

**DECISIONS OF THE
PACIFIC FISHERY MANAGEMENT COUNCIL
MARCH 6-11, 2010**

HABITAT

CURRENT HABITAT ISSUES

The Council approved a letter to the Secretary of Commerce Gary Locke urging him to ensure that National Marine Fisheries Service develop a strong, science-based biological opinion for Columbia River basin salmon recovery. The Council also directed staff to develop a letter acknowledging the recent Klamath River agreement and directed the Habitat Committee to draft a letter to the Bureau of Reclamation on the Central Valley Project Improvement Act for inclusion in the April briefing book.

GROUNDFISH MANAGEMENT

STOCK ASSESSMENT PLANNING FOR 2013-2014 MANAGEMENT MEASURES

The Council adopted for public review, the list of groundfish species for assessment next year to inform management in 2013 and beyond. Besides Pacific whiting, which is assessed annually, the following species are recommended for a full assessment: widow rockfish, petrale sole, Pacific ocean perch, blackgill rockfish, sablefish, Dover sole, spiny dogfish, rex sole, and greenspotted rockfish. Further, the Council requested the National Marine Fisheries Service explore data available for a possible assessment of China rockfish, quillback rockfish, and copper rockfish, which are nearshore species considered to have a high relative vulnerability to overexploitation. The preliminary list of species for an updated assessment next year includes bocaccio, canary, darkblotched, and yelloweye rockfish. A status report for cowcod will also be prepared since the Scientific and Statistical Committee (SSC) has judged there is not enough data to justify a full or updated assessment.

The Council also adopted for public review a revised terms of reference for stock assessments and assessment reviews with the incorporation of SSC and Groundfish Management Team modifications as well as a definition of a status report.

The Council is scheduled to take final action on stock assessments at their June 2010 meeting.

PACIFIC WHITING HARVEST SPECIFICATIONS FOR 2010

The Council adopted both the Pacific whiting stock assessments that were forwarded for Scientific and Statistical Committee (SSC) review since the SSC considered both equally probable as a preferred assessment model. The Council adopted a coastwide (U.S. + Canada) acceptable biological catch (ABC) of 455,550 mt for 2010 fisheries, which is the average of the ABCs estimated in each assessment. Likewise, a coastwide optimum yield (OY) of 262,500 mt was adopted for 2010 fisheries. Under the terms of the U.S.-Canada Pacific whiting treaty, the U.S. allocation of the coastwide OY is 73.88 percent of the coastwide OY, which equates to 193,935 mt. The National Marine Fisheries Service is negotiating with the treaty tribes for their 2010 allocation, which will be set aside from the U.S. OY. The Council also decided to set aside 3,000 mt of Pacific whiting yield to accommodate incidental bycatch in non-whiting fisheries and research catch this year. The whiting sector allocations (i.e., 24 percent to motherships, 34 percent to catcher-processors, and 42 percent to shoreside whiting) will be decided once the treaty allocation is decided.

FISHERY MANAGEMENT PLAN AMENDMENT 23: ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES

The Council adopted a preliminary preferred alternative for Groundfish Fishery Management Plan (FMP) Amendment 23 for public review with the following elements:

- Option 2 for the 40-10 harvest control rule (see Agenda Item E.4.a, Attachment 3);
- Include a 25-5 harvest control rule for assessed flatfish species;
- Remove dusky and dwarf-red rockfish from the FMP;
- None of the current FMP species would be categorized as Ecosystem Component species at this time pending future development of criteria for doing so;
- Include an annual catch target (ACT) as an accountability measure that the Council could consider specifying during the biennial specifications decision process (see Agenda Item E.4.a, Attachment 4);
- Include the overfishing probability (P^*) concept as one approach that could be taken to decide scientific uncertainty buffers in the biennial specifications process; and
- Specify an upper limit of P^* of 0.45 be used in cases when P^* is used to decide an ABC.

The Council also reiterated their guidance that the Amendment 23 FMP framework should be relatively simple and not overly prescriptive. To that end, the Council offered preferred edits to the draft amendment language in Agenda Item E.4.a, Attachment 2 and also requested Council staff coordinate with National Marine Fisheries Service staff, National Oceanic and Atmospheric

Administration (NOAA) General Counsel, the Scientific and Statistical Committee, and the Groundfish Management Team to incorporate their recommended edits in the next iteration of the draft FMP language under this amendment.

Since Amendment 23 is proposed to be implemented by the start of 2011, the Council will use the new proposed Amendment 23 framework in their 2011-12 biennial specifications decision-making process this year. The Council provided guidance to Council staff on the types of analyses, reports, and discussions they would like to see in April to make biennial harvest specification decisions.

The final preferred alternative for the Amendment 23 framework will be decided at the June Council meeting.

PACIFIC HALIBUT MANAGEMENT

INCIDENTAL CATCH REGULATIONS IN THE SALMON TROLL AND FIXED GEAR SABLEFISH

The Council adopted the following public review options for the 2010 incidental halibut catch in the salmon troll fishery:

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 three Chinook landed, with one 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.

The Council confirmed that there are insufficient halibut available for allocation of incidental catch retention to the fixed gear sablefish fishery.

CONSIDERATION OF INSEASON ADJUSTMENTS

The Council recommended that NMFS specify the following cumulative limits in the 2010 Pacific whiting Exempted Fishing Permit (EFP) for the shoreside fishery:

Lingcod:	600 lb per calendar month
Minor slope rockfish, including darkblotched rockfish:	1,000 lb per calendar month
Pacific ocean perch:	600 lb per calendar month
Pacific cod:	600 lb per calendar month
Sablefish:	1,000 lb per calendar month

The recommended limits are not expected to change the species composition of the landings or the magnitude of landings; they are only to allow the fishermen to get paid for their incidental catch, instead of forfeiting those landings to the state. These limits would be in addition to the current midwater trawl limits specified in federal regulations.

The Council adopted bycatch limits for the non-tribal limited entry 2010 Pacific whiting fishery as follows:

Species	Total (mt)	Shoreside Whiting (42%)	Catcher Processor (34%)	Mothership (24%)
Canary	14	5.9 mt	4.8 mt	3.3 mt
Darkblotched	25*	10.5 mt	8.5 mt	6.0 mt
Widow	279	117 mt	95 mt	67 mt

*This number is currently specified in Federal regulations

REGULATORY DEEMING FOR FISHERY MANAGEMENT PLAN AMENDMENT 20—TRAWL RATIONALIZATION AND AMENDMENT 21— INTERSECTOR ALLOCATION, AND PLANNING FOR COMMUNITY FISHERY ASSOCIATIONS

The Council provided guidance on a number of areas on which NMFS had requested clarification of Council intent, corrected a typographical error in the QS allocation period for processors, and expressed its support for moving ahead with all best efforts to ensure that the trawl rationalization program is implemented for 2011, while at the same time giving attention to product quality. The Council also scheduled for further consideration at the April Council

meeting, a number of items on which NMFS requested clarification. FMP amendment language implementing the Council's final action on Amendment 21 was adopted and the Council elected not to initial a formal schedule for a trailing plan amendment on Community Fishing Associations until sometime after the coming summer.

SALMON MANAGEMENT

REVIEW OF 2009 FISHERIES AND SUMMARY OF 2010 STOCK ABUNDANCE FORECASTS

The Council reviewed 2010 stock abundance forecasts. All available forecasts for Council managed salmon stocks were accepted for use in modeling 2010 ocean salmon fisheries, including the forecast for Sacramento River fall Chinook, which was based on a slightly modified Sacramento Index (SI), an index of ocean abundance.

IDENTIFICATION OF STOCKS NOT MEETING CONSERVATION OBJECTIVES

The Council reviewed the most recent information and designated Sacramento River fall Chinook as meeting the Overfishing Concern threshold (not meeting the conservation goal for the three most recent years). The Council directed the Salmon Technical Team (STT) to work with relevant co-managers to conduct an assessment of the factors causing the designation. In addition to assessing the role of fishing in the spawning escapement shortfalls, the STT was directed to use the March 18, 2009 Southwest Fishery Science Center draft report on causal factors as a point of departure for the assessment, and to address Council advisory body comments on the draft report and to add relevant information from additional years of information. The Council also directed the Habitat Committee to investigate Essential Fish Habitat improvements that could benefit these stocks and report to the Council in 2011 with recommendations. A report on these efforts would be due at the March 2011 Council meeting.

The Council reviewed information for Grays Harbor coho, which new information now show the stock having fallen below the conservation goal for 2006-2008, but having exceeded the goal in 2009. The Council considers the stock rebuilt to the conservation goal in 2009 and took no further action.

The Council reviewed the overfishing assessments completed by the STT for Queets River coho and Western Strait of Juan de Fuca coho, and accepted their recommendations that the stocks be considered rebuilt when they achieve their FMP conservation objectives, and that no additional management measures were necessary to achieve those objectives. Preliminary information suggests that Queets coho achieved their conservation objective in 2009. The

Council directed Council staff to submit the STT recommendations on Western Strait of Juan de Fuca coho to state and tribal co-managers, with a request for a written response by the September or November Council meeting.

ADOPTION OF 2010 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, 2010 through April 30, 2011 season at its April 10-15, 2010 meeting in Portland, Oregon.

The Council also recommended that National Marine Fisheries Service take inseason action to delay the Cape Falcon to Oregon/California Border commercial and Cape Falcon to Humbug Mtn. recreational salmon fisheries from March 15 to at least May 1.

SALMON HEARINGS OFFICERS

The Council appointed the following officers to the three salmon hearings on 2010 salmon season options. All hearings will begin at 7:00 p.m.

MARCH 29

- *The Chateau Westport, Westport, WA* –Mark Cedergreen representing the Council and Peter Dygert representing National Marine Fisheries Service (NMFS); and
- *Coos Bay Red Lion Hotel, Coos Bay, OR* – Rod Moore representing the Council, and Peggy Busby representing NMFS;

MARCH 30

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

COASTAL PELAGIC SPECIES MANAGEMENT

FISHERY MANAGEMENT PLAN AMENDMENT 13 – ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES

After hearing from the CPS Advisory Bodies and the Scientific and Statistical Committee (SSC), the Council adopted the following preliminary preferred alternatives for Coastal Pelagic Species (CPS) FMP Amendment 13:

- All actively managed and monitored species in the fishery management plan (FMP) remain “in the fishery” and krill are moved to a new Ecosystem Component (EC) category while continuing the existing harvest prohibitions for krill species. No new forage species added to the EC category pending additional analysis of non-target stocks.
- Maintain existing Status Determination Criteria for CPS FMP stocks and develop a maximum sustainable yield (MSY) proxy for the Northern subpopulation of Northern anchovy.
- No preferred alternative for overfishing levels (OFLs), acceptable biological catches (ABCs), and annual catch limits (ACLs), pending additional analyses. Direct the CPS Management Team and the SSC to continue to analyze the four alternatives discussed at this meeting and report the results at the June Council meeting.
- Maintain the default harvest control rule for monitored stocks.
- No preferred alternative for sector-specific ACLs, accountability measures (AMs) or annual catch targets (ACTs). Rather, further analyze the use of AMs such as ACTs, set-asides, and management uncertainty buffers to address research, live bait, management uncertainty, and incidental fishery mortality. Additionally, consider describing all of these tools in the CPS FMP framework to maintain annual flexibility in their application to CPS fishery management.
- Maintain all current species in the current CPS FMP and transfer no species to State management.

At its June 2010 meeting, the Council anticipates receiving additional analyses and is scheduled to choose a final preferred alternative for amendment.

EXEMPTED FISHING PERMITS FOR 2010

The Council considered an exempted fishing permit (EFP) application by Northwest Sardine Survey, LLC, and the California Wetfish Producers Association, to conduct the industry-sponsored West Coast Aerial Sardine Survey. The aerial survey involves spotter planes with photo equipment, coupled with point sets to validate survey parameters. The application proposes utilizing the 5,000 metric ton (mt) research set-aside for a broad-scale aerial survey (4,200 mt) and a pilot project (800 mt) in the Southern California Bight to evaluate alternative survey methods.

The Council approved the EFP proposal for public review; with the stipulation the applicants revise the proposal to address requests by the Scientific and Statistical Committee and the Coastal Pelagic Species Management Team. These include incorporating the changes based on the September 2009 stock assessment review panel recommendations; developing explicit protocols for establishing spatial distribution of point sets; providing design protocols for the

fall pilot survey; ensuring, on a daily basis, that point sets are being carried out correctly; and providing weekly reports on point sets and aerial photos to the National Marine Fisheries Service point of contact.

The applicants will revise the proposal and re-submit no later than March 24, 2010, in advance of the April 2010 Council meeting in Portland, Oregon. Final Council action on the EFP application is scheduled for that meeting.

ADMINISTRATIVE MATTERS

COUNCIL COMMENTS ON PROPOSED REVISIONS TO NATIONAL STANDARD 2 GUIDELINES – SCIENTIFIC INFORMATION

The Council reviewed the revised guidelines on National Standard 2 pertaining to use of best scientific information available and the role of the Scientific and Statistical Committee (SSC). The Council was generally supportive of the revisions but requested the guidelines be revised to clarify the SSC role of reviewing while not duplicating the findings of the Council's stock assessment review panel (STAR) process. The Council is also seeking clarification on the proposed process for qualifying the STAR forum as an official peer review process. The Council Executive Director formally submitted these comments to NMFS by the March 11, 2010 deadline.

LEGISLATIVE MATTERS

The Legislative Committee reported on legislative matters of interest to the Council. The Council directed Council Executive Director to convey requested Council comments and Council questions in the following three letters:

- Letter to Senator Cantwell (Washington) and staff of the U.S. Senate Subcommittee on Commerce, Science and Transportation, expressing support for S. 2871 and its corrections to the Western and Central Pacific Fisheries Commission Implementation Act and the Pacific Whiting Act.
- Letter to staff of the U.S. House Subcommittee for Insular Affairs, Oceans, reiterating Council support for S.1255 and H.R. 1584 the Flexibility in Rebuilding American Fisheries Act of 2009.
- Letter of inquiry to U.S. Senator Feinstein requesting additional information on the proposed Emergency Temporary Water Supply Amendment.

MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

The Council appointed Mr. David Price to the Washington Department of Fish and Wildlife position on the Habitat Committee.

With regard to ad hoc committees, the Council terminated the following committees:

- Coastal Pelagic Species tribal Allocation Committee
- Highly Migratory Species Management Committee
- Marine Protected Area Committee
- Shore-based Whiting Amendment Workgroup
- Trawl Individual Quota Enforcement Group (the Enforcement Consultants can provide any needed advice in the future and if necessary utilize the expertise of Dr. Freese in their meetings)
- Trawl Individual Quota Independent Experts Panel

Mr. Merrick Burden was appointed to replace Ms. Dorothy Lowman on the Trawl Individual Quota Committee.

FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

The Council approved a proposed agenda for the April 10-15, 2010 Council meeting to be held at the Sheraton Portland Airport in Portland, Oregon. The meeting agenda will be posted on the website by March 18 at <http://www.pcouncil.org/>

PFMC

3/22/2010 Revised