

### Pacific Mackerel Landings

The National Marine Fisheries Service (NMFS) published the proposed rule to implement the annual harvest guideline for Pacific mackerel on August 29, 2005 (70 FR 99999). The public comment period for the proposed rule ends on September 13, 2005. The final rule will be published as soon as practical. The 2005-2006 Pacific mackerel harvest guideline was 17,419 metric tons (mt) with a directed fishery of 13,419 mt and a reserve of 4,000 mt. The Pacific mackerel season began on July 1, 2005, and ends on June 30, 2006. As of August 9, 2005, only 181 mt of Pacific mackerel had been landed.

### Pacific Sardine 2005 Harvest Guideline and Landings

Based on a biomass estimate of 1,193,515 mt, the harvest guideline for Pacific sardine for January 1, 2005, through December 31, 2005, is 136,179 mt. The harvest guideline was allocated one-third for the northern subarea, which is north of 39° 00' N latitude (Pt. Arena, California) to the Canadian border, and two-thirds for southern subarea, which is south of 39° 00' N latitude to the Mexican border. For 2005, the northern subarea was allocated 45,393 mt; the southern subarea was allocated 90,786 mt. The final rule to implement the 2005 harvest guideline was published on June 22, 2005 (70 FR 36053).

As of August 31, 2005, the northern allocation area had landed 30,997 mt and the southern allocation area has landed 20,050 mt. Therefore, on September 1, 2005, the remaining harvest guideline of 85,132 mt of Pacific sardine was pooled and reallocated to 80% for the southern area (which is 68,106 mt) and 20% for the northern area (which is 17,026 mt). The reallocation of Pacific sardine will be filed, effective, and published in the *Federal Register* in early September 2005. On December 1, 2005, the remainder of the unused portion of the harvest guideline is reallocated to a coastwide harvest guideline.

### Pacific Sardine Long-term Allocation—Amendment 11 to CPS FMP

At its June 2005 meeting in Foster City, California, the Council adopted Amendment 11 to the Coastal Pelagic Species (CPS) Fishery Management Plan (FMP). Amendment 11 would revise how Pacific sardine are to be allocated to non-tribal fisheries beginning in 2006. NMFS is currently finalizing the regulatory package for the proposed rule stage and hopes to have the proposed rule published by September 15, 2005.

This new allocation system would (1) be based on a January 1 – December 31 annual season; (2) initially allocate 35% of the harvest guideline coastwide on January 1; (3) allocate 40% of the harvest guideline (plus any unharvested portion from the initial allocation) coastwide on July 1; (4) allocate the 25% of the harvest guideline (plus any unharvested portion from the previous allocations) coastwide on September 15; and (5) change the definition of Subarea A and Subarea B by moving the geographic boundary between the two areas from 35°40' N latitude (Point Piedras Blancas) to 39° N latitude (Point Arena).

The Council also recommended a formal review of the sardine allocation regime in June of 2008. This review would compare the performance of the fishery to the projections used to evaluate the Council-preferred alternative including but not limited to; catch projections, catch shortages by sector, economic benefit analysis, and the utilization of the harvest guideline. The review would also consider all scientific and biological information collected between now and 2008 to assess any changes in the resource.

#### Pacific Sardine Tribal Fishery

On June 10, 2005, NMFS, Southwest Region received a letter from the Makah Tribe requesting that provision be made for a treaty harvest of Pacific sardines starting in the 2006 fishing season. The CPS FMP recognizes the rights of treaty Indian tribes to harvest Pacific sardine and provides a framework for the development of a tribal allocation. At the June 2005 Council meeting, the Council created the Ad Hoc Sardine Tribal Allocation Committee made up of state, federal, and tribal representatives, to begin to work on this issue. There have been informal discussions with the Makah Tribe but no formal discussions about the amount of Pacific sardine they intend to harvest.

#### Plans for a Coastwide Pacific Sardine Survey

NMFS-Southwest Fisheries Science Center is making plans for a coastwide (U.S. Exclusive Economic Zone off the states of California, Oregon, and Washington) near-synoptic (two-ship) survey of Pacific sardine to be conducted during April 2006. Objectives of the survey will be to describe the spatial distribution of eggs, larvae and adults, obtain measurements of egg production and adult fecundity required for an estimate of spawning biomass, and collect environmental data that may be useful for describing spawning habitat. The survey design will consist of regularly spaced stations along a series of inshore/offshore transects following an extended CalCOFI pattern. Primary station observations will include: a) pelagic trawl samples of adult fish; b) plankton net samples of eggs, larvae, and zooplankton; and c) vertical profiles of temperature, salinity, oxygen and chlorophyll. Primary transect observations will include: a) continuous egg pump samples; b) continuous multi-frequency acoustic samples of adult fish; and c) continuous measurements of sea surface and meteorological conditions. Other observation protocols may be added as time, space and personnel allow. Tentative plans also include a complementary survey by Mexican scientists of waters off northern Baja California.

#### CPS Pilot Observer Program

NMFS initiated a pilot observer program on California purse seine fishing vessels landing CPS in July 2004. The pilot observer program's main focus is to gather data on total catch and bycatch, and on interactions between their fishing gear and protected species such as marine mammals, sea turtles, and sea birds.

As of August 22, 2005, observers have completed 80 vessel trips ranging from Morro Bay, California, to San Diego, California. Out of 80 trips, 35 targeted Pacific sardine, 6 targeted northern anchovy, 2 targeted Pacific mackerel, and 37 targeted market squid. NMFS will be producing a detailed report on the pilot observer programs sampling protocol, results and future aspects of the program for the November 2005 Council meeting. NMFS will be seeking guidance on developing a CPS observer protocol plan.

## Krill Update

There was a meeting of krill experts to discuss krill biology and population dynamics on June 6, 2005, in La Jolla, California, as the first step in determining whether the krill biomass can be estimated. The contracted biologists will provide a summary of the June 6<sup>th</sup> meeting and an alternatives analysis to the Council at the November 2005 meeting. This alternatives analysis will not include estimates of maximum sustainable yield (MSY) for krill. Additional time for the development of a krill MSY is necessary and can be afforded as a defined MSY level is only required when the regulations are developed.

## Essential Fish Habitat for CPS

The Magnuson-Stevens Fishery Conservation and Management Act requires cooperation among NMFS, the Councils, fishing participants, federal and state agencies, and others in achieving essential fish habitat (EFH) protection, conservation, and enhancement. Each Council and NMFS are expected to review the EFH components of FMPs at least once every five years, update EFH information, and prepare a revised FMP amendment if necessary.

The CPS Management Team reviewed CPS EFH in 2004 and concluded in its report to the Council that they were “not aware of any new information that could warrant modification of current EFH designations for CPS.” NMFS-Southwest Regional Office and the Office of Habitat Conservation at NMFS Headquarters, approved a procedure under which the Team was tasked with writing a detailed report of their five-year review of CPS EFH in the 2005 Stock Assessment and Fishery Evaluation (SAFE) document. The Council formally completed this review process by adopting the 2005 SAFE document and the existing definition of CPS EFH at the June Council meeting.