

September 1, 2022

Mr. Marc Gorelnik
Pacific Fishery Management Council, Chair
7700 NE Ambassador Place, Suite 101
Portland, OR 97220

RE: Agenda Item G.5 Groundfish FMP Amendment 31, Stock Definitions

Dear Chair Gorelnik:

Amendment 31 to the Pacific Coast Groundfish Fishery Management Plan (FMP) could have significant ramifications for sustainable fishery management. Any changes to stock definitions should be grounded in the best available science and ultimately enhance the Council's ability to prevent overfishing, rebuild overfished stocks, and minimize risk to vulnerable populations. Oceana strongly urges the Council to reject any changes that would remove species from active management in the FMP or ultimately weaken conservation and management.

The Council's decision roadmap¹ for Amendment 31 lays out a path forward to better define groundfish stocks in the FMP by considering their geographic distributions and the risk of overfishing within stock complexes. We agree that this issue is framed by the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) that FMPs prevent overfishing, rebuild overfished stocks, and protect, restore, and promote the long-term health of the fishery. This issue is core to ensuring responsible fishery management and conservation.

In response to the Amendment 31 roadmap, we offer the following comments.

- 1) Refine the Purpose and Need Statement to enhance the conservation and management of those stocks that would be better managed at smaller geographic scales (other than coastwide) and those stocks that are vulnerable to overfishing within the current stock complex structure.**

¹ PFMC Agenda Item G.5, Attachment 1 (September 2022). Fishery Management Plan Amendment 31 Stock Definitions: A Decision Roadmap.

The proposed purpose and need statement is overly broad and should be limited to the issue at hand. As written, the purpose and need statement reads as if the Council intends to change the stock definitions for *all* groundfish FMP species. This would be unnecessary.

The scoping document² for this amendment notes this proposed action arose in response to the status of a *single* species when NMFS decided not to declare quillback rockfish *off California* as overfished. This was despite the Council approved assessment indicating that the stock off California is overfished and the Scientific Statistical Committee recommendation to make a status determination at the scale of the assessment.³

The purpose and need statement, however, implies this issue is much larger and only with this amendment, “NMFS will be able to make status determinations concerning groundfish managed under the groundfish FMP.” NMFS can and has made such determinations in the past for groundfish stocks. The agency’s hands are not tied and the plain language of the MSA gives NMFS authority to act. To be clear, the purpose and need should be limited to the core issue at hand; the conservation and management of those groundfish stocks that have geographic scales smaller than coastwide, and those stocks currently managed in stock complexes that are vulnerable to overfishing.

2) Priority actions for Amendment 31

- A) **Following a refined purpose and need, Oceana requests the FMP Amendment focus on groundfish stocks vulnerable to overfishing as indicated from recent stock assessments, Groundfish Management Team stock complex analysis, or Population Viability Assessment. And for each, consider the appropriate geographic scales for management.**

The FMP amendment should focus on category 1 and 2 stocks⁴ currently managed in stock complexes that are subject to overfishing and/or vulnerable to overfishing (see table 1). The Council decided in June 2022 to prioritize those stocks assessed in 2021 and those proposed for assessment in 2023. We agree with prioritizing **copper rockfish, quillback rockfish, squarespot rockfish, vermillion and sunset rockfish** that were assessed in 2021 and have overfishing concerns.

² PFMC Agenda Item F.4 Attachment 1 (June 2022)

³ “The SSC recommends for quillback rockfish that three separate stock areas be maintained for status determination: California, Oregon, and Washington.” PFMC Agenda Item E.3.a [supplemental SSC report 1](#) (November 2021)

⁴ Stock categories refer to the level of information available for the purpose of setting catch limits and reference points. Category 1 stocks are ‘data rich’, category 2 are ‘data moderate’ and category 3 are data poor (landings data only).

Recognizing the intent to update the 2011 population viability assessment,⁵ we recommend that Amendment 31 focus on those species assessed in 2021 *plus at least* **China rockfish, aurora rockfish and rougheye/ blackspotted rockfish** which are vulnerable to overfishing and/or their OFL contributions were exceeded in recent years. All of these were identified in the 2011 vulnerability assessment as being highly vulnerable to overfishing or in a recent GMT analysis⁶ that highlighted the overfishing limit contribution for these stocks was exceeded in recent years. This raises serious concerns that overfishing is currently occurring on individual species within a complex while aggregate catch of the complex is below the overall stock complex overfishing limit (OFL), which should be addressed in this action.

Rockfish Species	Vulnerability score "V" (as in Cope et al. 2011)	# of years catch over OFL North of 40° 10' (2017-2020)	# of years catch over OFL South of 40° 10' (2017-2020)	2021 Assessment Indicates Overfishing concerns
Copper	2.27	4	0	Yes ⁷
Quillback	2.22	4	4	Yes ⁸
China	2.23	0	2	N/A
Vermillion and Sunset	2.05	4	3	Yes ⁹
Squarespot	1.86	0	3	Yes ¹⁰
Aurora	2.10	4	0	N/A
Rougheye/ blackspotted	2.27	2	0	N/A

Table 1. Recommended species for inclusion in Amendment 31. These are category 1 and 2 stocks currently managed in stock complexes that are of major concern ($V > 2.2$) or high concern ($2.0 \leq V < 2.2$) for overfishing (as in Cope et al. 2011) and/or their overfishing limit contribution within their stock complex has been exceeded in recent years.¹¹

⁵ Cope et al 2011: An Approach to Defining Stock Complexes for U.S. West Coast Groundfishes Using Vulnerabilities and Ecological Distributions, North American Journal of Fisheries Management, 31:4, 589-604

⁶ PFMC Agenda Item E.3.a GMT Report 2 (November 2021). Groundfish Management Team Report on Stock Complexes. Available: [here](#)

⁷ 2021 California Copper Rockfish Assessments (North and South of Point Conception), at 20 and 24 respectively

⁸ 2021 California Quillback Rockfish Assessment at 24, "The fishing intensity, $1 - SP R$, has been above the harvest rate limit ($SP R 50\%$) in all years but four years from 1975-2009, and in all but three years since."

⁹ 2021 Southern California Vermilion and Sunset Rockfish Assessment, at 34, harvest rate above target in 2019.

¹⁰ 2021 Squarespot Rockfish Assessment, at 14, fishing intensity has "exceeded the target" in most recent years.

¹¹ Table adapted from: PFMC Agenda Item E.3.a GMT Report 2 (November 2021), *supra* note 5

B) Oceana opposes moving any stocks from active management to the ecosystem component species category.

Oceana opposes the Council considering designating any stocks as ecosystem component (EC) species as part of this action. Removing species from “in the fishery” to the EC species category is contrary to ecosystem-based management and diminishes the conservation of the species. Species in the EC category do not require stock status determinations, reference points or annual catch limits. In other words, they receive less conservation and management attention and there becomes little incentive to advance the science and understanding of these stocks. Meanwhile they would continue to be caught as bycatch without a clear understanding or assessment of the biological impacts.

3) Nearshore rockfish management

All nearshore rockfish species should remain in the FMP where they will receive greater management attention and resources. The decision roadmap raises the question about how nearshore groundfish stocks should be managed. We support the stated objective of “preserving genetic diversity and minimizing the risk of localized depletion” for nearshore rockfish stocks with small home ranges and limited dispersal. And we agree that the Council process is ideally suited to coordinate across state and federal jurisdiction. Federal management is “necessary to meet MSA objectives of preventing overfishing and rebuilding depleted populations” and federal management allows for greater resources to collect data and prepare stock assessments.¹² Thus stock definitions could be refined at a finer spatial scale for nearshore rockfish stocks to enhance conservation and management but should remain in the FMP where they will receive greater management attention and resources.

Thank for your attention to this important conservation issue.

Sincerely,



Ben Enticknap
Pacific Campaign Manager & Sr. Scientist
benticknap@oceana.org

¹² PFMC 2022, *supra note 1*, at page 5