

**DECISIONS OF THE
PACIFIC FISHERY MANAGEMENT COUNCIL
JUNE 12-17, 2010**

SALMON MANAGEMENT

Fishery Management Plan Amendment 16, Annual Catch Limits and Accountability Measures

The Council received a progress report on alternatives for Amendment 16 to the salmon fishery management plan (FMP) from its ad hoc Salmon Amendment Committee (SAC). The report contained alternatives on the following topics:

- Classifying stocks in the FMP as in the fishery, out of the fishery, or ecosystem component (EC) stocks.
- Applying the Magnuson-Stevens Act (MSA) international exception to specifying acceptable biological catch (ABC), annual catch limits (ACLs), and accountability measures (AMs) for stocks managed under the Pacific Salmon Treaty.
- Establishing objective and measurable status determination criteria (SDC) for all relevant stocks in the FMP.
- Establishing a framework for application of overfishing limit (OFL)/ABC/ACL reference points.
- Determining appropriate accountability measures necessary to prevent ACLs from being exceeded, and to mitigate any overages that may occur.
- Establishing *de minimis* fishing provisions for stocks that don't have existing mechanisms absent an emergency rule when a conservation alert is triggered.

The Council adopted preliminary preferred alternatives for stock classification and adopted application of the international exception to the ACL and AM requirements for salmon stocks currently identified in the salmon FMP. The Council also recommended the alternatives for SDC, OFL/ABC/AC frameworks, and *de minimis* fishery provisions to be included in the range of alternatives analyzed during preparation of a draft Environmental Assessment (EA), which the Council will consider adopting for public review at the September 2010 Council meeting. Alternatives in addition to those presented in the SAC progress report may be developed during preparation of the EA.

The preliminary preferred stock classification alternative includes non-Endangered Species Act listed far north migrating Chinook stocks and pink stocks as ecosystem components. This classification lists these stocks as not in the fishery, and they would therefore not require SDC or ACL/AM. The Council also confirmed it would be the lead Council for specifying ACL/AM for salmon stocks currently listed in the Salmon FMP, and would not defer management of any stocks to the North Pacific Fishery Management Council.

The preliminary preferred alternative for application of the international exception would apply to Puget Sound coho, Washington Coastal Coho, Columbia River summer Chinook, and Canadian coho and Chinook stocks. These stocks would not require ACL/AM, but would require SDC.

The range of alternatives for SDC included exploitation rate based criteria for determining overfishing, and single and multi-year spawning escapement based criteria for determining overfished, approaching overfished and rebuilt status. The Council identified minimum stock size threshold alternatives of maximum sustained yield (MSY) spawning escapement (status quo), one-half MSY spawning escapement, and three-fourths MSY spawning escapement for assessing overfished status.

The OFL/ABC/ACL framework alternatives included catch and spawning escapement based approaches; however, the Council recommended the exploitation rate based alternative not be further analyzed based on NMFS statements that Secretarial approval was unlikely. A tiered approach to accounting for scientific uncertainty was accepted, although the Council directed that the basis for the tiers be thoroughly documented during preparation of the EA and reviewed by the Scientific and Statistical Committee prior to the next Council meeting.

The Council recommended alternatives for *de minimis* fishing provisions for Sacramento River fall Chinook be structured similarly to the Klamath River fall Chinook *de minimis* provision, and that at least one alternative include reducing allowed exploitation to zero at some stock level less than the minimum stock size threshold.

Finally, the Council recommended a modified schedule for the amendment process that would adopt alternatives for public review at the September 2010 meeting, and final Council action at the November 2010 meeting.

HABITAT

Current Habitat Issues

The Council took action on two issues presented by the Habitat Committee (HC). First, the Council conditionally adopted a draft letter to the Federal Energy Regulatory Commission on a proposed wave energy project off Reedsport, Oregon. The Council tasked the Executive Director with consulting with National Marine Fisheries Service and the HC to make any appropriate editorial/technical changes before finalizing the letter.

Second, the Council adopted the Habitat Committee Report on Western Strait of Juan de Fuca (WSJF) Coho Overfishing Concern, with minor changes to the recommendations. The key recommendations will read:

1. Request Washington Department of Fish and Wildlife to provide an update in June 2011 on their efforts to improve the hydraulic project approval program; specifically the need for increased effectiveness and compliance monitoring of issued permits.
2. Support achievement of Washington Department of Ecology Clean Water Act Review milestones related to State of Washington Forest Practices program.
3. Support future habitat restoration efforts in the WSJF that address limiting factors of coho salmon productivity.

HIGHLY MIGRATORY SPECIES MANAGEMENT

Recommendations to International Fishery Management Organization

The Council decided to postpone making recommendations for Inter-American Tropical Tuna Commission (IATTC) action on bigeye and yellowfin tuna until the September Council meeting when updated stock assessments will have been released.

They made the following recommendations for action in the IATTC and/or Western and Central Pacific Fishery Commission (WCPFC) forums.

- The U.S. delegation to the IATTC should develop a proposal for managing the purse seine fishery through a total allowable catch limit (TAC).
- The U.S. delegation to the WCPFC Northern Committee should propose a more effective and comprehensive bluefin tuna conservation measure, specifically to address juvenile mortality, for adoption by the WCPFC;
- The United States should pursue participation in the coordination meeting on bluefin tuna conservation between Japan, Mexico and the IATTC secretariat scheduled for August 30, and encourage the IATTC to move forward with a proposal for a bluefin tuna conservation measure.
- The U.S. should support proposals that would increase compliance with IATTC management measures, especially those related to illegal, unreported, and unregulated (IUU) fishing.
- The U.S. delegations to the IATTC and WCPFC should advocate for more comprehensive data reporting and collection by members of the IATTC and WCPFC.

The Council asked National Marine Fisheries Service Southwest Region to work with Pacific Islands Region Office to reexamine regulations related to vessel monitoring system requirements for vessels that have a WCPFC Area Endorsement on their HSFCA permit in order to lessen their financial impact on west coast albacore vessels.

Fishery Management Plan Amendment 2, Annual Catch Limits and Accountability Measures

The Council took final action by adopting a new alternative, Alternative 5, which has the following elements of change to the highly migratory species (HMS) fishery management plan (FMP):

- Defining management unit species as: albacore tuna, bigeye tuna, skipjack tuna, bluefin tuna, yellowfin tuna, striped marlin, swordfish, blue shark, common thresher shark, shortfin mako shark, and dorado (dolphin);
- Defining ecosystem component species as: bigeye thresher shark, common mola, escolar, lancetfishes, louvar, pelagic stingray, pelagic thresher shark, and wahoo;
- Applying the international exception to all management unit species;
- Adding language describing the need for the Council to coordinate with Western Pacific Fishery Management Council to determine the primary FMP at the stock level for managed species found in both the HMS FMP and the Pelagics FMP. The Council approved the current listing of Council lead roles for various species, noting the listing was not to be a permanent feature of the FMP;
- Adding language describing how maximum sustainable yield (MSY) or MSY proxies are to be estimated using methods consistent with data availability category and specification of ABCs and ACLs as described in National Standard 1 Guidelines in the case any managed species become not subject to the international exception;
- Adding language describing that estimates of MSY and OY (currently included in the FMP) can be adjusted based on new information through the biennial management process described in the HMS FMP, which provides for NMFS review of Council recommendations;
- While not a change to the FMP, the Council confirmed that status determination criteria and optimum yield (OY) will be estimated using methods as currently described in the FMP.

Changes to Routine Management Measures for 2011-2012

The Council decided to proceed with development of recreational trip limits for the Washington recreational albacore fishery as described in the Washington Department of Fish and Wildlife Report.

GROUNDFISH MANAGEMENT

Fishery Management Plan Amendment 23, Annual Catch Limits and Accountability Measures

The Council adopted Amendment 23 to the Groundfish fishery management plan (FMP), which incorporates new National Standard 1 Guidelines for deciding harvest specifications to more effectively prevent overfishing of stocks. The essential elements of the preliminary preferred alternative decided in March 2010 were affirmed in the Council's final Amendment 23 action. The Council adopted the draft FMP language provided at this meeting under Agenda Item B.2.a, Attachment 2 with slight modifications recommended by the Scientific and Statistical Committee and National Marine Fisheries Service (NMFS). The Council also directed Council staff and NMFS to make other changes to the draft FMP language consistent with their final action. The Amendment 23 harvest specification framework is scheduled for 2011 implementation.

Consideration of Inseason Adjustments

The Council recommended that National Marine Fisheries Service (NMFS) adopt the following routine inseason management measures for 2010 groundfish fisheries:

1. Adopt the proposed limited entry (LE) trawl trip limits outlined in Table 1 below for implementation by July 1, 2010 to keep projected impacts to sablefish within the trawl allocation and to keep projected impacts to petrale sole within the 2010 petrale sole optimum yield (OY).
2. Increase the chilipepper rockfish bimonthly trip limit in the LE trawl fishery from 12,000 pounds per two months to 17,000 pounds per two months to be implemented by July 1, 2010, or as soon as possible.
3. Increase the LE daily-trip-limit (DTL) bimonthly sablefish limit from 7,000 pounds per two months to 8,500 pounds per two months beginning July 1, 2010 or as soon as possible for periods 4 and 5, and 8,000 lbs/2 months for period 6.
4. For incidental retention of lingcod in the salmon troll fishery, the Council asked NMFS to clarify regulations as needed to meet the Council's intent. The Council's intent was to allow vessels fishing outside the non-trawl Rockfish Conservation Area (RCA) during a monthly period to be held to the open access trip limits (400 pounds per month), while vessels fishing inside the non-trawl RCA would be held to the ratio of lingcod per Chinook. Should a vessel fish in both areas, landings would be restricted to the more restrictive limit.

With regard to keeping projected impacts to within the newly court order specified 14 metric tons (mt) yelloweye optimum yield (OY), the Council acknowledged the cancelation of the yelloweye research programs by Washington and Oregon, and recommended NMFS reduce the recreational fisheries harvest guidelines in all three states. The states will take action to keep impacts to within the harvest guidelines. For the commercial nearshore fisheries, landings are projected to be less than the start of

the year estimates. As such, the Council recommends constraining catches to within the lower projected landings, which will effectively achieve reductions in the nearshore fishery impacts to yelloweye rockfish. Further, the Council recommended that NMFS reduce the yelloweye rockfish bycatch cap for the Oregon yellowtail exempted fishing permit by 0.1 mt. These adjustments will result in total projected mortality of yelloweye within 14 mt.

Table 1. Proposed LE groundfish trawl adjusted trip limits beginning July 1, 2010.

| | 2-month period | RCA lines (fm) | | 2-month cumulative-poundage limits | | | | | | | |
|-----------------------------|----------------|----------------|---------|------------------------------------|------------|-------------|------------|--------------|-------------|----------------|----------------|
| | | shallow | deep | sable-fish | long-spine | short-spine | Dover sole | petrale sole | arrow-tooth | other flatfish | slope rockfish |
| N. of 40°10' N lat. | | | | | | | | | | | |
| Large/small footrope limits | | | | | | | | | | | |
| | 1 | 75 | 150 | 20,000 | 24,000 | 18,000 | 110,000 | 9,500 | 150,000 | 110,000 | 6,000 |
| | 2 | 75 | 200 | 20,000 | 24,000 | 18,000 | 110,000 | 9,500 | 150,000 | 110,000 | 6,000 |
| | 3 | 75 | 150/200 | 24,000 | 24,000 | 18,000 | 110,000 | 9,500 | 150,000 | 110,000 | 2,000 |
| | 4 | 100 | 150/200 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 150,000 | 100,000 | 2,000 |
| | 5 | 75 | 200 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 150,000 | 100,000 | 2,000 |
| | 6 | 75 | 200 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 150,000 | 100,000 | 2,000 |
| Selective gear limits | | | | | | | | | | | |
| | 1 | 75 | 150 | 9,000 | 5,000 | 5,000 | 65,000 | 9,500 | 90,000 | 90,000 | |
| | 2 | 75 | 200 | 9,000 | 5,000 | 5,000 | 65,000 | 9,500 | 90,000 | 60,000 | |
| | 3 | 75 | 150/200 | 9,000 | 5,000 | 5,000 | 65,000 | 9,500 | 90,000 | 60,000 | |
| | 4 | 100 | 150/200 | 9,000 | 5,000 | 5,000 | 65,000 | 6,300 | 90,000 | 60,000 | |
| | 5 | 75 | 200 | 9,000 | 5,000 | 5,000 | 65,000 | 6,300 | 90,000 | 60,000 | |
| | 6 | 75 | 200 | 9,000 | 5,000 | 5,000 | 65,000 | 6,300 | 90,000 | 60,000 | |
| 38° - 40°10' N lat. | | | | | | | | | | | |
| | 1 | 100 | 150 | 22,000 | 24,000 | 18,000 | 110,000 | 9,500 | 10,000 | 110,000 | 15,000 |
| | 2 | 100 | 150 | 22,000 | 24,000 | 18,000 | 110,000 | 9,500 | 10,000 | 110,000 | 15,000 |
| | 3 | 100 | 150 | 22,000 | 24,000 | 18,000 | 110,000 | 9,500 | 10,000 | 110,000 | 15,000 |
| | 4 | 100 | 150 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 10,000 | 100,000 | 15,000 |
| | 5 | 100 | 150 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 10,000 | 100,000 | 15,000 |
| | 6 | 100 | 150 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 10,000 | 100,000 | 15,000 |
| S. of 38° N lat. | | | | | | | | | | | |
| | 1 | 100 | 150 | 22,000 | 24,000 | 18,000 | 110,000 | 9,500 | 10,000 | 110,000 | 55,000 |
| | 2 | 100 | 150 | 22,000 | 24,000 | 18,000 | 110,000 | 9,500 | 10,000 | 110,000 | 55,000 |
| | 3 | 100 | 150 | 22,000 | 24,000 | 18,000 | 110,000 | 9,500 | 10,000 | 110,000 | 55,000 |
| | 4 | 100 | 150 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 10,000 | 100,000 | 55,000 |
| | 5 | 100 | 150 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 10,000 | 100,000 | 55,000 |
| | 6 | 100 | 150 | 21,000 | 24,000 | 18,000 | 100,000 | 6,300 | 10,000 | 100,000 | 55,000 |

*Chilipepper rockfish trip limit = 17,000 pounds/2 months, July 1 or as soon as possible

Regulatory Deeming for FMP Amendment 20 (Trawl Rationalization) and Amendment 21 (Intersector Allocation)

The Council deemed the proposed regulations in the Program Components Rule (Agenda Item B.6.b, Supplemental NMFS Report 2) as consistent with Council intent, as modified by four clarifications requested by National Marine Fisheries Service (NMFS) in Supplemental NMFS Report 3 and discussion about completion of economic data plan reports. The Council-approved clarifications were:

1. Quota Share (QS) Permit Renewal—If the QS Permit is not renewed between September 15 and November 30, the quota pounds (QP) or individual bycatch quota (IBQ) associated with the permit will be redistributed to all other QS permit owners that were renewed on time.
2. The number of decimal places that transfers of QS is divisible to—0.001 percent for QS transfers and rounded to the nearest pound for transfers of QPs.

3. Transfer of IBQ in the first two years—IBQ is not transferrable, but IBQ pounds are transferrable.
4. Ownership rules applicable to mothership/catcher vessel endorsed permits and mothership permits—these permits are subject to the individual and collective rule.

The Council also directed the staff to convene a meeting of the Groundfish Allocation Committee (GAC) on July 14 to review remaining regulatory language proposed by NMFS after review by the Regulatory Deeming Workgroup at its June 30, 2010 through July 1, 2010 meeting. However, due to logistical and advance notice necessities, the envisioned GAC meeting will not be possible. Final regulation deeming by the Executive Director is expected to occur by July 19, 2010, as per Council Operating Procedure 1. An update will be provided at the September 2010 Council meeting.

Stock Assessment Planning for 2013-2014 Fishery Guidance

The Council adopted the list of groundfish species for assessment next year to inform management in 2013 and beyond. Besides Pacific whiting, which is assessed annually, the following species are scheduled for a full assessment: widow rockfish, petrale sole, Pacific ocean perch, blackgill rockfish, sablefish, Dover sole, spiny dogfish, and greenspotted rockfish. Further, there will be updated assessments done next year for bocaccio, canary, darkblotched, and yelloweye rockfish. A status report for cowcod will also be prepared since the Scientific and Statistical Committee has judged there is not enough data to justify a full or updated assessment.

The Council also requested a formal review of methodologies for determining harvest specifications for data-poor stocks. Such methods include catch-based approaches as well as those that might be considered rudimentary assessments, and should include the methodology used in the current biennial specifications process as well as reasonable alternatives to that methodology.

The Council also adopted a revised terms of reference for stock assessments and assessment reviews and a terms of reference for groundfish rebuilding analyses.

Adoption of Harvest Specifications, Rebuilding Plan Revisions, and Management Measures for 2011-2012 Fisheries

The Council adopted final harvest specifications and management measures for 2011 and 2012 groundfish fisheries. A new rebuilding plan was adopted for petrale sole and slight modifications to existing rebuilding plans were also decided. New harvest specifications were decided using the Amendment 23 framework with annual catch limits (ACLs) decided for each actively managed stock and stock complex. New management measures were adopted that are predicted to stay within the adopted ACLs. The upcoming summer Council newsletter will contain details on the specifications and values.

COASTAL PELAGIC SPECIES MANAGEMENT

Pacific Mackerel Management for 2010-2011

The Council adopted an acceptable biological catch (ABC) of 55,408 metric tons (mt) and a harvest guideline of 11,000 for the 2010-2011 Pacific mackerel fishery. This includes an incidental set-aside of 3,000 mt for incidental catch in non-directed coastal pelagic species (CPS) fisheries.

Should the directed fishery attain landings of 8,000 mt, the Council recommends that the National Marine Fisheries Service close the directed fishery and revert to an incidental-catch-only fishery with a 45 percent incidental landing allowance when Pacific mackerel are landed with other CPS species, with the exception that up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Fishery Management Plan Amendment 13, Annual Catch Limits and Accountability Measures

The Council reviewed a range of alternatives and analyses to implement new provisions of the reauthorized Magnuson-Stevens Act and the National Standard 1 guidelines and adopted the following as final action modifying the CPS fishery management (FMP):

- All actively managed, monitored species, and prohibited harvest species (krill) in the FMP are to be categorized as “in the fishery”.
- Jacksmelt and Pacific herring are to be added to the FMP as ecosystem component (EC) species and monitor incidental catch in CPS fisheries.
- Modify the existing harvest control rules for actively managed species to include a buffer or reduction in acceptable biological catch (ABC) relative to overfishing limit (OFL) to account for scientific uncertainty. This buffer will be determined through the annual management cycle through a combination of scientific advice from the SSC and a policy determination of the Council.

| Control Rules for Actively Managed Species | |
|--|---|
| OFL | BIOMASS * FMSY * DISTRIBUTION |
| ABC | BIOMASS * BUFFER * FMSY * DISTRIBUTION |
| ACL | LESS THAN OR EQUAL TO ABC |
| HG | (BIOMASS - CUTOFF) * FRACTION * DISTRIBUTION. |
| ACT | EQUAL TO HG OR ACL, WHICHEVER VALUE IS LESS |

FMSY The fishing mortality rate that maximizes catch biomass in the long term.

ACL annual catch limit

HG harvest guideline

ACT annual catch target

- Maintain the default harvest control rules for monitored stocks as modified to specify the new management reference points. ACLs would be specified for multiple years until such time as the species becomes actively managed or new scientific information becomes available. The value of 0.25 in the ABC control rule (a 75 % buffer) will remain in use until recommended for modification by the Scientific and Statistical Committee and approved by the Council.

| Control Rules for Monitored Species | |
|-------------------------------------|---|
| OFL | STOCK SPECIFIC MSY PROXY |
| ABC | OFL * 0.25 |
| ACL | Equal to ABC or reduced by OY considerations. |

- Add sector-specific ACLs, ACTs, and AMs, to the CPS FMP management framework for use in the annual harvest and management specification process.
- Add language to specify that the Council will include ecological considerations when reviewing and/or adopting SDCs, OFLs, ABCs, and ACLs.
- While not a change to the FMP, the Council confirmed that status determination criteria for CPS FMP are to remain as currently specified with the exception of the Northern subpopulation of Northern anchovy (for which no criteria currently exist). The Council is anticipated to adopt a maximum sustained yield (MSY) proxy for this subpopulation through the annual management cycle at its November meeting.

The Council anticipates implementing Amendment 13 by the November Council meeting where the provisions of OFL, ABC, ACLs, ACTs, and AMs, will be adopted for Pacific sardine and the monitored species. Specifications for Pacific mackerel will be adopted by the Council at the June 2011 meeting.

ADMINISTRATIVE MATTERS

Membership Appointments and Council Operating Procedures

The Council appointed officers for the August 11, 2010-August 10, 2011 term. The new Chair is Mr. Mark Cedergreen (Washington). The two Vice Chair positions will be held by Mr. Dan Wolford (California) and Ms. Dorothy Lowman (Oregon).

The Council made the following appointments to fill advisory body vacancies:

- Dr. Richard Scully to the Idaho Department of Fish and Game position on the Ecosystem Plan Development Team (EPDT)
- Ms. Angelika Hagen-Breaux to the Washington Department of Fish and Wildlife (WDFW) position on the Model Evaluation Workgroup
- Mr. Sean Matson to a NMFS Northwest Region position on the Groundfish Management Team (replacing Ms. Sarah Williams)
- Ms. Heidi Hermsmeyer to a NMFS Southwest Region position on the Highly Migratory Species Management Team (replacing Mr. Lyle Enriquez)
- Mr. Charles (Sonny) Peterson to the Tribal Fisher position on the Groundfish Advisory Subpanel (replacing Mr. Roger Bain)

In reviewing long-standing unfilled vacancies on advisory bodies, the Council decided to eliminate the Tribal at-large position on the Ecosystem Advisory Subpanel. This will require a change to Council Operating Procedure (COP) 2. The currently vacant Tribal position on the Ecosystem Plan Development Team will be maintained and may be filled at an appropriate time in the future.

The Council established a new ad hoc committee, the Tule Chinook Workgroup (TCW), to help explore abundance based approaches to setting allowable fishing rates in the long-term to protect Lower Columbia River tule Chinook. Mr. Chuck Tracy will staff the committee.

Members of the committee are:

- Tom Cooney, NMFS Northwest Fisheries Science Center
- Larrie LaVoy, NMFS Sustainable Fisheries
- Mark Sherrill, NMFS Protected Species Division
- Guy Norman, WDFW
- Cindy LeFleur, WDFW
- John North, Oregon Department of Fish and Wildlife (ODFW)
- Tom Stahl, ODFW
- Hap Leon, Makah Tribe
- Stuart Ellis, Columbia River Inter-Tribal Fish Commission

The Council took no action at this time regarding establishing an ad hoc committee to develop positions on highly migratory species matters prior to the Western and Central Pacific Fisheries Commission Northern Committee meetings in mid-September, on the basis of workload management concerns.

The Council Chair also appointed Dr. Geoff Shester, Oceana, to replace Mr. Santi Roberts on the ad hoc Groundfish Essential Fish Habitat Review Committee.

Future Council Meeting Agenda and Workload Planning

The next Council meeting is to be held at the Doubletree Hotel Riverside in Boise, Idaho on September 10-16, 2010. A detailed agenda for the September meeting will be on the Council website <http://www.pcouncil.org/council-operations/council-meetings/current-meeting/> in August 2010.

PFMC
6/24/2010
11:32 am