
**DECISIONS OF THE
PACIFIC FISHERY MANAGEMENT COUNCIL
APRIL 9-13, 2011**

COASTAL PELAGIC SPECIES MANAGEMENT

Exempted Fishing Permit for 2011 Northwest Aerial Survey

The Council considered an exempted fishing permit (EFP) proposal by Northwest Sardine Survey, LLC to conduct aerial survey research during 2011. The Council recommended that after making minor corrections, the National Marine Fisheries Service (NMFS) approve and issue the EFP. If subsequently approved by NMFS, the aerial survey would utilize up to 2,700 metric tons (mt), out of a 4,200 mt EFP research set-aside allocated by the Council at its November 2010 meeting. Any of the 4,200 mt set-aside not included as part of an EFP, as well as any tonnage that is part of an EFP but not utilized, will be re-allocated to the third period directed fishery.

Coastal Pelagic Species Survey Methodology Review

The Council considered a report of the Coastal Pelagic Species (CPS) Methodology Review Panel, which provided guidance on potential for use of acoustic-trawl surveys in stock assessments for CPS fisheries. Acknowledging that there are concerns about whether the methodology should be used to develop absolute abundance estimates for Pacific sardine, the Council approved the methodology for potential contributory use in future stock assessments for Pacific Coast CPS fisheries.

HABITAT

Current Habitat Issues

The Council directed the Habitat Committee (HC) to develop a draft letter, for consideration at the June meeting, asking the U.S. Army Corps of Engineers to initiate an essential fish habitat consultation on its levee vegetation management policies. The Council also directed the HC to invite representatives of the U.S. Fish and Wildlife Service and National Marine Fisheries Service to attend an HC meeting to discuss how water management in the Central Valley of California is being conducted under Central Valley Project Improvement Act Section 3406(b)(2) provisions, as a follow-up to the Bureau of Reclamation's letter and presentation to the HC in April. Ultimately, the Council may wish to provide essential fish habitat recommendations on this subject under the Magnuson-Stevens Act.

PACIFIC HALIBUT MANAGEMENT

Incidental Catch Regulations for the 2011 Salmon Troll Fishery

The Council adopted the following landing restrictions for Pacific halibut caught incidentally in the 2011 salmon troll fishery:

Beginning May 1, license holders may possess or land no more than one halibut per each three Chinook, except one halibut may be possessed or landed without meeting the ratio

requirement and no more than 35 halibut may be possessed or landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

SALMON MANAGEMENT

Methodology Review Process and Preliminary Topic Selection for 2011

The Council adopted the following priority candidate items that the Scientific and Statistical Committee (SSC) may consider for the 2011 Salmon Methodology Review. Source entities to deliver detailed reports for SSC review are included with each candidate item.

- Examination of the potential bias in Coho and Chinook Fishery Regulation Assessment Model (FRAM) of fishery-related mortality introduced by mark-selective fisheries - *Model Evaluation Workgroup*
- A multi-year review and evaluation of preseason and postseason mark-selective fisheries both north and south of Cape Falcon -*Salmon Technical Team*
- Abundance-based management framework for Lower Columbia River tule fall Chinook-*Tule Chinook Workgroup*
- Forecast methodology for Lower Columbia River tule fall Chinook-*Tule Chinook Workgroup*
- Risk analysis of fall fisheries relative to future fisheries and returns of Klamath River and Sacramento River fall Chinook stocks -*Salmon Technical Team*
- Incorporation of age-structured run reconstruction information into the Sacramento Harvest Model -*Salmon Technical Team*
- Revisions to Amendment 13 matrix control rules for OCN coho stocks-*Oregon Department of Fish and Wildlife*

In addition, the Council directed the Tule Chinook Workgroup to consider a broader range of potential exploitation rates for an abundance based management approach.

The final list of items will be determined at the September 2011 Council meeting, and the Review will occur prior to the November 2011 Council meeting.

Salmon Essential Fish Habitat Review Final Report

The Council considered a report of the Pacific Salmon Essential Fish Habitat (EFH) Review Oversight Panel, which recommends updating the Pacific Salmon EFH based on new and newly-available information. The Council expressed concern about the fishing and non-fishing effects sections of the report, and requested that the authors revise the report based on comments presented during the Council meeting. The Council will re-visit fishing and non-fishing effects at the September Council meeting and move forward with updating Pacific salmon EFH. This will necessitate a formal amendment of the Salmon Fishery Management Plan (FMP). A two meeting process to amend the FMP is tentatively scheduled to begin at the September 2011 Council meeting.

Final Action on 2011 Management Measures

The Council adopted ocean salmon fisheries and management measures as follows:

South of Cape Falcon

California recreational seasons south of Horse Mountain opened April 2 and will continue seven days per week with a 24 inch minimum Chinook size limit through September 18 south of Pigeon Point, and through October 30 between Pigeon Point and Horse Mountain. The area from Horse Mountain to the Oregon/California border (CA KMZ) is open May 14 through September 5.

Recreational ocean fisheries from the Oregon/California border to Cape Falcon, Oregon are open to Chinook retention March 15 through September 30. There are two coho quota fisheries, the first runs July 2 through August 23, subject to a quota of 15,000 marked coho; the second runs September 1 to 10 subject to a 3,000 preseason **non-mark-selective** coho quota.

The commercial seasons in California have a variety of opening dates depending on the area, but all areas have some opportunity. The earliest opening is May 1 in the San Francisco and Monterey areas. There will be fisheries in July, August, and September in Fort Bragg and in July and August in the California KMZ area.

Oregon commercial fisheries between the Oregon/California border and Humbug Mountain (OR KMZ) are open May 1-31, with three quota fisheries in June, July and August. Fisheries between Cape Falcon and Humbug Mountain open April 15 and run through October 31 with some closures in July and for the month of September.

North of Cape Falcon

Recreational ocean fisheries north of Cape Falcon will be open for all-salmon-except-coho from June 18 through the earlier of June 25 or a 4,800 mark-selective Chinook quota. All-salmon seasons north of the Queets River (La Push and Neah Bay areas) and south of Leadbetter Point (Columbia River area) will be open seven days per week beginning June 26. The all-salmon season between the Queets River and Leadbetter Point (Westport area) will be open Sunday through Thursdays beginning June 26. All areas will be subject to area-specific mark-selective coho quotas totaling 67,200 and an overall (all areas combined) non-mark selective Chinook preseason quota of 28,900.

The non-Indian commercial troll fishery will consist of a Chinook-directed fishery running seven days per week beginning May 1 through the earlier of June 30 or a 20,600 Chinook quota, and an all-salmon fishery beginning July 1 through the earlier of September 14 or a 10,300 preseason Chinook quota or a 12,800 mark-selective coho quota. The all-salmon fishery will be open Friday through Tuesday with a landing and possession limit of 50 Chinook and 50 coho per vessel per open period north of Leadbetter Point, or the same landing and possession limit south of Leadbetter Point.

The Treaty Indian ocean fisheries will consist of a Chinook-directed fishery beginning May 1 through the earlier of June 30 or a 19,750 Chinook quota, and an all-salmon fishery beginning July 1 through the earlier of September 15 or a 21,250 Chinook quota or a 42,000 coho quota.

The adopted seasons will be submitted to National Marine Fisheries Service for approval by May 1, 2011. The detailed management measures can be viewed on the Council website www.pcouncil.org.

HIGHLYMIGRATORY SPECIES MANAGEMENT

North Pacific Albacore Tuna Conservation and Management

The Council tasked the Highly Migratory Species Management Team (HMSMT), in cooperation with the Highly Migratory Species Advisory Subpanel (HMSAS), with developing recommendations to be presented at the June Council meeting, for U.S. delegations to regional fishery management organizations based on the assumption that the pending stock assessment for North Pacific albacore (NPA) raises concern about stock status. While the stock status of NPA will not be known until after the June Council meeting, the Council is interested in beginning to develop conservation options should stock status decline. Lastly, the Council requested National Marine Fisheries Service (NMFS) secure data from the Canadian government on landings by Canadian vessels in Canadian ports of albacore caught in the U.S. west coast EEZ and NMFS should keep the Council apprised of negotiations over the U.S.-Canada albacore treaty.

GROUND FISH MANAGEMENT

Proposed Process and Schedule for Completing the 2013-2014 Groundfish Biennial Fishery Specifications and Management Measures

The Council adopted a draft proposed process and schedule for 2013-14 that emphasizes front-loading both Council decision-making for the harvest specifications and management measures and the National Marine Fisheries Service review and regulation implementation process to enable a fishery start date of January 1, 2013. The schedule is displayed in Agenda Item I.2.b Draft Proposed Schedule, with one modification: release the draft environmental impact statement on May 18, 2012. Further, the Council recommended initiating the process to amend Council Operating Procedure 19 for exempted fishing permits (EFPs). Rather than the current annual consideration of EFPs, the Council would consider EFPs every two years, aligned with the biennial decision-making process starting in the 2013-14 process. Other highlights of the proposed schedule include preliminary preferred decisions on annual catch limits at its November 2011 meeting. In April 2012, the Council will take final action on harvest specifications and preliminary preferred decisions on management measures. Final consideration on harvest specifications and management measures is scheduled for June 2012.

The Council tasked the Groundfish Management Team and sub-committee of the Scientific and Statistical Committee (SSC) with continuing analysis on potential restructuring of the stock complexes for consideration in the 2013-14 biennial cycle. The Council also tasked the SSC with preparing a contingent Terms of Reference document for rudimentary stock assessments for consideration in the 2013-14 cycle, in the case of the Data Poor Workshop results suggesting alternate methods than currently in place for data poor species. The Council will be updated on both matters at the June 2011 meeting.

The Council is scheduled to finalize a detailed process and schedule for the 2013-14 cycle at the June Council meeting.

Relative to long term solutions, the Council supported further exploration of a process and schedule involving a programmatic approach, which may include an amendment to the groundfish Fishery Management Plan in time for the 2015-16 cycle.

Periodic Groundfish Essential Fish Habitat Review Process

The Council considered a revised proposed process for the groundfish Essential Fish Habitat (EFH) review, including a schedule, tasks, and makeup of the committee. The Council approved the process outlined in Agenda Item I.3.a, Attachment 2 for a proposed Council Operating Procedure 22, with the changes to add a Tribal professional representative and alternate to the committee and improve wording clarity and consistency in the document. The Council also directed the EFH Review Committee to work with NMFS and states to obtain data relevant to timely activity in this new EFH review process.

Consideration of Inseason Adjustments

The Council did not consider or adopt any inseason adjustments to the 2011 groundfish fisheries at this meeting.

Priority Trailing Actions under Trawl Rationalization and Intersector Allocation

The Council provided guidance directing staff to move forward with preparing documents for a possible final decision on continuation of the adaptive management program (AMP) quota pound pass-through after 2012, if no other criteria are implemented for the distribution of those quota pounds, and for a final preferred alternative on Amendment 21 trawl/nontrawl allocations superseding Amendment 6 limited entry open access allocations and flexibility for adjusting set asides inseason for certain species. A final decision on these issues is scheduled for June. This would be an acceleration of the final decision on the AMP pass-through based on the minimal impact of the regulatory adjustment and applicability of previous analyses. The Amendment 21/6 issue may be split from the set-aside issue depending on the applicability of previously conducted analyses to the preliminary preferred alternatives (PPA) Council decisions. In June, the Council was scheduled to identify PPA on all three possible safe harbors from quota share control limits but at this meeting decided to delay selection of a PPA for safe harbors for lenders until the September meeting. The alternative under this issue will be expanded to cover topics such as unique identifiers for quota shares (QS), a lien registry and third party verification QS ownership. The Council provided guidance to staff on continued analysis of the two other safe harbor issues. With respect to safe harbors for community fishing associations the Council directed that the option be dropped which would base the exceptions on the size of the association. For safe harbors for risk pools, the Council directed that the option be dropped which would require that the Council individually approve each risk pool. The Council received a report from NMFS on the development of a method for assessing cost recovery and provided guidance asking for additional detail on the methodology.

General Groundfish Fishery and Trawl Rationalization Issues to be Addressed by the NMFS Program Improvements and Enhancement Rule

Additional rulemakings related to implementation of the trawl rationalization program will be termed program improvements and enhancement (PIE) rules. The first of these will implement a number of

clerical corrections. The second, the Council will consider in June. The Council reviewed the NMFS proposed content for that rule and provided some comment and guidance. One of the major issues to be addressed in that rule is a possible modification of the requirement that observers remain with a vessel until offloading of fish is completed. Another important adjustment may be to the rules by which vessels are allowed to move between the limited entry and open access fisheries and accounting rules by which the catch from any trip is attributed to a particular sector. Other issues include, but are not limited to the timing for filing out electronic fish tickets, price reporting, provisions for crossing over management lines during a trip, and the types of ownership changes that must be reported to NMFS. The Council also provided guidance that NMFS include in the PIE rule provisions allowing a vessel making deliveries under the shoreside IFQ program to process at-sea beginning January 1, 2012, if it had been operating under a limited entry trawl permit that has legally processed groundfish (other than Pacific whiting) at-sea prior to July 20, 2010.

Under this agenda item, the Council also authorized the appointment of a new ad hoc committee, the Trawl Rationalization Regulatory Evaluation Committee, with members to be appointed by the Council Chair at some point in the future. This committee will develop recommendations for regulatory changes to address specific regulatory issues the Council identifies and assigns to it; no meeting is anticipated until after the June Council meeting.

ADMINISTRATIVE MATTERS

Marine Spatial Planning Update

The Council considered updates presented on federal coastal and marine spatial planning (CMSP), including plans for regional implementation of CMSP. Central to the implementation of CMSP is the establishment of a Governance Coordinating Committee (GCC), composed of state, local, and Tribal representatives charged with, among other matters, providing advice to the National Ocean Council regarding membership of Regional Planning Bodies (RPB). The Council reiterated its position that it should be a full member of the West Coast RPB, and directed staff to draft a letter to West Coast members of the GCC providing the recommendation and rationale for the Pacific Council being a full member of the West Coast RPB.

Membership Appointments and Council Operating Procedures

The Council confirmed the appointment of LT Bob Farrell to the California Department of Fish and Game position on the Enforcement Committee with AC Tony Warrington acting as his first designee. The Council also confirmed Ms. Vicki Frey to the California Department of Fish and Game position on the Habitat Committee and confirmed continuing support for Mr. Phil Anderson as the Council representative to the U.S. Section of the Joint Management Committee under the U.S.-Canada Pacific Hake/Whiting Agreement.

Regarding the Groundfish Essential Fish Habitat Review Committee, the Council added a tribal government position to the committee (under Agenda Item I.3) and confirmed the appointment of Mr. Joe Schumacker to serve in that position, with an alternate of Ms. Jennifer Hagen.

Under the agenda item concerning the trawl rationalization issues to be addressed by the NMFS program improvement and enhancement rule (I.7), the Council created a new ad hoc committee, the

Trawl Rationalization Regulatory Evaluation Committee. The committee positions are listed below and the members will be appointed by the Council Chairman) in the near future.

The primary group (shoreside) positions are:

- 3 Shoreside Non-whiting Catcher Vessels (1 from each state: Washington, Oregon, California)
- 1 Shoreside Whiting Catcher Vessel
- 1 Shoreside Non-whiting Processor
- 1 Shoreside Whiting Processor

Appropriate agency personnel would attend the meetings based on the meeting topics.

Currently, the Council has issued a call for nominations to three vacancies on the Groundfish Advisory Subpanel: processor at-large, northern open access, and Washington charter boat operator. Nominations are due to the Council office by May 18, 2011. More details are available at <http://www.pcouncil.org/2011/03/13343/request-for-nominations-groundfish-advisory-subpanel/> or by calling the Council office.

Future Council Meeting Agenda Workload Planning

The proposed agenda for the June 7-13, 2011 Council meeting will be available on www.pcouncil.org in May 2011.

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