



# Decisions of the 198<sup>th</sup> Session of the Pacific Fishery Management Council

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## Highly Migratory Species Management

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### **Fishery Management Plan Amendment 2 – High Seas Shallow-Set Longline**

The Council took final action to adopt the no-action alternative, which means the highly migratory species fishery management plan will not be amended to authorize a shallow-set longline fishery seaward of the West Coast Exclusive Economic Zone in the Pacific Ocean.

### **International Regional Fishery Management Organization**

The Council reviewed the memorandum of understanding (MOU) regarding regional fishery management council participation in international regional fishery management organizations governing Pacific Ocean highly migratory species and tasked the Executive Director with finalizing the MOU with the U.S. Department of Commerce and Department of State, the Western Pacific Council (WPFMC), and the North Pacific Council. The Council approved the essence of the MOU content with the understanding that small changes to the draft, such as those recommended by the WPFMC, will be necessary in finalizing a signature ready document.

The Council also made the following recommendations for communication to the U.S. delegation to the Inter-American Tropical Tuna Commission (IATTC) for U.S. positions at the upcoming June 1-12 IATTC meeting:

- Consider adopting a total allowable catch limit in addition to or instead of time-area closures to reduce catches of bigeye and yellowfin tuna.
- Ask the IATTC to produce an updated stock assessment for striped marlin in the Eastern Pacific Ocean, in consultation with the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific (ISC), recognizing their 2007 assessment of striped marlin in the North Pacific Ocean conducted by the ISC.
- Encourage better compliance by members with the IATTC resolution on northern albacore tuna (C-05-02); specifically that members should provide information and analysis demonstrating they have not increased fishing effort on the stock.
- Encourage the IATTC to continue to improve data collection in support of specifying biological reference points.

## **Marine Protected Areas**

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### **Update on Olympic Coast National Marine Sanctuary Management Plan Review Process**

The Council received an update from Olympic Coast National Marine Sanctuary Resource Protection Specialist Mr. Liam Antrim on the Sanctuary's Management Plan Review. The Council appreciated the update and focused discussion on priority management needs of particular interest to the Council, and will plan for continued coordination between the Sanctuary and the Council as recommended by the Scientific and Statistical Committee and the Habitat Committee. The Council anticipates receiving an update on Sanctuary work group progress on the priority management needs in the fall.

## **Salmon Management**

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### **Work Group Report on Causes of the 2008 Salmon Failure**

The Council received a report on the cause of the decline of Sacramento River fall Chinook, and made recommendations for revising the manuscript prior to submission for publication. The Council also tasked the Council Executive Director with sending a letter to NOAA Administrator Jane Lubchenko when the report is finalized, recommending NMFS take the lead in convening a regional forum to coordinate a comprehensive optimizing strategy for salmon produced in California rivers, including the Sacramento-San Joaquin and the Klamath-Trinity basins. The Council recommends the regional forum consider such things as a hatchery practices review, a habitat protection measures review including water management practices, biological opinions for Endangered Species Act listed species, recommendations for monitoring and research studies, and alternatives for future fishery management.

### **Methodology Review Process and Preliminary Topic Selection for 2009**

The Council adopted the following priority candidate items that the Scientific and Statistical Committee (SSC) may consider for the 2009 Salmon Methodology Review. Source entities to deliver detailed reports for SSC review are included with each candidate item.

1. Assessment of the September 1 maturity boundary assumption for Klamath River fall Chinook. *Salmon Technical Team*
2. Forecasting impact rates in fall fisheries for Klamath River fall Chinook and Sacramento River fall Chinook. *Salmon Technical Team*

3. Evaluation of the Oregon Coastal Natural (OCN) coho abundance predictor.  
Oregon Production Index Technical Team
4. Sensitivity analyses of the Chinook and Coho Fishery Regulation Assessment Models (FRAM) to major assumptions, including sensitivity to parameters related to mark-selective fisheries. Model Evaluation Workgroup
5. Characterization of bias in the mark-selective Chinook and Coho FRAM.  
Salmon Technical Team/Model Evaluation Workgroup
6. Development of ocean abundance predictors for Columbia River Chinook.  
Salmon Technical Team/Model Evaluation Workgroup

The final list of items will be determined at the September 2009 Council meeting, and the Review will occur prior to the November 2009 Council meeting.

### **Final Action on 2009 Management Measures**

The Council adopted ocean salmon fisheries and management measures as follows:

#### South of Cape Falcon

A complete closure of commercial fisheries in ocean waters off California and a ten day ocean recreational Chinook only season off Eureka and Crescent City.

Oregon ocean fisheries include a 117,000 marked-selective coho quota recreational fishery off Oregon south of Cape Falcon, plus a ten day Chinook retention season off Brookings.

Oregon commercial fisheries include a September fishery for coho with a quota of 11,000.

#### North of Cape Falcon

Recreational fisheries will have a quota of 176,400 mark-selective coho and non-Indian commercial fisheries will have a quota of 33,600 mark-selective coho; about five-times the 2008 coho quotas. Chinook quotas are slightly better than in 2008 at 20,500 each.

The Treaty Indian fisheries will operate on quotas of 39,000 Chinook and 60,000 coho.

The adopted seasons will be submitted to National Marine Fisheries Service for approval by May 1, 2009. The detailed management measures can be viewed on the Council website [www.pcouncil.org](http://www.pcouncil.org).

## **Pacific Halibut Management**

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### **Incidental 2009 Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries**

#### **Salmon Troll**

The Council adopted the following landing restrictions for Pacific halibut caught incidentally in the 2009 salmon troll fishery:

Beginning May 1, license holders may possess or land no more than one halibut per each two Chinook, except one halibut may be possessed or landed without meeting the ratio requirement and no more than 35 halibut may be possessed or landed per open period. Halibut retained must be no less than 32 inches in total length (with head on).

A "C-shaped" yelloweye rockfish conservation area is an area to be avoided for salmon troll fishing. NMFS and the Council request that salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington Marine Area 3).

#### **Fixed Gear Sablefish Fishery**

The Council adopted the following landing limits on incidental halibut harvest in the 2009 fixed gear primary sablefish fishery north of Point Chehalis:

Beginning May 1, restrict incidental halibut landings to 100 pounds (dressed weight) of halibut per trip.

## **Groundfish Management**

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### **Consideration of Inseason Adjustments**

The Council recommended the following inseason adjustments to ongoing groundfish fisheries:

#### **Open Access Sablefish Daily Trip Limit Fishery North of 36 degrees North Latitude**

- The Council recommended that the bimonthly limit be maintained at 2,400 pounds per two months starting May 1 through the end of the year, rather than declining to 2,200 pounds per two months on May 1 as currently scheduled

#### **Limited Entry Sablefish Daily Trip Limit Fishery North of 36 degrees North Latitude**

- The Council recommended that the daily, weekly, and bimonthly limit be set at 500, 1,500, and 5,500 pounds respectively beginning May 1 through the end of the year.

## **Fishery Management Plan (FMP) Amendment 21 – Intersector Allocation**

The Council adopted FMP allocations for the trawl and aggregate non-trawl sectors for 20 groundfish stocks and stock complexes. Most of these stocks have either a history of being dominantly in the trawl fishery, such as petrale sole, or being significantly caught in the trawl fishery. A complete listing of each stock and stock complex will be posted on the Council web site in the near future. Those species to be managed with individual fishing quotas or total catch limits in the rationalized trawl fishery that were not allocated by this Council action will be allocated between trawl and non-trawl sectors during the biennial management process; canary rockfish is an example of a species allocation that will be decided biennially.

The Council also decided that the trawl fishery would be allocated 15% of the Area 2A constant exploitation yield of Pacific halibut, not to exceed 130,000 pounds in the first four years of trawl rationalization. Since Pacific halibut is a prohibited species in trawl fisheries, this allocation will be a total catch limit for the trawl fishery.

Lastly, the Council decided that any FMP allocation for a stock will be suspended if the stock is declared overfished in the future.

## **Fishery Management Plan (FMP) Amendment 20 – Trawl Rationalization: Community Fishery Association, Miscellaneous Clarification Issues, and Analysis Parameters for an Adaptive Management Program**

### **Community Fishing Associations**

The Council voted to move forward with CFAs in a trailing amendment to the trawl rationalization program. A trailing amendment on CFAs would come before the Council in autumn 2009 or later. The Council provided initial guidance on the organization of CFAs, including; 1) CFAs would be structured as an entity eligible to hold quota under the trawl rationalization program; 2) CFAs would not be entitled to receive an initial allocation; and 3) trawl permits would be utilized to hold quota shares and to fish quota pounds.

### **Other Clarifications**

The Council provided the following guidance with respect to interpretation of its November 2008 action on trawl rationalization: (1) in applying the “drop two-year” provision of the quota allocation formulas, permits with history in both the shoreside whiting and mothership whiting sectors would be allowed to drop different years from their history for each sector; (2) there would be no inseason rollover of whiting between the at-sea sectors; (3) the non-co-op fishery would be closed based on projected attainment of its bycatch allocation (there would not be any buffers).

## **Analysis Parameters for Adaptive Management Program**

The Council adopted goals, objectives, and various program element options for an Adaptive Management Program. The goals and objectives for the adaptive management program are:

- Community stability
- Processor stability
- Conservation
- Unintended/unforeseen consequences of the TIQ program
- Facilitate new entrants (both harvesters and processors)

The basic program structure specifies the use of a simple, formulaic approach to allocating Adaptive Management quota during years three through five of the program, the details of which would be developed during the first two years of the trawl rationalization program. The Council adopted two options for further analysis of an Adaptive Management Program during years one and two of the trawl rationalization program. The first option allocates Adaptive Management quota to quota share holders on a pro-rata basis (a pass through approach that essentially calls for no adaptive management adjustments during the first two years). The second option has the intention of implementing the Adaptive Management Program in the first two years of the trawl rationalization program.

In addition to the basic structure described above, the Council adopted several options for analysis and further consideration which will be determined at the June Council meeting.

- Three options for organizational structure:

**NMFS**: Adaptive Management Program is fully administered by NMFS;

**Council → NMFS**: Council submits recommendations to NMFS for implementation; and

**State → Council → NMFS**: states may have separate processes for recommending Adaptive Management quota allocations which are considered by the Council and forwarded to NMFS for implementation.

- Variations for division of Adaptive Management quota pounds among states.
- Variations for duration of Adaptive Management quota pounds.
- A schedule for a five year Adaptive Management Program review.
- Variations for Adaptive Management Program duration.

## **Fishery Management Plan (FMP) Amendment to Implement Annual Catch Limit (ACL) Requirements**

The Council decided to pursue a groundfish FMP amendment to incorporate new National Standard 1 (NS1) guidelines to end overfishing as mandated in the re-authorized Magnuson-Stevens Act. FMP Amendment 23 contemplates revising the FMP to incorporate the following new harvest thresholds: an overfishing level (OFL), which is the level of harvest corresponding to the fishing rate predicted to result in maximum sustainable yield; an acceptable biological catch (ABC), which is set below the OFL and incorporates scientific uncertainty; and an annual catch limit (ACL), which is set equal to or below the ABC and is analogous to the current optimum yield specification. Further catch buffers for other reasons may be considered.

The Council examined an aggressive FMP amendment schedule to incorporate these new NS1 guidelines by this November in time for the initiation of the next biennial specifications process. The Council tasked Council staff with providing initial analysis of a frame-working procedure that can provide conceptual definitions and a schedule that allows detail development of terminology and procedures that are integrated into future biennial specifications processes.

### **Administrative Matters**

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#### **Legislative Matters**

The Council approved the report of the Legislative Committee and directed the Executive Director to send a letter to staff of the U.S. Senate Subcommittee on Commerce, Science and Transportation expressing support for H.R. 1080, the Illegal, Unreported, and Unregulated Fishing Enforcement Act of 2009; particularly the bill's amendatory language to existing legislation that implements technical corrections regarding U.S. representation to the Western and Central Pacific Fisheries Commission and the process specified under the U.S./Canada agreement on Pacific Whiting. The Legislative Committee and Council staff discussed and will continue to track several other pieces of Federal legislation of interest to the Council.

#### **Membership Appointments and Council Operating Procedures**

Following up on an action initiated at its March meeting, the Council took final action to add a new position on the Coastal Pelagic Species Management Team (CPSMT). The CPSMT membership was modified in Council Operating Procedure 3 to provide for up to four NMFS members, one of which shall represent the NMFS Northwest Fisheries Science Center (NWFSC).

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

Mr. Daniel Erickson to the Oregon Department of Fish and Wildlife position on the Groundfish Management Team (GMT);

Dr. Jason Cope to the NMFS NWFSC position on the GMT; and

Dr. Robert Emmett to the newly created NMFS NWFSC position on the Coastal Pelagic Species Management Team.

The Council chair appointed Mr. Roger Bain to serve in an interim Tribal Fisher position on the Groundfish Advisory Subpanel at the June meeting. Council staff will request nominations to fill this position on a regular basis for final selection by the Council at its June meeting.

### **Future Council Meeting Agenda and Workload Planning**

The proposed draft agenda for the June 2009 Council meeting in Spokane, Washington will be posted on the Council website [www.pcouncil.org](http://www.pcouncil.org) during the first week in May 2009.

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