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## REPORT FROM THE PACIFIC FISHERY MANAGEMENT COUNCIL MEETING March 7 - 12, 2015

### OPEN COMMENT PERIOD

#### *Comments on Non-Agenda Items*

The Council received a comment letter from the Southern California Trawlers Association, an Association composed of small-boat trawl fishermen who land California halibut, sea cucumbers, and ridgeback prawns from San Francisco to San Pedro, California. The letter indicated the Association's opposition to a proposal to designate a new National Marine Sanctuary on the Central California coast.

### LEGISLATIVE MATTERS

#### *Pacific REFI Act Status*

The Council received a report from the Groundfish Advisory Subpanel on the current status of the Pacific REFI Act. The Pacific REFI Act is legislation that refinances the current trawl permit buyback loan under more favorable terms, including a lower interest rate on the loan, and a maximum loan payment fee of 3% of ex-vessel landings value (the current fee is 5%). The Pacific REFI Act passed Congress and was signed into law on December 26, 2014. The Act was fully offset by \$7 million, described as the amount of revenue the U.S. Government would lose by refinancing the loan. On January 29, 2015, the National Marine Fisheries Service (NMFS) notified fishing industry participants that the Office of Management and Budget (OMB) had determined that an additional appropriation of \$10.3 million would be necessary before the outstanding loan balance could be refinanced. In addition, NMFS has determined a referendum of affected trawl permit holders is required prior to refinancing the loan.

The Council will draft a letter to President Obama and OMB regarding implementation of the Pacific REFI Act. The Council also approved a letter to Representatives Young and Bishop on HR 1335, a Bill to reauthorize the Magnuson-Stevens Act, with particular reference to National Environmental Policy Act compliance implications.

### HIGHLY MIGRATORY SPECIES MANAGEMENT

#### *Final Exempted Fishing Permit (EFP) Approval*

The Council received five EFP applications and recommended four of the applications to NMFS for EFP issuance for the 2015 fishing season. In addition, for all EFPs the Council recommends NMFS require:

- 100% observer coverage; and,
- The EFP fishery to close for the remainder of the year if the amount of an Endangered Species Act (ESA) listed species taken in an EFP is either double the amount of take estimated for that EFP in the ITS, or ten, whichever is lower; and,
- A northern boundary of the Washington/Oregon border, 46° 15'N Latitude, such that the EFPs could occur south of that boundary; and

- A northern boundary of the Oregon/California border for the first year of the EFPs, so that in the first year, fishing could occur south of that line; and,
- Buoy Gears are restricted to federal waters only.

The four applications recommended to NMFS for issuance in 2015 are as follows:

1. Application submitted by Pete Dupuy, John Gibbs, and David Haworth to test pelagic longline gear inside the west coast Exclusive Economic Zone with the following additional conditions:
  - a. Only one vessel to be permitted versus three as proposed.
  - b. For striped marlin - NMFS will develop a marlin cap. The EFP fishery will close for the remainder of the year if the bycatch cap is reached.
  - c. Applicants must specify the level of expected fishing effort beyond the first six months of the term of the EFP.
  - d. Fishing must occur outside 50 miles of the mainland shore and islands.
2. Application submitted by Pflieger Institute of Environmental Research (PIER) to test buoy gear without additional conditions.
3. Application submitted by Tim and Laura Ferguson to test several new gear types. The Council recommends that NMFS issue an EFP for the buoy gear component only.
4. Application submitted by Stephen R. Mintz to test buoy gear with the following additional condition:
  - a. NMFS is to work with the applicant to identify specific procedures for data collection, analysis, and reporting including identification of the appropriate agencies to which information will be provided.

The Council requested revisions to the Alliance of Communities for Sustainable Fisheries application to address concerns with fishing un-modified Drift Gillnet (DGN) gear in the Pacific Leatherback Conservation Area (PLCA). The applicants have suggested current gear restrictions have not been tested in the PLCA, however existing gear configurations were implemented in 1998, and the PLCA was established in 2001. The applicants were asked to provide specific details of their gear modifications and to provide sufficient detail on the scientific study design to allow review by the Scientific and Statistical Committee (SSC). The application, if resubmitted, will be considered at the June 2015 Council meeting for final action.

#### ***Drift Gillnet (DGN) Management and Monitoring Plan Including Final Action on Hard Caps***

The Council deferred final action on this item and will resume discussion at the June meeting. The Council adopted California Department of Fish and Wildlife (CDFW) recommendations provided in a Supplemental CDFW Report, those are:

1. Defer final Council action.
2. Include the CDFW Preliminary Preferred Alternative (PPA) for hard caps for high priority protected species or species of concern based on entanglements, rather than serious injury or mortality within the Range of Alternatives (ROA) for analysis.

Table 1. CDFW Preferred Alternative - annual hard caps (“Entanglement Caps”) for high priority species or species of concern. Values in parentheses reflect rounded values.

Species	Observed Entanglement Cap*	Estimated Annual Take**
Fin whale	0.6 (1)	2
Humpback whale	0.6 (1)	2
Sperm whale	0.6 (1)	2
Leatherback sea turtle	0.9 (1)	3
Loggerhead sea turtle	0.9 (1)	3
Olive ridley sea turtle	0.6 (1)	2
Green sea turtle	0.6 (1)	2
Short-fin pilot whale C/O/W	1.5 (2)	5
Common bottlenose dolphin C/O/W	1.8 (2)	6

\*the observed entanglement cap is calculated as the product of estimated annual take multiplied by 0.3 (30 % coverage rate)

\*\* the estimated annual take of all species in the incidental take statement of the latest biological opinion for the fishery, except for short-fin pilot whale (C/O/W) and common bottlenose dolphin (C/O/W) which are informed by the latest potential biological removal levels estimated under the Marine Mammal Protection Act.

3. Ask the Highly Migratory Species Management Team (HMSMT) for further development:
  - a. Provide an analysis of historical fishery performance under the ROA, including CDFW PPA, for hard caps or high priority species or species of concern.
  - b. Add an alternative for analysis:
    - i. Performance objectives for non-ESA listed marine mammals based on the highest level observed during any one year during a five year period (2010-2014).
4. Align Council language with current observer definitions to meet the Council’s intent of using “entanglement”.
5. Affirm the Council’s commitment to continue to make progress on finfish performance standards and revisit at a future date.
6. Task the HMSMT to continue developing a broader “Swordfish Management & Monitoring Plan”.

The Council requested NMFS work with the HMSMT in developing the Swordfish Management & Monitoring Plan, and that they review all available observer data, as well as an “Ecological Applications” paper that speaks to the DGN fishery. As part of the discussion, NMFS and the HMSMT should address the following questions:

- a. How do we distinguish between a “rare event” vs. an “undetectable” event?
- b. At what point is bycatch so “rare” that ratio estimates from a 20-30% observer coverage level would be considered unreliable or too uncertain for management purposes?
- c. How would we determine the species-specific bycatch rates without 100% coverage?

- d. And, if there is a sound methodology to estimate that with a reasonable degree of certainty, what are the bycatch rates for the species of concern that the Council has identified?
- e. How would we take the answers to 1.d. to determine what the appropriate level of observer coverage should be for the fishery?
- f. Given funding constraints, how should we estimate the bycatch and protected species interactions if we cannot achieve the desired coverage level from 1.e.?

The Council requested the SSC:

- a. Review the methodology to estimate bycatch and protected species interactions that have occurred in the past five years (with the 20-30% coverage level), and determine the bycatch estimates and species-specific protected species interactions for that time frame.
- b. Review the work of NMFS and the HMSMT, and the "Ecological Applications" paper and develop recommendations to the Council.

All entities will report back to the Council on these questions at the June 2015 meeting or the next time the Council considers drift gillnet fishery matters.

The Council amended the Draft Purpose and Need Statement and added the following:

"The purpose of the proposed action is to conserve non-target species and further reduce bycatch, including incidental take of ESA listed species and other marine mammals in the DGN fishery below levels currently permitted by applicable law while maintaining or enhancing an economically viable west-coast-based swordfish fishery.

The proposed action is needed to better integrate fishery management under the Highly Migratory Species Fishery Management Plan with enhanced protection of ESA-listed species and other marine mammals, and to address National Standard 9 and Section 303 of the Magnuson/Stevens Act to minimize bycatch and bycatch mortality and conserve non-target species to the extent practicable."

The Council's final action on this agenda item was to appoint David Crabbe to the Take Reduction Team for the Pacific offshore cetacean/drift gillnet fishery.

## **SALMON MANAGEMENT**

### ***Adoption of 2015 Management Alternatives for Public Review***

The Council adopted three Alternative sets of management measures for the 2015 ocean commercial, recreational, and tribal salmon fisheries. Public hearings to receive input on the options are scheduled for March 30 in Westport, Washington and Coos Bay, Oregon, and for March 31 in Fort Bragg, California. The Council will consult with scientists, hear public comment, and revise preliminary decisions until it chooses a final option at its meeting of April 10-16 in Rohnert Park, California.

At its April meeting in Rohnert Park, the Council will narrow these options to a single season recommendation to be forwarded to NMFS for their final approval before May 1.

The alternatives for the southern region are as follows:

TABLE 2. Commercial troll management Alternatives adopted by the Council for non-Indian ocean salmon fisheries, 2015. DRAFT 3/12/2015 11:09 AM		
A. SEASON ALTERNATIVE DESCRIPTIONS		
ALTERNATIVE I	ALTERNATIVE II	ALTERNATIVE III
<p><b>Pt. Arena to Pigeon Pt. (San Francisco)</b></p> <ul style="list-style-type: none"> <li>• May 1-31;</li> <li>• June 16-30;</li> <li>• July 9-31;</li> <li>• August 1-29;</li> <li>• September 1-30 (C.9.b).</li> </ul> <p>Seven days per week. All salmon except coho (C.4, C.7). Chinook minimum size limit of 27 inches total length prior to September 1, 26 inches thereafter (B, C.1). All fish must be landed in California and offloaded within 24 hours of the August 29 closure (C.6). During September, all fish must be landed south of Point Arena (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p> <p><b>Point Reyes to Point San Pedro (Fall Area Target Zone)</b></p> <ul style="list-style-type: none"> <li>• October 1-2, 5-9, and 12-15.</li> </ul> <p>All salmon except coho (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). All fish caught in this area must be landed between Point Arena and Pigeon Point (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p>	<p><b>Pt. Arena to Pigeon Pt. (San Francisco)</b></p> <ul style="list-style-type: none"> <li>• May 1-31;</li> <li>• June 7-30;</li> <li>• July 9-31;</li> <li>• August 1-29;</li> <li>• September 1-30 (C.9.b).</li> </ul> <p>Seven days per week. All salmon except coho (C.4, C.7). Chinook minimum size limit of 27 inches total length prior to September 1, 26 inches thereafter (B, C.1). All fish must be landed in California and offloaded within 24 hours of the August 29 closure (C.6). During September, all fish must be landed south of Point Arena (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p> <p><b>Point Reyes to Point San Pedro (Fall Area Target Zone)</b></p> <ul style="list-style-type: none"> <li>• October 1-2, 5-9, and 12-15.</li> </ul> <p>All salmon except coho (C.4, C.7). Chinook minimum size limit of 26 inches total length (B, C.1). All fish caught in this area must be landed between Point Arena and Pigeon Point (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p>	<p><b>Pt. Arena to Pigeon Pt. (San Francisco)</b></p> <ul style="list-style-type: none"> <li>• May 1-31;</li> <li>• June 1-30;</li> <li>• July 7-31;</li> <li>• August 1-29.</li> </ul> <p>Seven days per week. All salmon except coho (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). All fish must be landed in California and offloaded within 24 hours of the August 29 closure (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p>
<p><b>Pigeon Point to U.S./Mexico Border (Monterey)</b></p> <ul style="list-style-type: none"> <li>• May 1-31;</li> <li>• June 16-30;</li> <li>• July 9-31;</li> <li>• August 1-29;</li> <li>• September 1-30 (C.9.b).</li> </ul> <p>Seven days per week. All salmon except coho (C.4, C.7). Chinook minimum size limit of 27 inches total length prior to September 1, 26 inches thereafter (B, C.1). All fish must be landed in California and offloaded within 24 hours of the August 29 closure (C.6). During September, all fish must be landed south of Point Arena (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p>	<p><b>Pigeon Point to U.S./Mexico Border (Monterey)</b></p> <ul style="list-style-type: none"> <li>• May 1-31;</li> <li>• June 7-30;</li> <li>• July 7-31;</li> <li>• August 1-29;</li> <li>• September 1-30 (C.9.b).</li> </ul> <p>Seven days per week. All salmon except coho (C.4, C.7). Chinook minimum size limit of 27 inches total length prior to September 1, 26 inches thereafter (B, C.1). All fish must be landed in California and offloaded within 24 hours of the August 29 closure (C.6). During September, all fish must be landed south of Point Arena (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p>	<p><b>Pigeon Point to U.S./Mexico Border (Monterey)</b></p> <ul style="list-style-type: none"> <li>• May 1-31;</li> <li>• June 1-30;</li> <li>• July 7-31;</li> <li>• August 1-29.</li> </ul> <p>Seven days per week. All salmon except coho (C.4, C.7). Chinook minimum size limit of 27 inches total length (B, C.1). All fish must be landed in California and offloaded within 24 hours of the August 29 closure (C.6). See compliance requirements (C.1) and gear restrictions and definitions (C.2, C.3).</p>
<p>California State regulations require all salmon be made available to a California Department of Fish and Wildlife (CDFW) representative for sampling immediately at port of landing. Any person in possession of a salmon with a missing adipose fin, upon request by an authorized agent or employee of the CDFW, shall immediately relinquish the head of the salmon to the state. (California Fish and Game Code §8226)</p>		

**ECOSYSTEM MANAGEMENT**

***Unmanaged Forage Fish Protection Final Action***

The Council adopted Alternative 2 as a final preferred alternative that would:

- a) Bring Ecosystem Component (EC) species into Fishery Management Plans (FMP), and prevent future fisheries from developing without scientific information on harvest sustainability and potential ecological effects; *Incidental Retention is allowed*; and,
- b) Draft language for all four Council FMPs (Salmon, Coastal Pelagic Species, Highly Migratory Species, and Groundfish), and include, “Shared EC species could continue to be taken incidentally without violating federal regulations unless regulated or restricted for other purposes, such as with bycatch minimization regulations. The targeting of Shared EC Species is prohibited”.

Further, the Council requested that NMFS staff develop regulatory language that will be brought back to the Council for deeming, and that meets the following intent:

- i. Does not constrain existing fisheries
- ii. Provides reasonable certainty of discouraging new fishery targeting of these species
  - a. Considers discouraging development of at-sea processing of these species

Table 3 EC species shared between all four of the Council’s FMPs

Common Name	Scientific Name
Round herring	<i>Etrumeus teres</i>
Thread herring	<i>Opisthonema libertate</i> , <i>O. medirastre</i>
Mesopelagic fishes	Families: <i>Myctophidae</i> , <i>Bathylagidae</i> , <i>Paralepididae</i> , and <i>Gonostomatidae</i>
Pacific sand lance	<i>Ammodytes hexapterus</i>
Pacific saury	<i>Cololabis saira</i>
Silversides	<i>Atherinopsidae</i>
Smelts	<i>Osmeridae</i>
Pelagic squids	Families: <i>Cranchiidae</i> , <i>Gonatidae</i> , <i>Histioteuthidae</i> , <i>Octopoteuthidae</i> , <i>Ommastrephidae</i> except Humboldt squid, <i>Onychoteuthidae</i> , and <i>Thysanoteuthidae</i>

**ADMINISTRATIVE**

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

The next meeting of the Pacific Fishery Management Council is scheduled for April 10 thru 16. The Preliminary Proposed Agenda represents the agenda expectations for the April 2015 Council meeting and includes among other things:

Administrative

- 1. Seabird Protection Update
- 2. National Standards 1, 3, & 7 Guidelines Comments
- 3. Future Council Meeting Agenda and Workload Planning

Salmon

- 1. Final Action on 2015 Management Measures

Enforcement

- 1. Regulations for Vessel Movement Monitoring ROA

Coastal Pelagic Species

1. Sardine Assessment and Management Measures FPA

Groundfish

1. Trawl Cost Recovery Report
2. Salmon ESA Reconsultation Update
3. Groundfish Essential Fish Habitat Amendment Scoping Including RCA and Area Adjustments
4. Widow Rockfish Reallocation and Divestiture Issues FPA
5. Blackgill and Slope Rockfish Reallocation PPA
6. Implementation of 2015 Pacific Whiting Fishery

This report is provided to the Central Coast Community in 2015 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) ƒ



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*The Power of Being First With  
Innovation*