



Decisions of the 197th Session of the Pacific Fishery Management Council March 8-13, 2009

COASTAL PELAGIC SPECIES MANAGEMENT

Stock Assessment Review (STAR) Panel Terms of Reference for 2009

The Council adopted a final Terms of Reference as a guide for the 2009 coastal pelagic species STAR process. The Council approved minor changes to the document as recommended by the Scientific and Statistical Committee (SSC). A final document will be posted to the Council website in the near future. The Council also scheduled two STAR Panels, both to be held at the Southwest Fisheries Science Center in La Jolla, California. The first will occur May 4-8, 2009 and will review a full assessment of Pacific mackerel as well as the survey design for a proposed Pacific sardine survey. The second will occur September 21-25, 2009 to review a full assessment of Pacific sardine.

Exempted Fishing Permit (EFP) for Sardine Research

The Council approved for public review two EFP proposals for an industry-sponsored Pacific sardine research survey in 2009. The Council also requested that Pacific sardine industry representatives work to provide a detailed single proposal that addresses the recommendations of the SSC and the Coastal Pelagic Species Management Team (CPSMT). The Council asked the proposal be submitted for publication on the Council website as soon as feasible, but no later than April 15, 2009 to allow for adequate review in advance of the May 4-8, 2009 STAR Panel meeting where survey methodology is scheduled for thorough evaluation. The Council also recommended National Marine Fisheries Service (NMFS) adjust the research set-aside for this effort from 1200 metric ton (mt) to 2400 mt.

Fishery Management Plan (FMP) Amendments to Implement Annual Catch Limit (ACL) Requirements

The Council reviewed the final NMFS guidelines for implementing National Standard 1 and held an initial scoping session on amending the coastal pelagic species FMP in accordance. In general, issues identified for further consideration include: updating the definition and implementation of the harvest control rules to comply with new management mechanisms such as ACLs, acceptable biological catch (ABC), and overfishing levels (OFLs), developing these mechanisms for monitored and prohibited harvest species, a listing of potential species to be categorized as ecosystem species, and revising measures for more efficient inseason monitoring and enhanced preseason and postseason accounting. Specifically, the Council is interested in advancing

concepts brought forward by the SSC, CPSMT, CPS Advisory Subpanel, and public testimony. The Council anticipates reviewing initial analysis of potential alternatives at its November 2009 meeting in Costa Mesa, California, as the second stage of a four Council meeting process.

SALMON MANAGEMENT

Review of 2008 Fisheries and Summary of 2009 Stock Abundance Estimates

The Council reviewed 2009 stock abundance forecasts, including new methodologies for Oregon Production Index (OPI) and Oregon coastal natural (OCN) coho. All available forecasts for Council managed salmon stocks were accepted for use in modeling 2009 ocean salmon fisheries.

Identification of Stocks Not Meeting Conservation Objectives

The Council reviewed the most recent information on relevant stocks meeting the Conservation Alert Threshold (forecasted to not achieve the goal in 2009) and the Overfishing Concern Threshold (not meeting the conservation goal for the three most recent years). The Council tasked the Executive Director with reviewing FMP requirements, and if appropriate, assigning the Salmon Technical Team to work with relevant state and tribal agencies to conduct an assessment of the role of fishing in the spawning escapement shortfalls for Queets River coho and Western Strait of Juan de Fuca coho. Reports for these efforts would be due at the March 2010 Council meeting.

Adoption of 2009 Management Options for Public Review

Three options for ocean salmon fisheries were adopted for public review. Detailed information on these fisheries is available on the Council website, www.pcouncil.org. The Council will develop a preferred option for all ocean salmon fisheries for the May 1, 2009 through April 30, 2010 season at its April 5-9, 2009 meeting in Millbrae, California.

The Council also recommended that NMFS take inseason action to close the Cape Falcon to Oregon/California Border commercial and Cape Falcon to Humbug Mtn. recreational salmon fisheries between March 15 and at least April 30.

Initial Scoping for Salmon Fishery Management Plan Amendment on Annual Catch Limits

The Council received a report on issues surrounding amendment of the Salmon Fishery Management Plan to meet the recently finalized NMFS guidelines to implement new National Standard 1 guidelines, as per the requirements of the reauthorized Magnuson-Stevens Act. The Council directed a number of issues be included in the

amendment, including alternatives for annual catch limits (ACL) and accountability measures (AM), new status determination criteria for “overfishing” and “overfished” designations, revising stock conservation objectives to include updated maximum sustainable yield values, exploitation rate approaches and de minimis fishing schedules for stocks without such measures, exceptions for stocks managed under the Pacific Salmon Treaty, and separate ACL/AM for multi jurisdictional fisheries. Additional scoping may occur at the September 2009 Council meeting in Foster City, California. The Council also recommended the amendment target a completion date of November 2010.

Salmon Hearings Officers

The Council appointed the following officers to the three salmon hearings on 2009 salmon season options. All hearings will begin at 7:00 p.m.

March 30

- *The Chateau Westport, Westport, WA* –Mark Cedergreen and Phil Anderson representing the Council, and Peter Dygert representing NMFS;
- *Coos Bay Red Lion Hotel, Coos Bay, OR* – Frank Warrens and Steve Williams representing the Council, and Peggy Busby representing NMFS;

March 31

- *Red Lion Hotel Eureka* –Dan Wolford representing the Council, and Mark Helvey representing NMFS.

PACIFIC HALIBUT MANAGEMENT

Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries

The Council adopted public review options for the 2009 incidental halibut catch in both the salmon troll fishery and the fixed gear sablefish fishery.

These options are:

Salmon Troll Fishery

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| Option 1a | Status quo - no more than one halibut per two Chinook landed, with one additional halibut landed without meeting the 1:2 ratio, and no more than 35 halibut per trip. |
| Option 1b | No more than one halibut per two Chinook landed, with three additional halibut landed without meeting the 1:2 ratio, and no more than 35 halibut per trip. |

Option 2 Continue with the “C-shaped” yelloweye rockfish conservation area in the North Coast subarea (Washington Marine Areas 3 and 4) as an area to be voluntarily avoided for salmon troll fishing to protect yelloweye rockfish.

NOTE: Option 2 may be combined with either Option 1a or 1b.

Fixed Gear Sablefish Fishery North of Point Chehalis

Option 1 Restrict landings to 17 pounds (dressed weight) of halibut per 1,000 pounds (dressed weight) of sablefish, and allow two additional halibut per landing in excess of the 17 pounds per 1,000 pounds ratio.

Option 2 Restrict landings to 100 pounds (dressed weight) of halibut per trip.

Option 3 Prohibit retention of halibut in the sablefish fishery north of Pt. Chehalis.

GROUNDFISH MANAGEMENT

Pacific Whiting Harvest Specifications and Management Measures for 2009

The Council adopted the new Pacific whiting “Stock Synthesis 3 Platform” stock assessment that was recommended by the stock assessment review (STAR) panel and the Scientific and Statistical Committee (SSC) for deciding harvest specifications for 2009 Pacific whiting fisheries.

The Council adopted a coast wide (U.S. plus Canada) ABC of 253,582 metric ton (mt), which was recommended by the SSC. The Council further adopted a coast wide optimum yield (OY) level of 184,000 mt.

The Council adopted a set-aside of 4,000 mt to be deducted from the U.S. OY to account for the projected bycatch of whiting in non-tribal non-whiting fisheries and research fisheries this year. This value is double the set-aside that has been used in management of whiting fisheries in recent years and is based on a higher observed bycatch of whiting in non-whiting bottom trawl and shrimp trawl fisheries.

The Council also adopted a roll-over whiting yield of 18,211 mt from the original tribal whiting set-aside of 50,000 mt to non-tribal whiting fisheries. This amount of roll-over yield resulted from an offer by the Makah Tribe to reduce their 2009 fishery set-aside from 42,000 mt to 17.5 percent of the U.S. OY or 23,789 mt. Co-manager negotiations with the Quileute Tribe are expected in April to determine the amount of set-aside for an anticipated whiting fishery by the Quileute Tribe this year. Therefore, the final tribal whiting set-aside amount is expected to be decided in April 2009.

Given these decisions, the whiting harvest specifications and allocations are as follows:

Coast wide OY in metric tons	U.S. OY in metric tons (73.88% of coast wide OY)	Set-Asides (mt)		Non-treaty Sector Allocations (mt)			
		Non-Whiting/ Research Fishery Bycatch	Tribal Set-aside ^{a/}	Total ^{a/}	Catch Processor	Mothership	Shore Side Whiting
184,000	135,939	4,000	≤ 31,789	≥ 100,150	≥ 34,051	≥ 24,036	≥ 42,063

^{a/} The final treaty set-aside and non-treaty sector allocations to be decided in April pending a decision on a final 2009 whiting set-aside for the Quileute Tribe.

Consideration of Inseason Adjustments

The Council adopted bycatch limits for the non-tribal commercial whiting fishery. The canary and darkblotched limits remain the same as currently specified in regulation. The widow limit was specified at 250 metric tons for the three non-tribal sectors. The total bycatch limits and corresponding limits per sector are shown below.

Species	Total	Mothership	Catcher Processor	Shore Side Whiting
Canary	18	4.3	6.1	7.6
Darkblotched	25	6.0	8.5	10.5
Widow	250	60.0	85.0	105.0

The Council also identified a two-step process for resolving recreational fishery catches and discards currently identified as “unidentified rockfish” in fishery sampling programs. The first step tasks the appropriate representatives of the Groundfish Management Team, the RecFIN committees, and other staff as appropriate with identifying conservation risks and management issues associated with current understanding of the unidentified rockfish category, and recommending a process to identify species composition. The Council will consider the report at the September Council meeting and provide necessary direction and guidance at that time.

Fishery Management Plan Amendment 20 – Trawl Rationalization—Ownership and Miscellaneous Issues

Regarding ownership eligibility issues to be analyzed for final decision making at the June Council meeting, the Council explicitly included U.S. legal resident alien to the current preferred alternative of who would be eligible to own groundfish individual fishing quota (IFQ) shares. Further, the Council clarified that the "use it or lose it" provision and the "owner on board" provision will not be included in the preferred alternative for further analysis. By taking these actions, the Council did not request further analysis of eligibility to own criteria that would require a fishery tie or

investment. Lastly, the Council tasked Council staff with presenting options for defining a Community Fishing Association (CFA) at the April 2009 Council meeting, using The Nature Conservancy's public comment letter (G.4.c, Public Comment, March 2009 Briefing Book) and the NOAA Technical Guidance Memorandum called the Design and Use of Limited Access Privilege Programs as a starting point for the staff analysis.

The Council voted to clarify issues from the November 2008 Council action by specifying the following:

Species Managed With IFQ in the Shoreside Trawl Sector

The shoreside whiting fishery and non-whiting fishery will be managed as a single sector. Whiting and non-whiting activity would have IFQ for the same set of species, which includes the majority of groundfish found in the Council's ABC/OY table. Species without IFQ in the shoreside trawl sector are: longspine south of 34° 27' N latitude, minor nearshore rockfish (north and south), black rockfish, California scorpionfish, cabezon, kelp greenling, shortbelly rockfish, and spiny dogfish.

Species Managed With Bycatch Caps in the At Sea Sectors

At sea sectors will have bycatch caps for widow rockfish, canary rockfish, darkblotched rockfish, and Pacific Ocean perch.

Initial Allocation of Overfished Species for Permits with History South of 40° 10' N Latitude Using a Finer Area Rate Approach

One latitudinal area south of 40° 10' N latitude will be used for allocating overfished species quota share, rather than using two latitudinal areas south of 40° 10' N latitude.

Initial Allocation of Pacific Halibut Individual Bycatch Quota (IBQ) South of 40° 10' N Latitude

Pacific halibut IBQ will not be distributed to permits with history south of 40° 10' N latitude. Vessels operating in areas south of 40° 10' N latitude would not need Pacific halibut IBQ to engage in fishing opportunities in that area. Instead, a biennial set aside will be established to accommodate incidental Pacific halibut catch south of 40° 10' N latitude. Catches will be actively monitored and recorded.

Permits Receiving IFQ through the Equal Distribution of Buyback History

Equal division of buyback history quota share will apply to all 'A' permit holders contributing to the buyback loan. This includes catcher vessel permits operating in the mothership fishery, but does not include catcher processors.

Pacific Halibut Trawl Sector Allocation

A preliminary action established a preferred alternative limit for Pacific halibut mortality in all sectors of the limited entry trawl fishery for both legal and sublegal fish. The initial amount for first two years will be calculated by taking 15 percent of the constant exploitation yield as set by the International Pacific Halibut Commission for the previous year, not to exceed 130,000 pounds per year for total mortality. Beginning with the third year of implementation, the maximum amount set aside for the trawl rationalization program will be reduced to 100,000 pounds per year for total mortality. This amount may be adjusted downward through the biennial specifications process for future years. Final decision making on this allocation matter will occur at the April 2009 Council meeting under the intersector allocation agenda item. The at sea and south of 40° 10' N latitude set asides would come out of the 15 percent trawl sector allocation.

Fishery Management Plan Amendment 20 – Trawl Rationalization— Accumulation Limits

The Council adopted a final suite of control and vessel limits to apply to all species under its shoreside IFQ program, with the exceptions of overfished species and Pacific halibut bycatch quota, for which final Council action was postponed until the June Council meeting pending further analysis. Only quota shares will count against control limits and quota pounds will count against vessel limits. The Council also adopted control and vessel usage limits for the mothership whiting co-op program; and the Council considered the possibility of providing special limits for community fishing associations (CFA). Defining CFA was scheduled for the April Council meeting, with a decision on special limits scheduled for final action at the June Council meeting. Also scheduled for final Council action in June is a motion that would allow persons qualifying for an initial allocation of quota shares that is above the control limits to divest themselves of the excess quota shares within three years.

Fishery Management Plan Amendment 22 – Open Access License Limitation

The Council did not recommend a new license limitation program for the open access groundfish fishery. Instead, the Council adopted alternative 2 in the draft Environmental Assessment, which is a simple registration program for fishermen intending to fish in the open access fishery. Under this system, a fisherman could register for the open access fishery at any time of the year for the following year. In addition to the registration requirement, fishermen fishing in the open access fishery

in federal waters will still be required to have a Vessel Monitoring System installed and functioning on their vessels to land federally managed groundfish. By taking this action, the Council also elected to eliminate the 'C' permit requirement for non-groundfish fishery participants that catch and land incidental amounts of groundfish.

It is anticipated that the new registration requirement might be implemented this year for those fishermen who intend to fish in the open access fishery next year.

Essential Fish Habitat Review Committee (EFHRC) Terms of Reference

The Council accepted a terms of reference document for proposals to modify groundfish essential fish habitat, and directed Council staff to solicit proposals from interested federal, state, and tribal agencies, non-governmental organizations, academia, and the public. The proposals must be received at the Council office no later than May 1, 2009. Proposals will receive an initial evaluation from the Ad Hoc Groundfish Essential Fish Habitat Review Committee prior to Council consideration of the proposals at the June 2009 meeting in Spokane, Washington.

ADMINISTRATIVE MATTERS

Membership Appointments and Council Operating Procedures

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

Coastal Pelagic Species Management Team

Mr. Greg Krutzikowsky to the Oregon Department of Fish and Wildlife position

Highly Migratory Species Management Team

Dr. Kevin Piner to the NMFS Southwest Fisheries Science Center position

Model Evaluation Workgroup

Dr. Thomas Helser to the NMFS Northwest Region position

Groundfish Advisory Subpanel

Mr. Shems Jud to the Conservation position

Mr. Thomas Libby to the vacant Processor position

Mr. Larry Giese to the Washington Charter Boat position

Groundfish Allocation Committee

Mr. Andrew Bornstein to the non-voting Processor position

The Council also acted to appoint Mr. Joe Schumacher as a tribal representative on the groundfish **Essential Fish Habitat Review Committee**.

Future Council Meeting Agenda and Workload Planning

The proposed draft agenda for the April 2009 Council meeting in Millbrae, California will be posted on the Council website www.pcouncil.org by the week of March 23, 2009. Agenda items will be essentially as shown in March Council meeting [Agenda Item I.3.a, Supplemental Attachment 5](#), with some adjustments to the expected duration of agenda items.

3/17/2009

3:54 p.m.

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