

## “GREEN SHEET”

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**Meeting/workshop:** December 4-5, Commission Meeting

**Agenda Item 14:** Sardine Fishery Regulations – Briefing

**Prepared by:** Michele Culver, Regional Director

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### **Background:**

From 2000-2009, the Washington Department of Fish and Wildlife has had an emerging commercial purse seine fishery for Pacific sardines. Following an extensive public process which included establishing and meeting with a formal Sardine Advisory Board, the Director decided to advance the sardine fishery from a trial fishery to an experimental fishery in 2003, under the Emerging Commercial Fisheries legislation, in which permits would be limited. In March 2009, the Legislature transitioned the sardine fishery to an established commercial fishery, effective July 26, 2009.

Pacific sardines are managed under the Pacific Fishery Management Council’s Coastal Pelagic Species (CPS) fishery management plan. The Council develops and adopts a coastwide annual harvest guideline, which takes into account the biological and ecological impacts of harvesting forage fish, and the amount of fish available to U.S. waters. In 2005, the Council replaced the geographical allocation with a strategy to provide for the seasonal release of the harvest guideline as the stock is fished along the West Coast during different times of the year.

The Northwest (Washington and Oregon) sardine fishery has fluctuated over the past few years. In 2002, Washington landings increased to a high of 15,212 mt, and Oregon fishery landings dramatically increased from its inception in 1999 (771 mt) to a high of 36,111 mt in 2004. However, in 2006 and 2007, the Northwest fishery experienced a decline—more so in Washington than in Oregon—as a result of lack of market availability, and landings into Washington dropped to about 4,300-4,600 mt each year. This had made it difficult for permit holders in both states to meet their respective minimum landing requirements to qualify their permits for the next season.

The topic of the amount of sardines that could be used for purposes other than human consumption and fishing bait has also been raised in both states. Since 2006, Washington has implemented a limit of 15% restriction across the season, which applies to all permit holders and processors individually, and Oregon adopted consistent regulations. There have been requests to relax this restriction, particularly from one of the processing facilities in Washington. We have met with Oregon Department of Fish and Wildlife staff to discuss these issues, and both states have continued to keep this restriction in place.

Department staff worked with the Sardine Advisory Group over the course of three years to develop the draft legislation language and the fishing regulations for the established fishery. Attached are the proposed regulations, which are consistent with the results of the Advisory Group discussions. At the December Commission meeting, staff will brief the Commission on the federal management strategy and the current federal fishery regulations, the proposed state regulations, and a suggested rule-making process.

**Policy issue(s) you are bringing to the Commission for consideration:**

Does the Commission want to consider adopting the proposed regulations for the coastal sardine fishery at its January 2010 meeting, or delegate the authority to the Director to adopt these regulations?

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**Public involvement process used and what you learned:**

Department staff held a series of Sardine Advisory Group meetings to develop these regulations in December 2006, December 2007, March 2008, and August 2008. The meetings were open to the public and all current permit holders and processors were invited to participate. In addition, the Department regularly communicated with industry members as the legislation progressed. Department staff will brief the Commission on the results of these discussions at the Commission meeting.

**Actions requested (identify the specific Commission decisions you are seeking):**

Department staff requests that the Commission schedule time for adoption at their January 2010 meeting, or delegate the authority to the Director to adopt the proposed regulations.

**Draft motion language:**

I move that the Commission delegate the authority to the Director to adopt regulations governing the coastal sardine purse seine fishery. Such regulations shall be consistent with federal rules and state legislation.

**Justification for Commission adoption:**

Pacific sardines are managed under the Pacific Fishery Management Council's Coastal Pelagic Species fishery management plan, with federal regulations adopted by the National Marine Fisheries Service. The Pacific Council develops and adopts a coastwide annual harvest guideline, which takes into account the biological and ecological impacts of harvesting forage fish, and the amount of fish available to U.S. waters. The states, in turn, adopt fishery regulations to ensure the annual harvest guideline is not exceeded, execute the fishery in a manner that achieves state objectives (e.g., measures to address accurate catch reporting, bycatch reduction, and sustainable use), and provide mechanisms to collect biological samples and fishery data. The proposed rule language is consistent with federal regulations and state legislation.

## FISH AND WILDLIFE COMMISSION POLICY DECISION

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**POLICY TITLE:** Forage Fish Management  
Policy, Goals and Plan

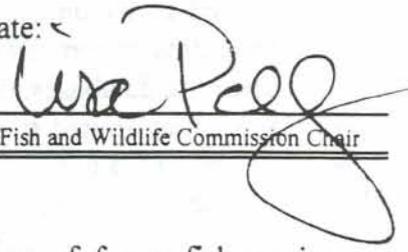
**POLICY NUMBER:** POL-C3012

Cancels: N/A

Effective Date: January 24, 1998

Termination Date: <

See Also: N/A

Approved by: 

Fish and Wildlife Commission Chair

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### Policy

It shall be the policy of the department to maintain healthy populations of forage fish species and individual stocks of forage fish while assuring the integrity of the ecosystem and habitat upon which marine resources depend. If insufficient information exists or the condition of the resource is poor, a conservative approach to fisheries will be taken. Fishery management plans will consider the role of forage fish in the marine ecosystem and the need to supply sufficient quantities of forage fish for ecosystem needs. A precautionary approach to resource management shall be utilized. The department shall consider the best scientific information available.

### Goals

Consistent with the general goals established by the Commission for the Department, the following specific goals will guide the management of the forage fish resources of Washington.

- Maintain healthy populations of forage fish in Washington.
- Fisheries shall be permitted, as appropriate, for sustainable resources.
- Washington based fishing industries (fishing, processing and marketing) shall receive consideration of an opportunity to utilize harvestable forage fish resources within state waters and the Exclusive Economic Zone.
- Management plans shall consider by-catch and wastage and provide for estimation of the magnitude of each and recommendations made for their reduction.
- Increase public confidence in forage fish management.
- All significant fisheries will have sufficient monitoring to estimate catch and evaluate resource condition and population trends.
- Stock status summary of principle species of forage fish shall be produced every two years.
- Document and protect spawning habitat of forage fish species.
- Implement the Wild Salmonid Policy as it relates to forage fish and their habitats.

## **Plan**

Following the direction given in the forage fish policy and goals, the following plan of action will be implemented by the Department.

### **Habitat Surveys and Protection**

Forage fish spawning habitat surveys are a high priority for forage fish management. Activities related to spawning ground documentation will include:

- conducting spawning habitat documentation surveys in areas likely to face human caused alterations,
- providing expert testimony in court cases or other legal activities, maintaining and updating databases, depending on funding,
- providing limited surveys in case of urgent need, upon request,
- completing a formal report which summarizes existing information and making it available to the public and interested officials.

### **Fishery Management**

- Management of forage fish shall include provisions for rapid change in abundance.
- Forage fish shall be managed to avoid periods of low abundance.
- The achievement of maximum yield shall not be a goal of forage fish management.
- Consideration will be given to both recreational and commercial fishing interests when stock conditions permit fishing.
- The Department shall conduct a review and report on potential forage fish by-catch in each significant commercial fishery.

### **Stock Assessment**

- Stock assessments shall be based on direct measurement of fish populations whenever possible.

The following plan of action shall be implemented for individual forage fish species:

#### Sardine

- The Department will participate in interstate planning and research efforts for coordinated management of the west coast sardine resource.
- The Department will investigate and, if feasible, allow a new commercial experimental fishery for sardine. This fishery would require coordinated management and include special monitoring/review for bycatch concerns. Any fishery is dependent on action by the Pacific Fishery Management Council.
- Annually review stock status, fishery results and fishery regulations.

#### Surf Smelt

- The Department will seek to increase its monitoring of fisheries and resources to:
  - a. establish a biological database
  - b. estimate growth and mortality rates.
- In the absence of better information, manage each individual spawning ground as a unique stock.

- Spawning habitat surveys shall emphasize potential surf smelt spawning grounds.
- The Department will seek to increase the mapping of surf smelt spawning habitat.
- Annually review stock status, fishery results and fishery regulations.

#### Anchovies

- The Department will participate in interstate planning and research efforts for coordinated management of the anchovy resource.
- Annually review stock status, fishery results and fishery regulations.
- No other agency action is planned for anchovies during the length of this plan.

#### Eulachon

- The Department will work with appropriate government agencies and the public, develop a harvest management plan for Columbia River smelt.
- The Department will pursue reduced harvest levels of Columbia River smelt until information is available for scientific management of the resource.
- The Department will seek to document eulachon spawning grounds.
- Annually review stock status, fishery results and fishery regulations.

#### Sand Lance

- The Department will end commercial fishing for sand lance in all state waters.
- Spawning habitat surveys shall emphasize potential sand lance spawning grounds.
- The Department will seek to increase the mapping of sand lance spawning habitat.
- Annually review stock status.

#### Herring

- Conduct surveys of known spawning grounds annually.
- Continue to gather biological data from selected spawning stocks.
- Annually review stock status, fishery results and fishery regulations.
- Institute no new commercial fisheries of herring in state waters. Continue the moratorium on commercial fisheries for herring in coastal waters.
- In the absence of information, treat each spawning ground as an individual stock
- Investigate, and report on sources of increased herring mortality.
- Participate in information exchange with herring researchers and managers from British Columbia and other areas.
- Institute a system of marine protected areas which include herring spawning grounds.
- Continue coordinated management with appropriate tribal governments.

## FISH AND WILDLIFE COMMISSION POLICY DECISION

**Item #13**

and

**Item #14**

Reference material

Dec. 4-5, 2009

FWC Meeting

**POLICY TITLE:** Policy Guidelines For Pacific Fishery Management Council Representation  
**POLICY NUMBER:** C-3603

Cancels: N/A

Effective Date: August 11, 2000

Termination Date (if applicable):

See Also:

Approved by: 

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- Preservation, protection, and perpetuation of the living marine resources through coordinated management of fisheries within the Exclusive Economic Zone shall be the primary principle which will guide the Department's position.
  - The Department will support harvest strategies that promote optimum long-term sustainable harvest levels.
  - The Department will seek the views of the public, including those who represent the consumptive and non-consumptive interest groups when formulating the Department's position on specific issues before the councils.
  - The Department will support balanced representation of Washington interest on the councils' advisory groups and committees, including recreational, commercial and non-consumptive.
  - The Department will support initiatives and existing programs which more closely align the harvest capacity with the long-term sustained harvest quantities of marine resources. Specifically, the Department supports individual quota programs and license and effort limitations programs which promote economic efficiency and result in maximizing the social and economic benefits derived from the fishery.
  - The Department will support tribal fisheries which are consistent with the applicable federal court orders while recognizing the need for management flexibility to optimize fishing opportunity.
  - Resource allocation positions will consider, but not be limited to, social implications, impacts on fishing dependent communities and net economic benefits to the state.

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- The Department will support monitoring programs which gather biological, discard, and bycatch data from each of the fisheries.
- The Department will take a precautionary approach in the management of species where the supporting biological information is incomplete and/or the total fishery-related mortalities are unknown.
- The Department will support consideration of the use of risk-averse management tools to protect the resources in the face of management uncertainty.
- The Department will support management measures which conserve, restore, and enhance the quantity and quality of essential fish habitats upon which Council-managed fisheries resources depend.