



PACIFIC FISHERY MANAGEMENT COUNCIL

FINAL LIST OF DECISIONS

September 2009

HABITAT

The Council directed the Habitat Committee to prepare a draft letter to the California Board of Forestry to encourage forest management practices which address the needs of listed salmon and steelhead; and to highlight the need for immediate action to avert Endangered Species Act “take” enforcement. The Council will consider finalizing the draft and authorizing release of a letter at the November 2009 Council meeting.

MARINE PROTECTED AREAS

National System of Marine Protected Areas

The Council received a presentation from the National Marine Protected Areas (MPA) Center and reviewed a list of potential MPA sites submitted by NOAA to be considered for nomination to the National System of MPAs. The Council discussed a variety of unresolved issues and directed Council staff to develop a white paper that: evaluates whether the NOAA submitted sites meet Federal criteria for MPAs; identifies the pros and cons of including sites in the National System; addresses questions raised by the Scientific and Statistical Committee; describes the MPA Center’s gap analysis, describes a straw Council procedure for adding, removing, or modifying a site in the National System; and provides a legal review of “harm” or “avoiding harm” as described in Executive Order 13158.

GROUND FISH MANAGEMENT

Part II of Stocks Assessments for 2011-2012 Groundfish Fisheries

The Council adopted new stock assessments for petrale sole, bocaccio, widow rockfish, cabezon, lingcod, yelloweye rockfish, and greenstriped rockfish for use in management decision-making for the 2011-2012 management cycle. The Council also decided, as a preliminary-preferred alternative, not to extend the bocaccio rebuilding plan north of 40°10’ N latitude to Cape Blanco based on Scientific and Statistical Committee and Groundfish Management Team advice.

A decision regarding new petrale sole biomass reference points was deferred until the November Council meeting pending further analysis of alternative target biomass and overfished (i.e., minimum stock size threshold) levels. The alternative reference points to be considered in November are: 1) a biomass target of 25 percent of virgin biomass (i.e., $B_{25\%}$) and an overfished threshold of $B_{15\%}$; and 2) the estimated biomass target of $B_{19\%}$ from the new assessment and an overfished threshold of half that amount or $B_{9.5\%}$. New biomass reference points would replace the groundfish proxy reference points of a $B_{40\%}$ target and a $B_{25\%}$ overfished threshold.

Off-Year Science Improvements

The Council provided guidance on priority groundfish science activities to be conducted in the next year. The Council recommended the following activities that would be sponsored by the Council: 1) a harvest policy evaluation workshop to consider new harvest control rules and reference points for groundfish stocks; 2) a workshop designed to improve the extended International Pacific Halibut Commission survey in Washington and Oregon waters for tracking the relative abundance of yelloweye rockfish; and 3) a data modeling workshop to solicit and evaluate data and modeling approaches to be used in the next round of stock assessments in 2011.

Further, the Council supported the ongoing and contemplated science initiatives being done by the National Marine Fisheries Service Science Centers designed to improve the data and modeling informing stock assessments. Such initiatives include historical catch reconstructions and investigations of the best approaches for modeling trawl survey indices.

Inseason Adjustments to 2009 and 2010 Groundfish Fisheries – Part I

The Council passed a motion to provide notice to the public that the Council intends to review 2010 management measures and/or optimum yields for petrale sole and canary rockfish in response to the recent, more pessimistic stock assessment results for those two species. The Council will consider adjusting management measures for 2010 at the November 2009 Council meeting.

The Council adopted the following adjustment to 2009 groundfish fisheries:

- Increase the limited entry (LE) fixed gear (FG) sablefish daily trip limits (DTL)
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north of 36 degrees to 2,000 lbs per week, 7,000 lbs per 2 months, and eliminate the daily limit through the end of the year

- Increase the LE FG sablefish DTL limits south of 36 degrees to 3,000 lbs per week, and eliminate the daily limit through the end of the year
- Increase the open access (OA) FG sablefish DTL limit south of 36 degrees to 400 lbs per day, one landing per week of up to 2,500 lbs, and eliminate the bimonthly limit through the end of the year
- Increase the LE and OA deeper nearshore rockfish trip limits south of 40 degrees 10 minutes N latitude to 800 lbs per 2 months for the remainder of the year
- 2009 Limited Entry Non-whiting trawl opportunities are shown in the following table

Subarea	Period	RCA Config		Sablefish	Longspine	Shortspine	Dover	Other Flat	Petrale	Arrowtooth	Slope Rk
		Inline	Outline								
No 40 10 Large & small footrope	1			18,000	22,000	17,000	110,000	110,000	50,000	150,000	2,000
	2			18,000	22,000	17,000	110,000	110,000	2,000	150,000	2,000
	3	See Attached		22,000	22,000	17,000	110,000	110,000	30,000	150,000	2,000
	4	Table		24,000	22,000	17,000	110,000	110,000	30,000	150,000	2,000
	5			27,000	22,000	17,000	110,000	110,000	5,000	180,000	4,000
	6			27,000	22,000	17,000	110,000	110,000	2,000	180,000	4,000
No 40 10 SFFT	1			5,000	3,000	3,000	40,000	90,000	16,000	90,000	2,000
	2			7,500	5,000	3,000	45,000	90,000	18,000	90,000	2,000
	3	See Attached		7,500	5,000	3,000	45,000	90,000	18,000	90,000	2,000
	4	Table		11,000	5,000	3,000	60,000	90,000	18,000	90,000	2,000
	5			11,000	5,000	3,000	60,000	90,000	5,000	90,000	4,000
	6			11,000	3,000	3,000	60,000	90,000	2,000	90,000	4,000
38 to 40 10	1	100	150	20,000	22,000	17,000	110,000	110,000	50,000	10,000	15,000
	2	100	150	20,000	22,000	17,000	110,000	110,000	30,000	10,000	15,000
	3	100	150	20,000	22,000	17,000	110,000	110,000	30,000	10,000	15,000
	4	100	150	20,000	22,000	17,000	110,000	110,000	30,000	10,000	10,000
	5	100	150	27,000	22,000	17,000	110,000	110,000	5,000	10,000	15,000
	6	100	200	27,000	22,000	17,000	110,000	110,000	2,000	10,000	18,000
S 38	1	100	150	20,000	22,000	17,000	110,000	110,000	50,000	10,000	55,000
	2	100	150	20,000	22,000	17,000	110,000	110,000	30,000	10,000	55,000
	3	100	150	20,000	22,000	17,000	110,000	110,000	30,000	10,000	55,000
	4	100	150	20,000	22,000	17,000	110,000	110,000	30,000	10,000	55,000
	5	100	150	27,000	22,000	17,000	110,000	110,000	5,000	10,000	55,000
	6	100	200	27,000	22,000	17,000	110,000	110,000	2,000	10,000	55,000

Proposed Rockfish Conservation Area (RCA) Boundaries in the North

	Jan - Feb	Mar - Apr	May - Jun	Jul - Aug	Sep - Oct	Nov - Dec
North of 48 10	0 - 200*	0 - 200	0 - 150	0 - 150	0 - 200	0 - 200
48 10 to 45 46	75 - 200*	75 - 200	75 - 150	100 - 150	75 - 200	75 - 200
45 46 to 40 10			75 - 150	100 - 200	75 - 200	

Note: petrale areas closed in period 6

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

Groundfish Amendment 23 contemplates amending the fishery management plan (FMP) to comply with new National Standard 1 guidelines for setting and managing harvest specifications. The Council received a Scientific and Statistical Committee (SSC) overview of the conceptual approach for deciding scientific uncertainty buffers for setting acceptable biological catches (ABCs). The SSC plans to provide a full analysis of this approach to the Council in November, as well as other considerations for setting ABCs. Likewise, the Groundfish Management Team outlined the analyses, data, and considerations they intend to provide to help the Council decide Amendment 23 provisions for deciding annual catch limits (ACLs) and accountability measures designed to stay within ACLs. These analyses and considerations will be presented to the Council in November.

FMP Amendment 20 – Trawl Rationalization Regulation Language Review and Miscellaneous Implementation Matters

The Council received a report from NMFS on their progress in preparing to implement the trawl rationalization program. Their first proposed rule regarding the program was published in the *Federal Register* on September 16 (pages 47545-47549). The Council heard extensive testimony about the small amounts of overfished species quota share (QS) that some permits would receive, including numerous active permits that would receive zero quota pounds of canary rockfish. The Council voted to include on its November meeting agenda an item under which it would decide whether or not to allocate to some permit holders a portion of the trawl canary quota pounds that were designated for use in adaptive management.

Report on Catch of Unidentified Rockfish Species in the Recreational Fishery

Reports on the issue from California Department of Fish and Game, Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, the Groundfish Management Team, and the Scientific and Statistical Committee indicated unidentified rockfish did not pose a conservation concern in 2008 and resolving the issue would take substantial resources. Due to competing priorities, the Council voted to table further work on unidentified recreational rockfish unless funding is made available from the Marine Recreational Information Program.

SALMON MANAGEMENT

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

The Council recommended the Salmon Amendment Committee (SAC) include the following topics in Amendment 16 to the Salmon Fishery Management Plan to address the Magnuson-Stevens Act requirements and revised National Standard One Guidelines:

- Determine which stocks or stock complexes would be subject to Annual Catch Limits (ACLs) and Accountability Measures (AMs);
- Establish ACLs and AMs for appropriate stocks or stock complexes;
- Revising Status Determination Criteria (SDC) for Overfishing and Overfished;
- Characterization of stock conservation objectives relative to specified reference points (maximum sustained yield (MSY), acceptable biological catch (ABC), ACL, annual catch target (ACT));
- Including *de minimis* fishery provisions for salmon stocks.

The Council directed the SAC to develop suites of alternatives that will encompass the range of options for the above topics. Alternatives should include formation of stock complexes with indicator stocks to facilitate setting ACL/AM, with options for quota management in salmon fisheries south of Cape Falcon, and options for using buffers to facilitate traditional time/area salmon fisheries south of Cape Falcon.

Alternatives for SDC should include clear and objective criteria to streamline the annual report to Congress and to facilitate the rebuilding process.

Alternatives for *de minimis* fisheries should be addressed in the revision of the status determination criteria and not through individual stock conservation objectives.

Conservation objectives should be characterized in alternatives as to how they relate to specified reference points, e.g., MSY, maximum sustainable production (MSP), and buffered escapement objectives, exploitation rate based objectives and objectives combining escapement and exploitation rate(s). However, updating conservation objectives should occur outside the Amendment 16 process, unless necessary to meet the ACL/AM requirements and guidelines.

The SAC is scheduled to meet October 7, 2009 at the Council office in Portland, OR to begin implementing Council direction.

2009 Salmon Methodology Review

The Council directed the Scientific and Statistical Committee to review the following topics and report their findings at the November Council meeting in Costa Mesa:

- Characterization of bias in Chinook and Coho Fishery Regulation Assessment Models associated with multiple encounters in mark selective fisheries.
- Assessment of the September 1 maturity boundary assumption for Klamath River fall Chinook.
- Forecasting impact rates in fall fisheries for Klamath River fall Chinook and Sacramento River fall Chinook.
- Conservation objective updates for Puget Sound coho.

Central Valley Endangered Species Act Biological Opinion

The Council directed the Habitat Committee to draft a letter for Council approval requesting the Bureau of Reclamation to respond to the Essential Fish Habitat conservation recommendations associated with operation of the Central Valley and State Water Projects.

PACIFIC HALIBUT MANAGEMENT

2010 Pacific Halibut Fishery Regulations

The Council adopted for public review the following proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan and 2010 regulations:

Washington South Coast Sub-area

- Continue the Sunday, Tuesday primary season structure through the third week in May. For the fourth week in May, the primary fishery will be open on Sunday only. Beginning the following week, the fishery would resume the Sunday, Tuesday structure until the primary season quota is attained.
 - Specify that the season will be open in the nearshore area seven days per week.
 - Revise the nearshore area to align the northern and western boundaries with the line approximating the 30-fm depth restriction.
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- On days that the primary halibut season is open, allow the retention of lingcod seaward of the 30-fm line.

Central Coast Subarea

- Adjust the number of open days per week in the summer all-depth fishery from three to two days.

Proposed Procedures for Estimating Pacific Halibut Bycatch in the Groundfish Fisheries

The Council recommended National Marine Fisheries Service forward to the International Pacific Halibut Commission the report on Pacific halibut bycatch estimates in 2008 Area 2A groundfish trawl fisheries using the observed halibut viability methodology. These estimates show a nine percent increase in total bycatch mortality and a 43 percent increase in legal size halibut bycatch mortality compared to 2007.

The Council also recommended fixed gear halibut bycatch mortality estimate of 46.3 mt be forwarded to the IPHC for use in developing 2010 halibut fishery recommendations.

ADMINISTRATIVE MATTERS

Membership Appointments and Council Operating Procedures

Vacancy Appointments

The Council Chair announced the following appointments to Council Member Committees that were made at this meeting or just prior to the meeting:

Budget Committee: Mr. Rod Moore, Mr. Dave Ortmann, Mr. Dan Wolford.

Legislative Committee: Mr. Dan Wolford, and Ms. Dorothy Lowman.

Groundfish Allocation Committee: Mr. Dave Ortmann.

The Council took the following actions regarding vacant advisory panel and ad hoc committee positions:

Scientific and Statistical Committee (SSC): Mr. Tom Jagielo was appointed to the Oregon Department of Fish and Wildlife (ODFW) position. The at-large position left vacant by the resignation of Dr. Shizhen Wang will not be filled at this time, but will be included in the solicitation of new members for the 2010-2012 term.

Coastal Pelagic Species: Ms. Lorna Wargo was appointed to the Washington Department of Fish and Wildlife (WDFW) position.

Model Evaluation Workgroup: Mr. Larrie LaVoy was appointed to the National Marine Fisheries Service (NMFS) Northwest Region (NWR) position.

Salmon Technical Team: Mr. Larrie LaVoy was appointed to the National Marine Fisheries Service (NMFS) Northwest Region (NWR) position.

Highly Migratory Species Advisory Subpanel: The Council Chair announced interim appointments of Mr. Mike Thompson to the vacant southern charter boat position and Dr. William Fox to the vacant conservation position.

Enforcement Consultants: LT Jeff Samuels was confirmed to the Oregon Enforcement position.

Habitat Committee: Mr. Eric Leitzinger was confirmed to the Idaho Department of Fish and Game position.

Ad hoc Highly Migratory Species Management Committee: The Council Chair appointed Mr. Buzz Brizendine to fill the position left vacant by Mr. Don Hansen.

Ad hoc Vessel Monitoring System (VMS) Committee: Based on input from Council members at the meeting, the Council Chair has confirmed or made new appointments to the VMS Committee which will be meeting on October 6, 2009 in Portland. The VMS Committee now has the following members:

Mr. Mark Cedergreen, Council member

Mr. Albert Joseph and Mr. Dayna Matthews, NMFS, OLE

DC Mike Cenci, WDFW; LT Jeff Samuels, ODFW; and AC Tony Warrington, CDFG

Mr. Brian Corrigan and LTJG Brittany Steward, USCG

Ms. Becky Renko, NMFS NWR

Mr. Gary Wintersteen, WA trawler

Mr. Robert Alverson, WA, fixed gear

Ms. Kathy Fosmark, CA, open access

Mr. Mike Banks, OR, open access

Mr. Tom Ghio, CA, open access

Ecosystem Plan Development Team and Panel

To help initiate the development of an ecosystem fishery management plan (EFMP), the Council established an Ecosystem Plan Development Team (EPDT) and Ecosystem Advisory Subpanel (EAS) and asked Council staff to solicit nominations to fill the membership of each. The Council will review the nominations and select members at the November Council meeting.

The initial EPDT will consist of 12 members with a mix of science and policy expertise with the following composition:

- Four- members drawn from the NW and SW Fishery Science Centers, at least one of which has socio-economic expertise
- One - NWR member
- One - SWR member
- One - members, one to represent each state management program
- One - tribal government member
- One - National Ocean Service member

The initial EAS will consist of 11 members representing industry, conservation, and public concerns with the following composition:

- Ten - members—composed of 3 at-large members from each coastal state and 1 at-large member from Idaho. These members should be selected to the extent practicable to represent a broad spectrum of the views of the commercial and recreational fishing industry, conservation organizations, and coastal community needs.
- One - tribal fishery member

Solicitation of Nominees for the 2010-2012 Advisory Panel Term

The current three-year advisory body term ends December 31, 2009 and all non-management entity seats on advisory bodies will expire. The Council directed staff to solicit nominations to fill the advisory positions for the new 2010-2012 term for Council consideration in November.

Payment of Advisory Panel Stipends (covered under Budget Committee action)

The Council received a little over \$73,000 to pay for stipends in 2009 for those parties eligible under the Magnuson-Stevens Act to receive stipends, subject to availability of appropriations (members of the SSC and advisory panels not employed by the federal government or a state marine fishery agency). The Council considered three primary options for paying stipends to SSC and advisory panel members:

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- Option I:** \$250 per day to eligible SSC members only.
- Option II:** \$250 per day to eligible SSC and advisory panel members.
- Option III:** Stipends based on an equal daily meeting rate to eligible SSC and advisory panel members limited by the total amount specified for stipend payment in the Council's appropriation.

The Council chose Option III to be made as a one-time payment for 2009 at the end of the year. Whether any future stipends are paid depends on appropriation of specific funding and final guidelines promulgated by NMFS. The expected level of payment per meeting day for 2009, retro-active to January 1, 2009, will depend on the total actual meeting participation by SSC and panel members and is preliminarily expected to be in the neighborhood of \$80 per meeting day. Payment will only be made to eligible persons on the following advisory panels:

Scientific and Statistical Committee
Coastal Pelagic Species Advisory Subpanel
Groundfish Allocation Committee, nonvoting members
Groundfish Advisory Subpanel
Habitat Committee
Highly Migratory Species Advisory Subpanel
Salmon Advisory Subpanel
Coastal Pelagic STAR Panels
Groundfish STAR Panels

Future Council Meeting Agenda and Workload Planning

The Council made the following adjustments to the potential agenda items shown in September Agenda Item J.4.a, Supplemental Attachment 3 (the worksheet graphic of agenda items and advisory body meetings for the October 29-November 5, 2009 Council meeting in Costa Mesa, California). Remaining agenda items on the above referenced worksheet will be scheduled for particular days and times yet to be determined, but will be posted on the Council website by October 5.

- Groundfish Fishery Management Plan Amendment 24 (Community Fishing Associations as part of the groundfish trawl catch share program) was postponed to a Spring 2010 Council meeting;
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- Items postponed without identification as to a particular schedule: Swordfish Issue Paper; Olympic Coast National Marine Sanctuaries Management Plan Update; Council recommendations to the National System of Marine Protected Areas; Comments on the Mitchell Act Environmental Impact Statement; Pacific Halibut Bycatch and Catch Sharing Issues; and Pacific Halibut Retention in Fixed Gear Commercial Fisheries;
 - The Lower Columbia River Tule Salmon Analysis Project was deleted from the Council floor session agenda with the understanding that a public sidebar meeting between the National Marine Fisheries Service, affected States and Tribes, and others with interest would be convened during the course of the November Council meeting; and
 - The Legislative Committee meeting was cancelled.
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PFMC
9/22/2009

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