exhibit C1).

**Significant Public Comments (N/A)****Recommendation (N/A)****Exhibits**

- C1. [Decision Summary Document – Pacific Fishery Management Council, Sep 13-18, 2019, dated Sep 23, 2019](#)

**Motion/Direction (N/A)**

**Decision Summary Document**  
**Pacific Fishery Management Council**  
**September 13-18, 2019**

Council Meeting Decision Summary Documents are highlights of significant decisions made at Council meetings. Results of agenda items that do not reach a level of highlight significance are typically not described in the Decision Summary Document. For a more detailed account of Council meeting discussions, see the [Council meeting record and transcripts](#) or the [Council newsletter](#).

## **Habitat**

### **Current Habitat Issues**

The Council approved submitting a letter to the United States Forest Service/Bureau of Land Management commenting on essential fish habitat impacts of the Jordan Cove pipeline project.

The Council also requested that the Habitat Committee draft a comment letter to the Bureau of Reclamation on the Central Valley Project/State Water Project, and a letter encouraging the Klamath River Renewal Corporation in their Klamath dam removal efforts, both for the November briefing book. Finally, they directed the Habitat Committee to track the Ventura Shellfish Project.

## **Ecosystem-Based Management**

### **Fishery Ecosystem Plan (FEP) Five-Year Review**

The Council adopted for public review the following vision statement for the FEP:

*The Council envisions a CCE [California Current Ecosystem] that continues to provide ecosystem services to current and future generations—including livelihoods, fishing opportunities, and cultural practices that contribute to the wellbeing of fishing communities and the nation.*

The Council also adopted for public review a revised set of goals and objectives, which are found in [Agenda Item E.1.a, EWG Report 1, September 2019](#), beginning on page 9 of the report.

In March 2020 the Council will finalize revisions to FEP chapters 1 and 2, including the vision statement and goals and objectives.

## **Salmon Management**

### **Methodology Review - Final Topic Selection**

The Council approved three topics for methodology review: (1) Conduct the technical analysis needed to inform a change of the salmon management boundary line from latitude 40° 05' (Horse Mountain, California) five miles north to latitude 40° 10'; (2) Examine the data and models used

to forecast impacts on Columbia River summer Chinook to determine whether a change in methodology is warranted; and (3) Provide documentation of the abundance forecast approach used for Willapa Bay natural coho.

### **Rebuilding Plans - Final Action**

The Council adopted rebuilding plans for Strait of Juan de Fuca natural coho, Queets River natural coho, and Snohomish River natural coho; choosing a final preferred alternative for recommendation to the U.S. Secretary of Commerce. For the Strait of Juan de Fuca natural coho and Queets River natural coho, Alternative I (status quo) was adopted as the final preferred alternative. Alternative II (buffered  $S_{MSY}$ ) was adopted as the final preferred alternative for the Snohomish River natural coho.

### **Review of Annual Management Cycle**

The Council tasked Council staff and National Marine Fisheries Service staff to develop a work plan and timeline for a potential amendment to the Pacific salmon fishery management plan that would modify the annual salmon management cycle consistent with the proposals requested by [National Marine Fisheries Service](#). The workgroup will report back to the Council at the November 2019 Council meeting.

## **Pacific Halibut Management**

### **2020 Catch Sharing Plan and Annual Regulations**

The Council adopted for public review proposed changes to the 2020 Area 2A Catch Sharing Plan (CSP) and annual fishing regulations in Washington and Oregon recreational fisheries. No changes were proposed for California recreational fisheries.

Washington Department of Fish and Wildlife proposed three changes for public review:

1. Puget Sound sub-area: Provide flexibility for this sub-area to open in April.
2. North Coast, South Coast, and Columbia River Subareas: In years when April 30 falls on a Thursday, provide flexibility for the season to open on April 30.
3. All Washington Subareas: Revise the current CSP language to provide the flexibility to open up to three days per week.

Oregon Department of Fish and Wildlife proposed five changes for public review:

1. Oregon Coastwide: Allow All-Depth Halibut Fishing and Longleader Gear Fishing on the Same Trip (*Status quo: Longleader gear fishing not allowed on the same trip as all-depth halibut, Alternative 1: Allow longleader gear fishing on the same trip as all-depth halibut*).
2. Columbia River and Southern Oregon Subareas: Revise the Southern Oregon Subarea Allocation (*Status quo: The Southern Oregon Subarea allocation is 3.91 percent of the Oregon sport allocation. Alternative 1: The Southern Oregon Subarea allocation is 3.91*

*percent of the Oregon sport allocation up to a maximum of 8,000 pounds. Any poundage over that will be allocated to the Columbia River Subarea).*

3. Central Coast Subarea: Revise the start date of the nearshore fishery (*Status quo: Opens June 1, seven days per week Alternative 1: If the Central Coast Nearshore fishery allocation is 25,000 pounds or greater, the season will open May 1; if the allocation is less than 25,000 pounds the season will open June 1).*
4. Central Coast Subarea: Revise the days per week open in the summer all-depth fishery (*Status quo: Open the first Friday and Saturday in August, then every other Friday and Saturday until Oct. 31, or quota attainment. Alternative 1: If the allocation projected to remain in the spring all-depth fishery after its conclusion plus the summer all-depth allocation total 60,000 pounds or more after the spring all-depth season concludes, a third open day may be added to the summer all-depth season open days. Alternative 1a. Thursday will be the additional open day, Alternative 1b. Sunday will be the additional open day).*
5. Central Coast Subarea: Revise the spring all-depth season back-up days (*Status quo: Available back-up days are every other Thursday, Friday, and Saturday. Alternative 1: After the spring all-depth season fixed dates, Oregon Department of Fish and Wildlife, National Marine Fisheries Service, International Pacific Halibut Commission and Council staff can confer and determine if back-up dates can be open every Thursday, Friday, and Saturday).*

## **Commercial Directed Fishery Regulations for 2020**

The Council adopted for public review preliminary recommendations for the 2020 Area 2A non-Indian directed commercial halibut fishery. Two options for fishing duration included 1) status quo (10-hour period) and 2) a five-day fishing period (with reduced vessel limits anticipated). Two options for season start date included: 1) Last Wednesday in June (status quo), and 2) Last Wednesday in May.

## **Groundfish Management**

### **Workload and New Management Measure Update**

The Council heard from their groundfish advisory bodies and the Salmon Advisory Subpanel on new proposed management measures, groundfish retention in the salmon fishery, two items relating to the non-trawl Rockfish Conservation Area, and two exempted fishing permits. The Groundfish Management Team provided [analyses](#) on conversion factors and the salmon vessel monitoring ping rate as requested by the Council at their June 2019 meeting. After review of all the items, the Council elected not to adjust the current unprioritized list ([Table 3](#)), prioritize any new measures, or request analyses of any new measures.

## Electronic Monitoring Program Guidelines and Data Storage Procedural Directive: Preliminary Review

The Council recommended that National Marine Fisheries Service consider the suggested changes identified in the Groundfish Electronic Monitoring (EM) Policy Advisory Committee [report](#) regarding the EM Program Guidelines and the draft Data Storage Procedural document. The Council will also send a [letter](#) to Pacific States Marine Fisheries Commission (PSMFC) requesting PSMFC identify a pathway forward that allows PSMFC to continue providing EM review services for the industry in 2021. The Council is anticipated to review revised Program Guidelines and an EM Manual and further discuss program implementation at the November 2019 Council meeting.

## Endangered Species Act Mitigation Measures for Salmon

The Council reviewed the range of alternatives developed in April 2019 for this item and adopted the preliminary preferred alternatives (PPA). Most of the PPAs adopted by the Council mirrored the language found in the [Initial Review Draft](#). The PPAs are shown below and are underlined, with any modifications to the original Alternative noted:

- Block Area Closures: Alternative 1
- Extension of Block Area Closure for All Trawl Gears to the Western Boundary of the Exclusive Economic Zone:  
Alternative 1: Develop regulation to allow for the extension of any block area closure seaward of 250 fathoms south of 46° 16' 00" N. latitude (WA/OR border) for all trawl gears to the western boundary of the Exclusive Economic Zone (for midwater trawl) or to the 700 fathom Essential Fish Habitat Conservation Area closure (for bottom trawl).
- Selective Flatfish Trawl Net requirement: Alternative 1
- Pacific Whiting Cooperative Operational Rules Alternative 2:  
Develop regulations to allow each whiting sector co-op to develop salmon mitigation plans for approval by National Marine Fisheries Service (NMFS). Include a requirement for annual season summary reporting to the Council and NMFS describing high-salmon bycatch incident information and avoidance measures taken.
- Automatic Authority for NMFS to Close Trawl Sectors and Preserve 500 Chinook salmon for Fixed Gear and Recreational Fisheries: Alternative 1

### Development of Reserve rule provision

- Alternative 1: A sector may only access the Reserve if the Council or NMFS has taken action to minimize Chinook salmon bycatch in that sector prior to it reaching its Chinook salmon bycatch guideline.
  - The requirement for Council or NMFS action to minimize Chinook salmon bycatch for access to the Reserve by the at-sea whiting sectors would be satisfied upon approval by NMFS of each of those sector's respective co-op salmon mitigation plans.
  - The requirement for Council or NMFS action to minimize Chinook salmon bycatch for access to the Reserve by the shoreside whiting sector would be satisfied upon approval by NMFS of that sector's co-op salmon mitigation plans, provided all

participating vessels are members of a shoreside co-op with an approved salmon mitigation plan.

- If there are vessels participating in the shoreside whiting fishery that are not members of a shoreside whiting co-op, then additional actions by the Council or NMFS may be needed to minimize Chinook salmon bycatch (e.g., Block Area Closures, Selective Flatfish Trawls) prior to allowing access to the reserve by that sector.

### **Adopt Final Stock Assessments**

The Council adopted the assessments, catch-only projections, yelloweye rockfish projections of new acceptable biological catches, and the yelloweye catch report endorsed by the [Scientific and Statistical Committee](#). These assessments and projections of harvest specifications will inform management of the West Coast groundfish fishery in 2021 and beyond.

### **2020 Harvest Specifications for Cowcod and Shortbelly Rockfish**

The Council adopted Purpose and Need statements in consideration of 1) increasing the 2020 annual catch limit (ACL) for shortbelly rockfish and 2) in consideration of eliminating the 2020 annual catch target (ACT) and reducing the yield set-aside for cowcod south of 40° 10' N. lat. as a means of increasing the annual vessel limit of cowcod in the trawl individual fishing quota fishery.

The Council adopted a range of 2020 shortbelly rockfish ACLs from the status quo 500 mt ACL to an ACL of 4,184 mt, which is equal to the 2021 and 2022 acceptable biological catch of shortbelly rockfish. The Council's preliminary preferred alternative for a 2020 shortbelly rockfish ACL is 3,000 mt, as recommended by the [Groundfish Advisory Subpanel](#).

The Council also adopted an alternative to the status quo ACT of 6 mt for cowcod south of 40° 10' N. lat., which would eliminate the ACT. Three options for adjusting the yield set-aside range from no adjustment to the specified set-aside of 2 mt to a 75 percent reduction of the set-aside (0.5 mt). The Council's preliminary preferred alternative for this action is to eliminate the ACT and reduce the set-aside by 50 percent (1 mt). This action would increase the 2020 annual cowcod vessel limit from 858 lbs. to 1,264 lbs.

The Council is scheduled to take final action for both of these initiatives at their November meeting in Costa Mesa, California.

### **Phased-In Approach to Changing Harvest Limits – Scoping**

The Council took no action in consideration of specifying a phased-in approach to changing groundfish harvest limits in the Pacific Coast Groundfish Fishery Management Plan (FMP) at this time. The Council cited the recommendations of the [Groundfish Management Team](#) and [Groundfish Advisory Subpanel](#) that the workload costs outweigh the potential benefits associated with this action. Further, the Council tasked staff with sending a response letter to

the National Marine Fisheries Service forwarding the comments of the [Scientific and Statistical Committee](#) on the draft NOAA Technical Memorandum - "[National Standard 1 Technical Guidance for Designing, Evaluating, and Implementing Carry-over and Phase-in Provisions within ABC Control Rules.](#)"

### **Initial Harvest Specifications and Management Measure Actions for 2021-2022 Management**

The Council adopted the [2021 and 2022 groundfish harvest specifications](#) informed by the overfishing limits, stock categories, and sigma values (to inform new acceptable biological catches) endorsed by the [Scientific and Statistical Committee](#). The Council also recommended exploration of alternative harvest control rules and resulting harvest specifications for cowcod south of 40° 10' N. lat., petrale sole, sablefish, shortbelly rockfish, and Oregon black rockfish.

The Council also requested further comment on new management measures recommended by the [California Department of Fish and Wildlife](#), [Groundfish Management Team](#), and [Groundfish Advisory Subpanel](#).

The Council will consider a range of alternative stock harvest control rules and new management measures for detailed analysis at their November meeting in Costa Mesa, California. The Council is scheduled to decide final 2021 and 2022 groundfish harvest specifications at their April 2020 meeting in Vancouver, Washington and final management measures at their June 2020 meeting in San Diego, California.

### **Final Action on Inseason Adjustments – Including Final Recommendations on Exempted Fishing Permits for 2020**

The Council adopted new sablefish daily trip limits as follows:

- Open Access North: 300 lb/day, or one landing per week up to 1,500 lb, not to exceed 3,000lbs/ 2 months
- Limited Entry North: 1,700 lb/week, not to exceed 5,100 lb/ 2 months

The Council also recommended that the National Marine Fisheries Service extend the midwater trawl and electronic monitoring exempted fishing permits through 2020. The Council also encouraged the National Marine Fisheries Service to consider improvements to the electronic monitoring exempted fishing permits as recommended by the [GMT](#).

### **Methodology Review - Final Topic Selection**

The Council adopted those methodology review topics recommended by the [Scientific and Statistical Committee](#) for formal methodology reviews next year. These topics include: 1) a combined visual-hydroacoustic survey of Oregon's nearshore semi-pelagic black, blue, and deacon rockfish as proposed in [Agenda Item H.10, Attachment 1](#); 2) a review of data-moderate approaches that are highly reliant on length data as proposed in [Agenda Item H.10, Attachment 2](#); and 3) a meta-analysis of productivity estimates for elasmobranchs. These methodologies will

be reviewed next year and may inform future groundfish stock assessments and management decisions if endorsed.

## Highly Migratory Species Management

### Recommend International Management Activities

The Council made the following recommendations on U.S. positions for the Permanent Advisory Committee to advise the U.S. Commissioners to the Western Central Pacific Fisheries

Commission:

- Negotiate an equitable allocation of harvest opportunity for Pacific bluefin tuna between the Eastern Pacific Ocean and the Western and Central Pacific Ocean.
- Seek a change in the proportion of Western Central Pacific Fisheries Commission Northern Committee members that must be present for its meeting to achieve a quorum. The current threshold is too high, such that the Northern Committee did not reach a quorum when members met in September 2019.

### Exempted Fishing Permits - Final Recommendations

The Council approved the Exempted Fishing Permit application submitted by Mr. Nathan Perez and Mr. Thomas Carson to fish a modified configuration of both standard and linked night-set buoy gear (fishing the gear at night) and recommended that National Marine Fisheries Service issue the permit with a 100 percent observer coverage requirement.

### Deep-Set Buoy Gear Authorization – Final Action

The Council adopted its Preliminary Preferred Alternative for authorization of a Deep-Set Buoy Gear Fishery as its Final Preferred Alternative with the following clarifications:

1. Permit issuance is intended to be cumulative, adding 25 permits each year to the prior year total until a maximum of 300 is reached. Any permits issued in previous years that were not issued or renewed would also be available for issuance each year.
2. National Marine Fisheries Service (NMFS) will provide updates to the Council on permit issuance, though the number of additional permits issued by NMFS each year need not be reconsidered nor approved by the Council annually.
3. A cessation or temporary halt (“pause”) in permit issuance before 300 permits are issued is possible and would be considered by the Council in order to address concerns identified by NMFS or the Council.
4. The end-date for demonstrated swordfish experience found in the Limited Entry Permit issuance criterion (Suboption 4) number 8 is removed.

The Council also adopted [draft proposed FMP amendment language](#) (Amendment 6 to the Highly Migratory Species Fishery Management Plan) with some modest changes.

The Council's preliminary preferred alternative (now final preferred) is described in the [Preliminary Draft Environmental Impact Statement](#) as Alternative 3 (see section 2.3 beginning on page 8).

## **Administrative**

### **Legislative Matters**

The Council responded to requests for comments on legislation from Senator Cantwell (S. 2346) and Representative Bishop (HR 1979 and HR 2236).

### **Membership Appointments; Statement of Organization, Practices, and Procedures; and Council Operating Procedures**

The Council appointed Mr. Bob Dooley and Mr. Virgil Moore to the Legislative Committee. Mr. Brian Hooper was appointed to the vacant National Marine Fisheries Service seat on the Groundfish Endangered Species Workgroup and Ms. Erica Crust was appointed to the Washington Department of Fish and Wildlife seat on the Groundfish Management Team formerly held by Ms. Jessi Doerpinghaus.

The Council adopted a final Council Operating Procedure (COP) 22, describing a process to conduct essential fish habitat reviews. The new COP 22 applies to all Council fishery management plans, and establishes a tiered approach, with the expectation that the Council will develop a more detailed approach for each individual essential fish habitat review, upon initiating those reviews.

The Council was informed that Dr. Rishi Sharma and Dr. Aaron Berger have resigned their at-large seats on the Scientific and Statistical Committee (SSC). The Council directed staff to solicit nominations for these two seats between now and the November meeting with a specific request for nominees with expertise in groundfish stock assessment or highly migratory species. The Council also anticipates that long-time SSC member Dr. David Sampson will be retiring at the end of the year and the Council anticipates working with Oregon Department of Fish and Wildlife to fill the Oregon SSC seat he will be vacating.

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