

**DECISIONS OF THE
PACIFIC FISHERY MANAGEMENT COUNCIL
APRIL 10-15, 2010**

HABITAT

Current Habitat Issues

The Council approved the Habitat Committee's (HC) draft letter to the Bureau of Reclamation, with edits, and directed the HC to draft a letter commenting on the proposed Reedsport wave energy project for Council consideration at the June 2010 Council meeting. Council staff will work with National Marine Fisheries Service to provide Council fishery management plans to the Federal Energy Regulatory Commission as part of scoping for the Reedsport project. In addition, relevant HC and Salmon Technical Team members will meet at the June Council meeting to begin discussing the habitat section of the Sacramento fall Chinook habitat review.

COASTAL PELAGIC SPECIES MANAGEMENT

Exempted Fishing Permit for Sardine Aerial Survey Research

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, in conjunction with fishing vessel 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 applicants presented a revised EFP application in response to Council suggestions from the March 2010 meeting, and an addendum that further modifies their proposal based on suggestions from the Scientific and Statistical Committee and Coastal Pelagic Species Management Team at the April Council meeting.

The Council recommended that the National Marine Fisheries Service approve the EFP with the addendum.

HIGHLY MIGRATORY SPECIES MANAGEMENT

Fishery Management Plan Amendment 2 – Annual Catch Limits and Accountability Measures

The Council adopted a range of alternatives for public review to address revised Magnuson-Stevens Act National Standard 1 Guidelines. The alternatives cover the following topics:

- Stock classification as management units (“in the fishery”) and ecosystem component (EC) species
- Applying the international exception to stocks in the fishery and potentially subject to annual catch limits (ACLs)
- Determining the primary fishery management plan (FMP) for management units because highly migratory species managed species also occur in the Western Pacific Fishery Management Council’s Pelagics FMP
- Establishing reference points (maximum sustainable yield, stock determination criteria including overfishing limits, optimum yield) for managed species
- Establishing ACLs and accountability measures for those stocks that may not be subject to the international exception.

Final Council action is scheduled for the June 2010 Council meeting.

Consideration of Effort Limitation in the Albacore Tuna Fishery

The Council directed the Highly Migratory Species Management Team, with assistance from the Highly Migratory Species Advisory Subpanel and support from National Marine Fisheries Service, to gather additional information about characteristics of domestic and international albacore fishing fleets. This information would be used to develop any U.S. proposals for albacore conservation and management at the international regional fishery management organization level and appropriate domestic management measures should action be necessary in response to an updated stock assessment expected in 2011. The Council asked to receive a report on these matters in the first half of 2011, towards further consideration of controls on fishery limitation. The Council did not take action to change the current March 9, 2000, control date for highly migratory species fisheries.

Critical Habitat Designation for Leatherback Turtles

The Council tasked Council staff with submitting comments on the proposed rule to designate critical habitat in the U.S. west coast Exclusive Economic Zone for the endangered leatherback sea turtle. Comment areas include:

- Support of the finding that fishing does not adversely affect the passage and prey Primary Constituent Elements identified for leatherback critical habitat. Impacts of fishing to leatherbacks are best addressed through the provisions in Section 7 of the Endangered Species Act.
- Concern about the 70,000 square mile extent of the area proposed for critical habitat designation and the potential precedent setting nature of such a designation. The Council noted that marine critical habitat designation for leatherbacks in the Caribbean is closely associated with a nesting beach and the west coast proposed designation appears inconsistent with the Caribbean designation.
- Concern that the proposed rule and supporting biological and socioeconomic reports do not provided sufficient explanation of the methodology used to determine which areas to designate, the boundaries of those areas, and their extent.
- A recommendation that Tribal Usual and Accustomed Areas in marine areas not be included in the designation.
- Concern about inter-annual variation in oceanographic conditions not being addressed in the designation and suggested that future developments in ecosystem-based management be applied to critical habitat designations.

GROUND FISH MANAGEMENT

Regulatory Deeming for Fishery Management Plan Amendment 20 (Trawl Rationalization) and Amendment 21 (Intersector Allocation)

The Council reviewed Amendments 20 (trawl rationalization) and 21 (intersector allocation) draft regulations pertaining to initial allocations, appeals and sector allocations. It identified a number of areas where adjustments were needed to align the regulations with Council actions and authorized Council staff to work with National Marine Fisheries Service (NMFS) staff to make the needed revisions prior to formal submission of a letter deeming the revised language to be necessary or appropriate for implementing Amendments 20 and 21. The Council also adopted a tracking and monitoring plan for NMFS to use as guidance in drafting the next package of regulations needed to implement Amendment 20, as well as expressing the preferred approach for federal funding assistance in the first year of implementation. The Council appointed a regulatory deeming workgroup to review the draft regulatory language for the balance of the regulations, scheduled for a consistency deeming decision at the June Council meeting.

Consideration of Inseason Adjustments

The Council adopted the following inseason adjustment to ongoing 2010 fisheries:

Reduce the limited entry non-whiting trawl fishery north of 40°10' N latitude trip limit for minor slope and darkblotched rockfish from 6,000 pounds/2 months to 2,000 pounds/2 months, starting May 1, 2010 through the rest of the year (e.g. Periods 3-6).

Harvest Specifications and Management Measures for 2011-2012 Fisheries

The Council adopted groundfish overfishing levels and acceptable biological catches for various groundfish stocks and stock complexes for 2011-2012 fisheries. The Council also adopted a range and preliminary preferred annual catch limits (ACLs) for groundfish species and complexes and a range of management measures for 2011-2012 fisheries. The range of 2011-2012 groundfish ACLs including preferred ACLs and the range of management measures for analysis will be available soon in the Council's spring newsletter. All harvest specification and management measure alternatives will be analyzed in a draft environmental impact statement, a draft of which will be provided for the June Council meeting when the Council is scheduled to take final action.

PACIFIC HALIBUT MANAGEMENT

Incidental Catch Regulations in the Salmon Troll Fishery

The Council adopted the following landing restrictions for Pacific halibut caught incidentally in the 2010 salmon troll fishery:

Beginning May 1, license holders may possess or land no more than one halibut per each three 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).

SALMON MANAGEMENT

Methodology Review Process and Preliminary Topic Selection for 2010

The Council adopted the following priority candidate items that the Scientific and Statistical Committee (SSC) may consider for the 2010 Salmon Methodology Review. Source entities to deliver detailed reports for SSC review are included with each candidate item.

- Examination of the potential bias in Coho and Chinook Fishery Regulation Assessment Model (FRAM) of fishery-related mortality introduced by mark-selective fisheries – *Model Evaluation Workgroup*
- Continued sensitivity analysis of FRAM to key parameter – *Model Evaluation Workgroup*
- Oregon coastal natural (OCN) coho abundance predictor – *National Marine Fisheries Service*
- Evaluation of indicator stock tag groups for Columbia River summer Chinook for incorporation into FRAM – *Salmon Technical Team*
- Incorporation of additional Chinook stocks into the FRAM for improved accounting and better overall stock representation – *Salmon Technical Team*
- Revisions to Amendment 13 matrix control rules for OCN coho stocks – *Oregon Department of Fish and Wildlife*
- Abundance-based management framework for Lower Columbia River tule fall Chinook – *To Be Determined*
- Update and revision of natural production information in the Lower Columbia River natural coho harvest management matrix – *Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife*
- Review and evaluation of mark-selective fishery reports – *Salmon Technical Team*

The final list of items will be determined at the September 2010 Council meeting, and the Review will occur prior to the November 2010 Council meeting.

Final Action on 2010 Management Measures

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

South of Cape Falcon

California recreational seasons south of Horse Mt. are open April 3 through September 6 (Labor Day), although the ocean will be closed Tuesdays and Wednesdays south of Point Arena, and the minimum

size limit is 24 inches beginning May 1 (up from 20 inches). The area from Horse Mt. to the Oregon/California (OR/CA) border (California Klamath Management Zone) is open May 29 through September 6.

Recreational ocean fisheries from the OR/CA border to Cape Falcon, OR are open to Chinook retention May 29 through September 6, with a concurrent mark-selective coho fishery beginning June 26, subject to a quota of 26,000 marked coho.

The commercial season in California is July 1-4 and July 8-11 south of Point Arena. Between Point Arena and Horse Mt. the season includes the July 1-4 and 8-11 openings plus two quota fisheries, the first from July 15-29 or an 18,000 Chinook quota, the second from August 1-31 or a 9,375 Chinook quota.

Oregon commercial fisheries between the OR/CA border and Humbug Mt. (Oregon Klamath Management Zone) are open May 1-31, with two quota fisheries, the first from July 1-31 or a 1,500 Chinook quota, the second from August 1-31 or a 1,500 Chinook quota. Fisheries between Cape Falcon and Humbug Mt. are open May 1 to July 6, July 9-13, July 16-20, July 23-27, and August 1-25.

The California and Oregon commercial fisheries also included allowances for an experimental catch and release genetic stock identification study during closed times and areas between May 1 and September 30.

North of Cape Falcon

Recreational ocean fisheries north of Cape Falcon will be open for all-salmon-except-coho from June 12 through the earlier of June 30 or a 12,000 mark-selective Chinook quota. This will be the first mark selective Chinook fishery in Council managed waters. All-salmon seasons north of the Queets River (La Push and Neah Bay areas) will be open Tuesday through Saturday beginning July 1. The all-salmon season between the Queets River and Leadbetter Point (Westport area) will be open Sunday through Thursday beginning July 4. The all-salmon season south of Leadbetter Point (Columbia River area) will be open seven days per week beginning July 1. All areas will be subject to area-specific mark-selective coho quotas totaling 67,200 and an overall (all areas combined) non-mark selective Chinook preseason quota of 49,000.

The non-Indian commercial troll fishery will consist of a Chinook-directed fishery running seven days per week beginning May 1 through the earlier of June 30 or a 42,000 Chinook quota, and an all-salmon fishery beginning July 1 through the earlier of September 14 or a 14,000 preseason Chinook quota or an 11,800 mark-selective coho quota. The all-salmon fishery will be open July 1-6, then Friday through Tuesday through July 27, then Saturday through Tuesday thereafter, with a landing and possession limit of 150 Chinook and 50 coho per vessel per open period north of Leadbetter Point, or the same landing and possession limit south of Leadbetter Point.

The Treaty Indian ocean fisheries will consist of a Chinook-directed fishery beginning May 1 through the earlier of June 30 or a 27,500 Chinook quota, and an all-salmon fishery beginning July 1 through the earlier of September 15 or a 27,500 Chinook quota or a 41,500 coho quota.

The adopted seasons will be submitted to National Marine Fisheries Service for approval by May 1, 2010. The detailed management measures can be viewed on the Council website www.pcouncil.org.

ADMINISTRATIVE MATTERS

Legislative Matters

The Legislative Committee reviewed and reported on two bills; S. 2870 - International Fisheries Stewardship and Enforcement Act, and H.R. 4363 - National Sustainable Offshore Aquaculture Act of 2009. There has not been a recent Congressional request for Council input on legislative matters, including S.2870 and H.R.4363. The Council approved comments provided in the Legislative Committee report on these two bills with the expectation that the recommendations could be submitted in response to future Congressional inquiries at the discretion of the Council or the Council's Executive Director.

Membership Appointments and Council Operating Procedures

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

Ms. Meisha Key to the California Department of Fish and Game position on the Scientific and Statistical Committee;

LT Steve Arnwine to the 11th Coast Guard District position on the Enforcement Consultants;

Ms. Suzanne Kohin to the NMFS Southwest Fishery Science Center position on the Highly Migratory Species Management Team; and

Mr. Merrick Burden to the conservation position on the Highly Migratory Species Advisory Subpanel.

In reviewing long-standing unfilled vacancies on advisory bodies, the Council decided to eliminate the Idaho at-large position on the Ecosystem Advisory Subpanel. This will require a change to Council Operating Procedure 2.

The Council established a new ad hoc committee, the Groundfish Regulatory Workgroup (GRW). The GRW will assist the Council in the deeming process for Groundfish Amendments 20 (Catch Shares) and 21 (Trawl Allocation). It is expected to meet prior to and possibly at the June Council meeting to accomplish its review and recommendations for affirmation and resolution of regulatory issues implementing the amendments. The Council chair appointed the following members to the GRW:

Dr. Dave Hanson, Chair
Mr. Corey Niles
Mr. Robert Alverson
Mr. Brent Paine
Ms. Donna Parker

Mr. Merrick Burden
Mr. Craig Urness
Mr. Pete Leipzig
Mr. Michael Lake
Mr. Dan Waldeck

Mr. Joe Sullivan
Mr. Dayna Matthews
AC Tony Warrington

Future Council Meeting Agenda and Workload Planning

The Council provided guidance on issues to be covered at the next scheduled Council meeting which will be held June 12-17, 2010 in Foster City, California. The proposed June meeting agenda will be posted on the Council website <http://www.pcouncil.org/> in mid-May 2010.

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