

April 2, 2020

Mr. Phil Anderson, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, OR 97220-1384

RE: Agenda Items G.4 and G.6: Shortbelly rockfish management for 2021-2022

Dear Chair Anderson and Council members:

Oceana is concerned about the Council's proposed approach to managing shortbelly rockfish (*Sebastes jordani*) in 2021-2022. The Council's current path would undo measures that have been in place for over a decade to minimize bycatch of a critically important forage species in the California Current Ecosystem and fails to include any durable protections for this species. It would also establish a harmful precedent for the Council to so quickly and easily remove its own precautionary protections. Since this issue was first discussed in June 2019, Oceana has acknowledged the concerns of industry, and has offered a wide suite of reasonable ideas and recommendations to ensure long-term protection of shortbelly rockfish while accommodating continued groundfish fisheries. We are dismayed that none of these ideas are included in the Council's preferred approach, nor has the industry proposed or supported any ideas for establishing long-term protections for shortbelly rockfish in the FMP.

To remedy these concerns, we request the Council:

1. Adopt a lower annual catch limit (ACL) of no more than 1,000 metric tons (mt) for 2021-2022 and set management triggers when catch exceeds 500 mt to compel the industry to do more to minimize incidental catch of shortbelly rockfish, including during times of high relative abundance.
2. Adopt new regulatory measures under the Groundfish Fishery Management Plan to prevent a directed fishery from developing on shortbelly rockfish, while creating incentives for the industry to reduce or prevent waste of shortbelly rockfish that are caught incidentally.

Shortbelly rockfish are a critically important forage species in the California Current ecosystem as prey for many species including Chinook salmon. Due to increased levels of shortbelly rockfish bycatch in the Pacific whiting fishery, the Pacific Fishery Management Council is now considering two different approaches for managing shortbelly rockfish, both of which remove important protections for this integral component of the marine food web. Oceana offers another approach for the Council's consideration, that would keep shortbelly rockfish in the fishery while providing an incentive to avoid bycatch and including a trigger for Council oversight.

Although Oceana supports the no action alternative, which would leave the shortbelly rockfish ACL at 500 mt, we have heard concerns from the industry that this would not allow the fleet to fully catch their quotas for other species in some years. We are sympathetic to the need to ensure that the fleet does not exceed the ACL for shortbelly while prosecuting other fisheries and, if coupled with new durable protections in the FMP, would support an increase in the ACL up to 1,000 mt. However, Oceana strongly opposes increasing the ACL to 3,000 mt (a 500% increase from the status quo) under Alternative 1. Such a significant increase in the ACL is unnecessary and not supported by available data on recent catch levels, would eliminate incentives to minimize shortbelly rockfish bycatch, and would ignore the very optimum yield considerations that led the Council and NMFS to enact previous conservative ACLs. Furthermore, we oppose moving shortbelly rockfish to the ecosystem component category because it would remove management safeguards reserved for species “in the fishery,” would result in less monitoring, and remove safeguards for this important forage species in the California Current Ecosystem.

Most concerning with Alternative 1 is that there is no evidence before the Council showing that a 3,000 mt ACL would account for the role of shortbelly rockfish in the ecosystem as required by National Standard 1 under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Previous decisions by the Council to keep ACLs at low levels cited optimum yield (OY) considerations including the importance of shortbelly rockfish to other Council-managed fisheries and the broader marine ecosystem. It is unclear what ecological information the Council is using to argue that the previous OY protections for this species are no longer warranted. To determine OY under the MSA, the Council and NMFS must consider, among other things, “maintaining adequate forage for all components of the ecosystem.” 50 C.F.R. § 600.310(e)(3)(iii)(A)(3). Ecological factors that NMFS is supposed to consider when determining the appropriate level for OY include the fishery’s “impacts on ... forage fish stocks, other fisheries, predator-prey or competitive interaction, marine mammals, threatened or endangered species, and birds . . .” *Id.* § 600.310(e)(3)(iii)(B)(3). In addition, the regulatory guidelines advise fishery managers to consider managing forage stocks to leave a larger proportion of the population to feed marine predators rather than the smaller proportion they would leave unfished if they managed only to attain maximum sustainable yield. *Id.*

Maintaining a healthy forage base requires an ecosystem approach. When key forage species are at low levels, the remaining forage species become more important. For some predators like California sea lions, juvenile shortbelly rockfish serve as important alternative prey items for sardines.¹ This is particularly relevant at a time when the sardine stock is overfished and is currently at its lowest levels in decades.² Furthermore, shortbelly rockfish has unique characteristics in terms of nutritional content, availability to nearshore predators with small home

¹ McClatchie et al. 2015. Food limitation of sea lion pups and the decline of forage off central and southern California. [Royal Society Open Science](https://royalsocietypublishing.org/journal/rsos) 3(3) · October 2015. DOI: 10.1098/rsos.150628

² Kuriyama, P.T., Zwolinski J.P., Hill, K.T., and Crone, P.R. 2020. Assessment of the Pacific sardine resource in 2020 for U.S. management in 2020-2021. Pacific Fishery Management Council, April 2020 Agenda Item D.3 Attachment 1. <https://www.pcouncil.org/documents/2020/03/agenda-item-d-3-attachment-1-stock-assessment-report-executive-summary-assessment-of-the-pacific-sardine-resource-in-2019-for-u-s-management-in-2019-20-full-document-electronic-only.pdf>

ranges, and spatial distribution³ compared to other forage species that are currently more abundant, such as northern anchovy.

Given the importance of shortbelly rockfish in the California Current Ecosystem as forage for marine wildlife, and the precautionary approach, we urge the Council to limit the shortbelly rockfish ACL to no more than 1,000 metric tons for 2021 and 2022 management and include a 500 mt management threshold that would trigger Council oversight of shortbelly bycatch. We also reiterate our request that the Council amend the Pacific Groundfish FMP to prohibit directed fishing for shortbelly and specify accountability measures for exceeding the ACL.

1. Adopt a shortbelly rockfish ACL of no more than 1,000 metric tons for 2021-22 management

A 1,000-metric ton shortbelly rockfish ACL provides industry a sufficient buffer and is reasonable given it is more than the 2019 *maximum* catch projection in analyses prepared by the Groundfish Management Team (Figure 1).⁴ A 1,000 mt ACL, representing a 100% increase over the current ACL, is truly a high scenario of what would be taken as bycatch in the fishery even in years of high shortbelly abundance. Without lower catch limits than the proposed 3,000 mt in Alternative 1, there will be no incentive to avoid shortbelly rockfish. Lower catch limits and proactive management measures can be taken while still having little to no economic impact on the fishery. In so doing, the Council and NMFS would maintain their commitment to ecosystem-based fishery management approaches that protect the food web of the California Current ecosystem.

Further, shortbelly rockfish have a much higher value when left in the water as forage for other fish and wildlife.⁵ The shortbelly that are caught as bycatch are either discarded or ground into fishmeal. Some project that global demand for fishmeal will continue to rise, driven by global growth in the aquaculture industry.⁶ While it may not be economical to target shortbelly rockfish today, the Council should continue its precautionary management approach outlined in its Fishery Ecosystem Plan of preventing new fisheries from developing on forage fish in recognition of the global trend of increased demand. We are opposed to allowing increased bycatch of shortbelly used solely for fishmeal production.

³ Szoboszlai et al. 2015. Forage species in predator diets: Synthesis of data from the California Current. *Ecological Informatics*. Volume 29, Part 1, September 2015, Pages 45-56

⁴ Agenda Item H.6a, Nov. 2019. PFMC GMT Report 2, pg. 2. Available: https://www.pcouncil.org/wp-content/uploads/2019/10/H6a_GMT_Rpt2_NOV2019BB.pdf AND Groundfish Management Team Report on Final Action Inseason Adjustments, Agenda Item I.7.a, June 2019, p.14, Available: https://www.pcouncil.org/wp-content/uploads/2019/06/I7a_Sup_GMT_Rpt1_REVISIED_JUNE2019BB.pdf

⁵ Pikitch, E, PD Boersma, IL Boyd, DO Conover, P Cury, T Essington, SS Heppell, ED Houde, M Mangel, D Pauly, E Plagányi, K Sainsbury, and RS Steneck. 2012. Little Fish, Big Impact: Managing a Crucial Link in Ocean Food Webs. Lenfest Ocean Program. Washington, DC. 108 pp.

⁶ Villegas 2015. Fishmeal will move from being commodity to 'high-price', strategic marine protein. Available: <https://www.undercurrentnews.com/2015/06/09/fishmeal-will-move-from-being-commodity-to-high-price-strategic-marine-protein/>

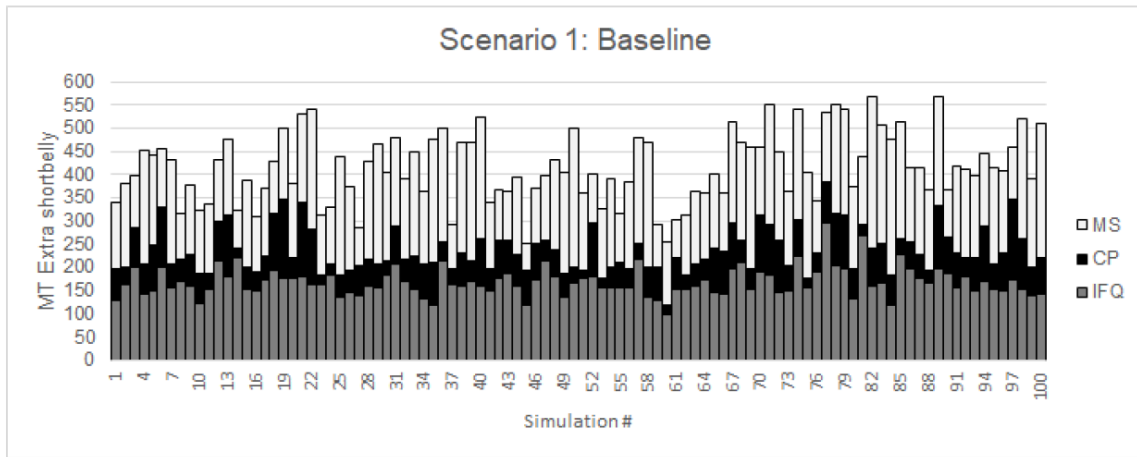


Figure 1. One hundred bootstrap simulations by the GMT project that total shortbelly rockfish bycatch (mt) would be below 1,000 metric tons if the fishery caught its full 2019 whiting quota. Metric tons (MT) “extra shortbelly” refers to the amount of shortbelly estimated to be caught in each of the 100 simulations, above 409.9 metric tons, the amount taken at the time of this analysis.⁷ The GMT projected that whiting sectors would need 660-980 mt of shortbelly rockfish in total to catch 2019 whiting allocations.

2. Amend the Groundfish FMP to prohibit directed fishing for shortbelly rockfish

In recognition of its important role as a forage fish, we request the Council amend the Groundfish FMP to prohibit directed fishing for shortbelly rockfish by prohibiting landings. This is like the prohibited species category that includes salmon, halibut and crab, where landings are prohibited. The Council could consider ways to prevent waste of shortbelly rockfish, such as allowing incidental catch to be donated rather than discarded. Ultimately, however, we believe that for this and any industry, the responsibility of determining ways to minimize waste and by-products should fall on the industry.

Finally, shortbelly rockfish should remain “in the fishery,” not categorized as an Ecosystem Component species, to ensure key management safeguards and scientific monitoring efforts remain in place for this important species.

3. Establish a 500 mt annual catch target (ACT) or other management trigger and set accountability measures (AMs) to avoid exceedance of ACLs

Last, we request the Council set an annual catch target, accountability measures, or other management triggers for 2021 and beyond at a level below the ACL (up to 500 metric tons) that prompts Council oversight and consideration of additional AMs to further minimize incidental catch of shortbelly rockfish before the overall ACL is reached. Accountability measures are important tools in fishery management that can be used to prevent and respond to overages in the

⁷ Groundfish Management Team Report on Final Action Inseason Adjustments, Agenda Item I.7.a, June 2019, p.14, available at https://www.pcouncil.org/wp-content/uploads/2019/06/I7a_Sup_GMT_Rpt1_REVISIED_JUNE2019BB.pdf

ACL.⁸ The NS1 guidelines suggest that, whenever possible, FMPs should include in-season monitoring and management measures to prevent catch from exceeding ACLs. They should be specified both in the FMP and in biennial specifications, and should include in-season AMs and AMs for when the catch exceeds the ACL.

Thus far, the Council has not moved forward with an ACT because of the need to specify AMs other than closure of the fishery. We heard from industry that they implemented voluntary move-on rules among the fleet as an in-season measure to reduce shortbelly rockfish bycatch to avoid exceeding the ACL. We suggest that the Council could specify such move-on rules upon exceeding an ACT or other management trigger. In addition, in-season AMs could include, but are not limited to, an annual catch target (ACT); changes in trip or bag limits; effort reductions; gear changes or restrictions; or, fishery or area closures. However, at a minimum, such a trigger should initiate a Council check-in to better understand the ecosystem context, any changes in the fishery, and determine if additional management measures may be warranted.

We support the Council and NMFS specifying additional AMs during this biennial specifications process in conjunction with setting ACLs and ACTs and monitoring through routine in-season management. We also support amending the Groundfish FMP to implement automatic AMs to address ACL overages including automatic closure authority where necessary. These may also include modifications of in-season AMs; using or modifying an ACTs; overage adjustments to the subsequent season catch limit; or closure of the fishery.

In conclusion, we encourage the Council to use the 2021-2022 management processes to advance ecosystem-based management by continuing to recognize the critical importance of shortbelly rockfish as a forage species in the California Current. Now is the time to proactively address this bycatch concern by maintaining a strong conservation precedent and enacting durable long-term protections in the Groundfish FMP for shortbelly rockfish.

Sincerely,



Geoffrey Shester, Ph.D.
California Campaign Director & Senior Scientist



Tara Brock
Pacific Counsel

⁸ Supplemental NMFS Report 2. 2020. NMFS Report on Update on 2021-2022 Harvest Specifications and Management Measures. March 2020. Agenda Item H.4.a.