

CONSIDERATION OF INSEASON ADJUSTMENTS TO 2007 AND 2008 FISHERIES,
INCLUDING PACIFIC WHITING FISHERY OPENING DATES

Management measures for the 2007 and 2008 groundfish season were set by the Council with the understanding these measures would likely need to be adjusted throughout the biennial period in order to attain, but not exceed, the optimum yields (OYs). This agenda item will consider inseason adjustments to ongoing 2007 fisheries as well as adjustments to 2008 fisheries. Potential inseason adjustments under this agenda item include adjustments to 2008 recreational fishery management measures, adjustments to bottom trawl fishery cumulative limits, gear definitions and Rockfish Conservation Area boundaries, and adjustments to Pacific whiting fishery bycatch limits.

In addition to considering routine inseason adjustments, this agenda item will consider a change in the opening date to the Pacific whiting fishery, beginning in 2008, and a staggered release of bycatch in the whiting fishery throughout the 2008 season. NOAA General Counsel has advised that both concepts do not qualify as routine management measures and do not meet the standards necessary to waive the notice and comment requirements of the Administrative Procedures Act. Therefore, changing the season date and implementing a staggered release of bycatch would require a two meeting process and the drafting of an Environmental Assessment, and a Proposed Rule that would be published prior to the March 2008 Council meeting. Appropriate consideration of this issue in November could be the start of a two-meeting process. Final Council action on any changes to the Pacific whiting fishery opening date or the staggered release of bycatch would occur at the March 2008 Council meeting.

In early 2007, West Coast Groundfish Observer Program (WCGOP) data was released showing that bycatch rates of canary rockfish in the bottom trawl fishery during the 2005 season were much higher than expected. As a result the Council elected to close two large areas to bottom trawling off the Washington and Oregon Coasts that showed higher than average bycatch of canary rockfish. During the spring and summer of 2007, staff at the Oregon Department of Fish and Wildlife (ODFW) and the Northwest Fisheries Science Center (NWFSC) reviewed the performance of the Selective Flatfish Trawl (SFFT) in the 2005 fishery. During this review, staff uncovered information that suggested multiple vessels had configured the SFFT in a way that met regulatory requirements, but that those configurations were not consistent with what was originally intended and analyzed. Research efforts suggest this inappropriate gear configuration may be one reason for the higher than expected bycatch rate. Agenda Item D.6.c is an informational report that documents the joint ODFW/NWFSC research effort on SFFT performance and provides findings. Based on the information contained in this report, the Groundfish Management Team may present clarifying regulatory language to the Council that is intended to better meet the original intent of the SFFT design.

The Groundfish Management Team (GMT) and the Groundfish Advisory Subpanel (GAP) will begin meeting on Sunday, November 4, 2007, to discuss and recommend inseason adjustments to ongoing 2007 groundfish fisheries, 2008 groundfish fisheries, potential changes in the opening date to the Pacific whiting fishery, and a staggered release of bycatch in the 2008 Pacific whiting fishery. Under this agenda item, the Council is scheduled to hear advisory body advice and public comment on the status of 2007 and 2008 fisheries and consider preliminary or final inseason adjustments. Agenda Item D.8 is scheduled for Friday, November 9, should further analysis or clarifications be needed.

Council Action:

1. **Consider information on the status of ongoing 2007 fisheries and adopt inseason adjustments as necessary.**
2. **Consider information on the status of 2008 fisheries and adopt inseason adjustments as necessary.**
3. **Consider information on the opening date of the 2008 Pacific whiting fishery and adopt proposed changes as necessary.**
4. **Consider information on the staggered release of bycatch in the Pacific whiting fishery and adopt proposed changes as necessary.**

Reference Materials:

1. Agenda Item D.6.b, GMT Report: 2007 Groundfish Bycatch Scorecard after September 2007 Council Action.
2. Agenda Item D.6.c, CDFG Report: Possible Changes to the 2008 California Recreational Groundfish Fishery Regulatory Specifications.
3. Agenda Item D.6.c, ODFW/NWFSC Report: Effectiveness of Selective Flatfish Trawl in the 2005 U.S. West Coast Groundfish Trawl Fishery.

Agenda Order:

- a. Agenda Item Overview
 - b. Report of the Groundfish Management Team
 - c. Agency and Tribal Comments
 - d. Reports and Comments of Advisory Bodies
 - e. Public Comment
 - f. **Council Action:** Adopt Preliminary or Final Recommendations for Adjustments to 2007 and 2008 Fisheries
- Merrick Burden
Kelly Ames

PFMC
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