



REPORT FROM THE PACIFIC FISHERY MANAGEMENT COUNCIL MEETING November 2 – 8, 2018 San Diego California



OPEN PUBLIC COMMENT

California Department of Fish and Wildlife Informational Report on State Logbooks

The California Fish and Game Commission (Commission) is in the process of considering changes to state commercial logbook regulations that would repeal state logbook requirements for federal fisheries including Swordfish harpoon, HMS drift gill net, and groundfish trawl. These regulations will be considered for adoption at the Commission's December 12, 2018 meeting. If adopted, these regulations will likely become effective on April 1, 2019.

California Department of Fish and Wildlife (CDFW) proposed the Commission repeal these requirements because they are unnecessary, redundant, costly, and burdensome to both industry and the agency. Moreover, California Office of Technology requirements for housing and protecting confidential state fisheries data have intensified in recent years, requiring CDFW to prioritize its fishery data collection efforts to keep within existing fiscal resources.

The swordfish harpoon and large mesh drift gill net fisheries are required to submit paper logbooks (Swordfish Harpoon Log, General Gill/Trammel Net Log) to CDFW once a month, per state regulations. Federal regulations for HMS fisheries also require submission of either a state or federal log to the Regional Administrator, NMFS-SWFSC, within 30 days (50 CFR, §660.708). The state logbooks, however, do not provide information necessary for management that isn't also included on mandatory state landing receipts which, as of July 1 2019, will be required within 3 business days.

For groundfish trawl, the state log (Trawl Trip Log, also known as the Tri-State Trawl log) has long been required for retained fish taken with trawl gear. The log was used primarily as a compliance tracking tool, and also has been used in a limited number of federal groundfish stock assessments and in the development of the groundfish trawl individual quota (TIQ) program, but is not used to manage catch. As with the HMS logbooks, this information is readily attainable through other more timely data streams, such as VMS and landing receipts.

Additionally, with the advent of the TIQ fishery, a federal discard log was established to determine the volume of fish discarded at sea by TIQ participants. This federal requirement became necessary as the state log does not require an operator to document fish discarded at sea – it requires only that the operator list retained fish. This discard log is a federal record and, combined with fish ticket information that also must be submitted within 24 hours per federal regulations, comprise the data streams necessary for timely federal tracking of used quota pounds in the TIQ fishery.

NMFS is in the process of reviewing and revising logbooks for federal HMS fisheries to improve the data collected for management including location and bycatch data currently lacking in the state logs. For groundfish, NMFS is considering combining the state Tri-State Trawl Log for retained fish with the federal log for discarded fish, which would allow for comprehensively revisiting what information is needed from a federal groundfish trawl logbook, including

potential needs to address bycatch or interactions with endangered species or marine mammals. These actions, coupled with repealing state logbook requirements, would improve fisheries data collection and streamline the submission process by requiring a single groundfish logbook for all groundfish trawl fishing activity.

The proposed regulatory change can be found at:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161285&inline>. The Commission is accepting public comment on the proposed regulation changes, which must be submitted in writing, or orally at the adoption hearing on December 12, 2018. Written comments mailed to (Fish and Game Commission, PO Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office (FGC@fgc.ca.gov), must be received before 12:00 noon on December 7, 2018.

GROUNDFISH MANAGEMENT

NMFS Report

In addition to a list of groundfish and halibut actions that have published in 2018, NMFS provided a list of rulemakings that are currently in progress.

Some Notable Published Proposed Rules

1. 83 FR 18259: Advanced notice of proposed rulemaking for a control date on potential limits to gear switching in the shorebased IFQ trawl sablefish fishery; request for comments. Comment period closed May 29, 2018.
2. 83 FR 47416: [Proposed rule](#) would establish the 2019-20 harvest specifications and management measures for groundfish taken in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California, consistent with the Magnuson-Stevens Fishery Conservation and Management Act and the Pacific Coast Groundfish Fishery Management Plan. This proposed rule would also revise the management measures that are intended to keep the total catch of each groundfish stock or stock complex within the harvest specifications. Request for comments; comments on this proposed rule must be received no later than October 19, 2018.
3. 83 FR 45224: Notice, request for comments on application for three exempted fishing permits (EFPs) for gear selectively harvest underutilized, midwater rockfish species off the Pacific Coast of the U.S.; public comment period closes October 9, 2018 – 9/6/18
4. 83 FR 45396: Proposed Regulations for Groundfish Bottom Trawl and Midwater Trawl Gear in the Trawl Rationalization Program – 9/7/18

Table 1. In Progress

	<i>Action or Rulemaking</i>	<i>Date and Link</i>
1	Tribal Usual and Accustomed Fishing Areas	Final Rule-published October 25, 2018
2	Inseason Adjustments for Commercial Fisheries	Effective October 9, 2018
3	Inseason Adjustments for CA Recreational	Effective September 27, 2018

	Fisheries	
4	2019-20 Harvest Specifications and Management Measures	Proposed rule -September 19, 2018 Final Rule-December 2018
5	Trawl Gear Revisions rulemaking	Proposed rule -September 7, 2018 Final Rule-December 2018
6	Receipt of Application for Spec related Exempted Fishing Permits; public comment closed October 9, 2018.	Published September 6, 2018
7	Electronic monitoring-whiting and fixed gear	Proposed rule -Published November 22, 2016 Final rule-December 2018
8	Electronic monitoring-bottom trawl and non-whiting midwater trawl	Proposed rule-December 2018 Final rule-March 2019
9	Vessel Movement Monitoring	Proposed rule-December 2018 Final Rule-March 2019
10	Amendment 28 - EFH/RCA Action	Draft EIS published on September 28, 2018; Comments close November 19, 2018.
11	2018 Tribal Pacific Whiting Reapportionment	Public notice for reapportionment published September 24, 2018

Final Action on Stock Assessment Plans and Terms of Reference (September 2018)

The Council adopted the final list and schedule of groundfish stocks for assessment in 2019, the stock assessment and methodology review terms of reference for groundfish and coastal pelagic species, and the rebuilding terms of reference for overfished groundfish stocks. The assessments will inform management decisions beginning with the 2021 – 2022 Harvest Specifications and Management Measures process.

2019 Full Assessments:

- ❖ Sablefish
- ❖ Cabezon (California & Oregon)
- ❖ Longnose Skate
- ❖ Big Skate
- ❖ Cowcod
- ❖ Gopher Rockfish/Black & Yellow Rockfish as a complex

2019 Update Assessments

- ❖ Petrale Sole
- ❖ Widow Rockfish

2019 Catch Only Projections

- ❖ Lingcod
- ❖ Canary Rockfish
- ❖ Black Rockfish

2019 Catch Report

❖ Yelloweye Rockfish

For 2021, the Council adopted the following refined list of preliminary priorities that will be finalized in 2020:

2021 Full Assessments:

- ❖ Dover Sole
- ❖ Vermillion Rockfish
- ❖ Bank Rockfish
- ❖ Yellowtail Rockfish South of 40° 10' North Latitude
- ❖ Petrale Sole
- ❖ Lingcod

2021 Update Assessments

- ❖ Sablefish
- ❖ Widow Rockfish

2021 Catch Only Projections

- ❖ Arrowtooth
- ❖ Yellowtail Rockfish North of 40° 10' North Latitude
- ❖ Canary Rockfish

SALMON MANAGEMENT

2019 Preseason Management Schedule

The Council adopted the [2019 salmon management schedule](#) and process for developing ocean salmon fishery management measures. Sites and dates of public hearings to review the Council's proposed regulatory options are:

- Westport Washington (March 25, 2019)
- Coos Bay Oregon (March 25)
- Ukiah California (March 26)

Preliminary Rebuilding Plans

HIGHLY MIGRATORY SPECIES MANAGEMENT

Deep-Set Buoy Gear Authorization - Final Range of Alternatives/Preliminary Preferred Alternative

Since March 2016, the Council has been developing a range of alternatives to authorize a fishery using deep-set buoy gear (DSBG). At its September 2017 meeting, the Council adopted a preliminary range of alternatives.

Three alternatives are described: 1) no action, 2) an open access fishery, and 3) an open access fishery north of Point Conception and a limited entry fishery south of Point Conception. There

are additional alternatives within Alternative 3 to consider the total number of limited entry permits to be issued and the method to allocate limited entry permits.

In March the Council adopted a Final Range of Alternatives/Preliminary Preferred Alternative for public review with final action on the package of management measures scheduled for March 2019.

The Final ROA and PPA are as follows:

- A. Direct the Highly Migratory Species Management Team (HMSMT) to conduct at a minimum the following analysis:
 - a. Using available data, including historic gillnet and CPFV data, analyze the number of vessels that could operate within the So Cal Bight and the relative level of effort by fishing block. Provide these analyses to the Council at the June 2018 Council Meeting.
 - b. Using data from the existing Exempted Fishing Permit (EFP) effort and historic PacFin landings and swordfish imports data from the NMFS office of science and technology estimate the impacts on price and profitability of DSBG fishing that may occur with larger numbers of DSBG permits. Provide these analyses to the Council at the June 2018 Council meeting.
 - c. Using data provided by EFPs, including EFPs issued in 2018, analyze the amount and type of bycatch and relative level of fishing effort by fishing block and report on any known gear conflicts. Provide these analyses to the Council at the March, 2019 Council meeting.
- B. Move forward with the necessary analyses to complete DSBG authorization in a timely manner so that EFP effort does not become a de-facto fishery:
 - a. During the June 2018 Council meeting, updates on analyses will be provided by the HMSMT.
 - b. During the September 2018 Council Meeting the Council will receive input and advice from the advisory bodies on potential qualifying criteria and any additional updates on impact analyses as available.
 - c. During the March 2018 Council meeting adopt a FPA for NEPA analysis and qualifying criteria, if needed, for a limited entry fishery.
- C. To facilitate these analyses, adopt a ROA for authorization of a Deep Set Buoy Gear fishery as proposed in the September 2017 motion and modified as noted below:
 - a. Define DSBG, for the purpose of analysis as follows:
 - i. *Possession*-
 1. Permits will be issued to any "Person" as defined at 50CFR §660.702.
 2. A person may hold multiple permits, but permits may not be stacked on a single vessel
 3. The permit holder will assign the permit to a specific vessel that may be changed by written request to NMFS not more than one time per calendar year unless a *force majeure* event renders the assigned vessel incapable of operation.
 4. The permit holder will not be required to be onboard
 - ii. *Renewal* – Permits will be valid for one fishing year and expire if not renewed. Such permits would revert to the issuing agency and, if a limited entry program is in place, would be made available for issuance
 - iii. *Transfer*

1. Transfer of permits will be prohibited unless the Council determines transfer would benefit management.
- iv. *Gear Description*
 1. Standard Buoy Gear (SBG) – An actively tended vertical gear configuration that is designed to target west coast highly migratory species. An individual piece of SBG consists of a vertical monofilament mainline suspended from a non-compressible float (>45 lb. flotation) and strike indicator float system that uses a minimum 3.6kg weight to expedite sink rate and facilitate strike detection. A collective gear set includes ten individual pieces of gear that can fish up to three hooks each (30 total hooks maximum; minimum size 16/0 circle hooks with not more than 10 offset) that must be positioned below 90m deep when fishing. Each piece of gear must also include a locator flag, a radar reflector and vessel/fisher identification.
 2. Linked Buoy Gear (LBG): An actively tended gear type in which two or more pieces of SBG may be linked together by means of a horizontal monofilament mainline; no more than three gangions/hooks are connected to this horizontal line per individual piece, not the vertical lines. Serviceable links between each LBG section are suspended at a minimum depth of 11m (36 feet) below a non-compressible float system (>45 lb. flotation) that allows for strike detection (based on SBG design standards). No more than 30 hooks (minimum size 16/0 circle hooks with not more than 10 offset) can be deployed simultaneously and all hooks must be fished below >90m. No more than 10 sections of LBG may be used at one time and the overall horizontal footprint of the gear must be less than 5nm. Terminal buoys must include a locator flag, a radar reflector, and vessel/fisher identification.
- v. *Gear Tending*
 1. Require that all gear be within a 5nm diameter area and that the vessel be no more than 3nm from the nearest piece of gear.
- vi. *Gear Deployment/Retrieval*
 1. Gear may not be deployed prior to local sunrise
 2. All gear must be onboard the vessel no later than 3 hrs. after local sunset
- vii. *Multiple Gears*
 1. Multiple gears may be used on a trip. All landings must be tagged or marked to identify gear used.
- viii. *Geographic Area*
 1. All federal waters offshore California and Oregon
- ix. *Fishery Timing*
 1. No restrictions within the existing fishing season/statistical year.
- x. *Species*
 1. All species may be retained and landed unless prohibited by other law or regulation
- xi. *Fishery Monitoring*
 1. Logbooks will be required
 2. All monitoring requirements in the HMS FMP will be followed
- b. The ROA for consideration under NEPA will include

- i. Permitting
 - 1. Open Access
 - 2. Open Access west of 120° 28.18' W longitude and limited access east of 120° 28.18' W longitude
 - a. Limited Access South and east of Point Conception Alternatives Limited Access east of 120 28 18 W longitude
 - i. *Capacity*
 - 1. Not more than 10 permits
 - 2. Not more than 50 permits
 - 3. Not more than 150 permits
 - 4. Not more than 250 permits
 - ii. *Qualifications to obtain permits*
 - 1. The Council will determine qualifying criteria with advise from advisory bodies and the public at the time a FPA is adopted

The HMSMT was directed to consider the use of limited time and area closures in the So Cal Bight to address gear conflict and overcrowding concerns. The analysis should consider both benefits and costs.

Proposed Deep-Set Buoy Gear Exempted Fishing Permits

The Council recommended NMFS use the HMSMT recommendations for approval, preliminary approval, and resubmission of DSBG EFP applications and that NMFS issue these EFPs in the order they were submitted until reaching the maximum number described in the current consultation for effects on protected resources.

In order to ensure EFP data are collected, the Council recommended that NMFS revoke any DSBG EFPs where the EFP holder has not submitted evidence of DSBG fishing effort by a specified date and issue those EFPs to [other] applicants approved by the Council.

EFP applications that were recommended for resubmission, if resubmitted, will be reviewed by the Council in June 2018. Other than those applications, the Council will revert to the Council Operating Procedures process of receiving HMS EFP applications annually in June and making final decisions in September with the exception that new DSBG EFP applications will not be reviewed until June 2019.

ADMINISTRATIVE MATTERS


Membership Appointments and Council Operating Procedures

Future Council Meeting Agenda and Workload Planning

The next meeting of the Pacific Fishery Management Council is scheduled for June 7 – 13, 2018 at the Doubletree by Hilton Spokane, Washington. The Preliminary Proposed Agenda represents the agenda expectations for the June 2018 Council meeting

There are two Briefing Book deadlines for every Council meeting. The first (and main) deadline is two and a half weeks before the Council meeting (May 11, 2018). Public comments

and reports that are supplied before this deadline are included in the advance Briefing Book. The second deadline, known as the supplemental deadline, is four days prior to the start of the Council meeting (May 30, 2018). Public comments and reports provided by this deadline are given to Council members on the first day of the Council meeting. Comments can be emailed, mailed, or faxed to the Council.

- ✿ This report is provided to the Central Coast Community in 2018 via a grant 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 



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By: Christopher Kubiak
Fishery Consulting Services
The Power of Being First With
Innovation