

CONSIDERATION OF INSEASON ADJUSTMENTS

Management measures for the 2010 groundfish season were set by the Council with the general understanding these measures would likely need to be adjusted throughout the biennial period to attain, but not exceed, the optimum yields (OYs). In particular for this Council meeting and due to the time pressures of a lengthy agenda, the Council provided notice to the public and Council Advisory Bodies that only significant changes should be considered at this meeting. Changes of minor magnitude would be taken up at the September Council meeting. This agenda item will consider inseason adjustments to ongoing 2010 fisheries. Potential inseason adjustments include adjustments to Rockfish Conservation Area boundaries, adjustments to commercial and recreational catch limits, and are, in part, based on catch estimate revisions and the latest information from the West Coast Groundfish Observer Program.

On April 23, 2010, the US District Court for the Northern District of California issued a ruling in response to the latest in a series of complaints filed in Natural Resources Defense Council v. Locke, challenging the rebuilding provisions in the groundfish Fishery Management Plan. As the ruling relates to 2010 inseason management under this agenda item, the Court ruled that the National Marine Fisheries Service (NMFS) violated the Magnuson-Stevens Act, Section 304(e)(4)(A)(i), by failing to rebuild cowcod, darkblotched rockfish, and yelloweye rockfish in a time period that is “as short as possible” when it implemented the 2009-2010 harvest specifications. The Court vacated the harvest specifications for these three species and set the 2010 optimum yields (OYs) at the most recent levels specified in the 2007-2008 harvest specifications and management process, which would be 330 mt for darkblotched and 4 mt for cowcod. For yelloweye rockfish, the Court ordered that the 2010 OY be set at 14 mt.

NMFS, consistent with the Court Order, plans to publish a final rule, possibly prior to the June Council meeting, to reduce the 2010 OY for yelloweye rockfish from 17 mt to 14 mt, and specify a 2010 darkblotched OY of 330 mt (2008 level) and a 2010 cowcod OY of 4 mt (Agenda Item B.5.b, NMFS Letter). NMFS requests that the Council, at its June meeting, develop inseason management measures for 2010 that are designed to keep the fishery within these levels, with the exception of darkblotched rockfish. NMFS recommends the Council adopt management measures to keep the fishery within 290 mt, which is equivalent to the 2007 darkblotched OY. The 2010 OY for cowcod remains 4 mt, which is equivalent to the 2008 OY.

A Groundfish Management Team (GMT) report outlines the inseason implications of the Court’s ruling and NMFS recommendations (Agenda Item B.5.b, GMT Report). The report contains an updated scorecard and evaluates projected impacts of cowcod, darkblotched, and yelloweye rockfish given the newly specified OYs.

Public comment specific to inseason that was received at the Council office by the June briefing book deadline are included in Agenda Item B.5.c, Public Comment. Since the recent Court Order also affects harvest specification and management measure decisions for the 2011-2012 fisheries,

public comment that may also be relevant to the inseason decision can be found under Agenda Item B.3.c, Public Comment.

The GMT and the Groundfish Advisory Subpanel (GAP) will meet prior to this agenda item to discuss and recommend inseason adjustments to 2010 groundfish fisheries. The Council may want to request additional analysis by the GMT and GAP. If further consideration is needed, this agenda item will be continued on Wednesday at which time the results for any requested analyses can be provided. After hearing advisory body advice and public comments, the Council will consider final inseason adjustments for 2010 fisheries.

Council Action:

Consider information on the status of 2010 fisheries and adopt final inseason adjustments as necessary.

Reference Materials:

1. Agenda Item B.5.b, NMFS Letter: Letter from Frank Lockhart regarding the Court Ruling.
2. Agenda Item B.5.b, GMT Report: Groundfish Management Team Report on Inseason Management Measures Related to the Court Ruling.
3. Agenda Item B.5.c, Public Comment.

Agenda Order:

- a. Agenda Item Overview
 - b. Reports and Comments of Advisory Bodies and Management Entities
 - c. Public Comment
 - d. **Council Action:** Adopt Final Recommendations for Adjustments to 2010 Groundfish Fisheries
- Kelly Ames**

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05/21/10

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