



COUNCIL DECISIONS – JUNE 13-18, 2009 MEETING

Pacific Halibut Management

Proposed Procedures for Estimating Pacific Halibut Bycatch in the Groundfish Setline Fisheries

The Council adopted an annual process to submit Pacific halibut bycatch and bycatch mortality estimates for Area 2A trawl and set line fisheries to the International Pacific Halibut Commission (IPHC) prior to mid-October. Because of different release timing, the estimates for trawl fisheries would be based on data from the previous year, while the set line estimates would be based on data from two years ago (e.g., estimates provided by October 2009 would be based on 2008 trawl and 2007 setline fisheries). The Council will review methods and resulting estimates of halibut bycatch in both the setline and trawl fisheries at the September Council meeting. These estimates would be used by the IPHC staff to develop constant exploitation yield recommendations to the IPHC during their annual management process.

Highly Migratory Species Management

Council Recommendations to International Regional Fishery Management Organizations

The Council made the following recommendations to the U.S. delegation to the Northern Committee of the Western and Central Pacific Fisheries Commission (WCPFC), for consideration by the Northern Committee at their September 7-10, 2009 meeting:

1. Maintain progress in developing biological reference points for North Pacific albacore.
2. Resolve stock structure issues for North Pacific striped marlin and, once resolved, conduct an assessment for all stocks.
3. Recommend the Northern Committee seek management authority for striped marlin from the WCPFC.
4. Address any conservation recommendations for North Pacific swordfish proposed by the Plenary of the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

5. Conduct an assessment of Northern bluefin tuna as soon as possible to resolve uncertainties in the last assessment.

The Council also made the following general recommendations for the WCPFC, which could first be considered by the Northern Committee:

1. Encourage the WCPFC to request that a representative be invited to join the recently formed ad-hoc work group of the Inter-American Tropical Tuna Commission, which is tasked with defining measures of “current” fishing effort for North Pacific albacore per Resolution C-05-02. WCPFC representation on the ad-hoc committee would help ensure that any operational definition would be consistent between the two organizations, given the related WCPFC Conservation and Management Measure CMM-2005-03.
2. Request that the WCPFC ensure all parties to the Convention report fishing effort information on North Pacific albacore to comply with CMM-2005-03.

Coastal Pelagic Species Management

Pacific Mackerel Management for 2009-2010

The Council adopted the full Pacific mackerel assessment and the following harvest specifications and management measures for the July 2009-June 2010 Pacific mackerel fishery:

1. Establish an acceptable biological catch of 55,408 metric ton (mt) and a harvest guideline for the directed fishery of 10,000 mt, which includes an incidental set-aside of 2,000 mt for incidental catch in non-divested fisheries.
2. Should the directed fishery attain landings of 8,000 mt, the Council recommends that National Marine Fisheries Service (NMFS) close the directed fishery and revert to an incidental-catch-only fishery with a 45 percent incidental landing allowance when Pacific mackerel are landed with other coastal pelagic species (CPS), except that up to 1 mt of Pacific mackerel could be landed without landing any other CPS.

Additionally, to provide time to address research and data needs associated with Pacific mackerel assessment, the Council recommends no assessment in 2010 and a full assessment in 2011.

Survey Methodology Review and Exempted Fishing Permit

The Council approved the exempted fishing permit (EFP) proposal for an industry-sponsored Pacific sardine research survey in 2009. The Council recommends that NMFS approve the EFP with the addition of the 24 hour pre-fishing notification requirements specified by the Enforcement Consultants. As an additional requirement of the EFP, the Council recommends that NMFS work with the EFP applicants to develop timely data reporting requirements. The Council understands the NMFS has completed a public review period and is working to approve a final rule to increase the research set-aside to 2,400 mt to accommodate the EFP.

Groundfish Management

Groundfish Essential Fish Habitat Modifications

In view of workload issues and the scheduled 2011 start of the periodic five year review of groundfish essential fish habitat (EFH), the Council deferred action until no earlier than September 2010 on proposals to modify the Eel Canyon, Olympic 2, and Grays Canyon areas closed to bottom trawl fishing gear. The Council noted the Rockfish Conservation Area closures being in effect in the areas of the proposed Olympic 2 and Grays Canyon areas until this further action is considered. In the interim, the Council encouraged proponents of the Olympic 2 and Grays Canyon EFH closures to continue refinement of the proposals, especially in regard to coordination with the tribal fisheries.

Proposed Process and Schedule for Developing 2011-2012 Biennial Harvest Specifications and Management Measures

The Council adopted the process and schedule outlined in [Agenda Item E.2.a, Attachment 1](#).

Fishery Management Plan Amendment 22 – Open Access Fishery Limitation

In March 2009, the Council adopted a simple registration program for fishermen intending to fish in the open access fishery. The Council reviewed the substance and clarity of the March 2009 action, and after such clarification, voted against further consideration to rescind the March decision.

Fishery Management Plan Amendment 23 – Implementing Annual Catch Limit Requirements

The Council provided guidance for development of Amendment 23 (annual catch limit requirements) alternatives as follows:

1. The Groundfish Management Team (GMT) and Council staff should document the performance of the inseason catch monitoring and adjustment mechanism to evaluate the efficacy of these accountability measures.
2. The Scientific and Statistical Committee (SSC) and Council staff should coordinate development of alternative acceptable biological catch (ABC) control rules to synchronize with the 2011-12 biennial specifications process, with the goal of providing alternatives for the November Council meeting.
3. The development of ABC control rules and annual catch limit (ACL) considerations for target and overfished species is to be prioritized over such specifications for un-assessed species, in the event it does not appear both will be possible for the November Council meeting.
4. The development of ABC control rules should be based on relatively simple and understandable metrics.

Part I of Stock Assessments for 2011-2012 Groundfish Fisheries

The Council adopted a new full assessment for splitnose rockfish, as well as updated assessments for canary rockfish, darkblotched rockfish, Pacific ocean perch, and cowcod for management decision-making in the 2011-12 biennial specifications process. The Council delayed adoption of a new petrale sole assessment pending further review by the SSC this summer. The stock assessment should incorporate the SSC recommendations for assessment improvements and explorations. A revised petrale sole assessment will be considered for adoption at the September Council meeting.

Inseason Adjustments to 2009 Fisheries

As part of this agenda item the Council voted to start a “Point of Concern” framework process for petrale sole. This process was triggered due to preliminary results from the most recent petrale stock assessment indicating the stock status is more depleted than previously thought. Catch reductions may therefore be

necessary to keep the stock from reaching an “overfished” condition in 2011. The process establishes preliminary action to reduce petrale sole catches at this meeting. The Council’s final decision on whether and how to reduce petrale sole in the 2009 -2010 biennium will be decided at the September Council meeting, along with final adoption of the petrale stock assessment. In September the Council may reconsider period 6 petrale trip limits as well as 2010 trip limits and a reduced OY for 2010. Furthermore, the Council also discussed the possibility of implementing a “red light” action to reduce the canary rockfish OY in 2010 as a result of a more pessimistic assessment for that species. The Council will consider the possibility of reducing the canary rockfish OY at the September Council meeting.

In addition to beginning the Point of Concern framework process, the Council adopted routine adjustments to trip limits and Rockfish Conservation Areas (RCAs) for commercial fisheries. These changes are:

- Reduce petrale sole cumulative limits coastwide in both period 5 and 6 in the limited entry non-whiting trawl fishery. In period 5 set trawl cumulative limits of petrale sole for both large & small footrope and selective flatfish trawl (SFFT) gears to 5,000 lbs. Set period 6 petrale limits for both large & small footrope and SFFT gears to 2,000 lbs.
- Implement an unmodified 200 fathom line in the trawl fishery coastwide in period 6 (i.e. close the petrale “cut outs” that have allowed target fishing).
- In period 4, move the shoreward portion of the trawl RCA to 100 fathoms between 48°10’ N. lat. and 40° 10’ N. lat.
- Increase sablefish trip limit north of 40° 10’ N. lat. for trawl vessels using large and small footrope gear to 24,000 lb/2 months in periods 4 & 5 and to 20,000 lb/2 months in period 6.
- Increase sablefish trip limits for trawl vessels using selective flatfish trawl gear in areas north of 40 degrees 10 minutes N. lat. to 11,000 lbs per two months beginning in period 4 through the end of the year.
- Increase chilipepper limits for trawl vessels operating south of 40° 10’ N. lat. to 12,000 lbs per two months beginning in period 4 through the end of the year.
- Increase the bimonthly limit for the LE sablefish DTL fishery north of 36° to 6,000 lb/2 months from July-October.

- Increase the OA sablefish DTL weekly and bimonthly limits in areas north of 36° N. lat. to 950 lbs and 2,750 lbs respectively beginning July 1 through the end of the year.
- Increase the California scorpionfish trip limits in the limited entry and open access fixed gear fisheries south of 40° 10' to 1,200 lb/2 months beginning July 1 through the end of the year
- Modify the minor nearshore rockfish cumulative limit in the limited entry and open access fixed gear fisheries between 42° N. lat. and 40°10' N. lat. to 7,000 lb/2months of which no more than 1,200 lb may be species other than black rockfish

Preliminary Review of Exempted Fishing Permits for 2010

The Council preliminarily adopted five of six proposals submitted for 2010 EFP. Four of these EFP proposals are renewals of EFPs previously approved for 2009. The fifth EFP is a new one designed to collect biological information for yelloweye rockfish incidentally caught in the Oregon charter boat fishery. The five EFPs preliminarily adopted are

- 1) A proposal sponsored by Mr. Steve Fosmark designed to test a trolled longline strategy to selectively harvest abundant chilipepper rockfish off central California;
- 2) A proposal sponsored by the communities of Morro Bay and Port San Luis, The Nature Conservancy, Environmental Defense, and California Department of Fish Game that seeks to test hook-and-line and trap gears in central California using limited entry trawl permits purchased by The Nature Conservancy;
- 3) A proposal sponsored by the Oregon Chapter of the Recreational Fishing Alliance that seeks to test floated, long leader gear to selectively harvest yellowtail rockfish within the RCA in waters off Oregon;
- 4) A proposal sponsored by the Recreational Fishing Alliance and the Golden Gate Fishermen's Association that seeks to test the use of recreational hook-and-line gear to catch underutilized chilipepper rockfish, yellowtail rockfish, and slope rockfish on Commercial Party Fishing Vessels seaward of the non-trawl RCA in waters off California north of Pt. Conception; and
- 5) A proposal sponsored by Oregon Department of Fish and Wildlife that seeks to collect biological data from yelloweye rockfish encountered in the Oregon sport charter fishery.

The Council recommended some modifications to these EFP proposals, which will be considered for final action in November.

Fishery Management Plan (FMP) Amendments 20 and 21 – Trawl Rationalization and Intersector Allocation – Regulatory Overview and Final Action on Miscellaneous Remaining Issues and FMP Language

Eligible to Own. The Council reviewed and confirmed the language on eligibility to own quota shares (QS), as developed by staff based on direction from the March 2009 Council meeting ([Agenda Item E.10.a, Attachment 4, page 1](#)), but also included AFA exceptions for mothership processors, as recommended by the Groundfish Allocation Committee (GAC).

Carry-overs and ACLs. The Council modified the quota pound (QP) carry over provision by specifying that when an optimum yield (OY) declines, carry-overs will be adjusted downward proportional to the decline in the OY, that the 10 percent carryover amount may be adjusted during the biennial management specifications process, and that this provision will be implemented to the maximum extent possible within the limits of Magnuson-Stevens Act (MSA) restrictions.

IFQ Program Species Coverage. The Council decided to continue to manage spiny dogfish as part of a category for “Other Fish” and not to include the “Other Fish” category within the scope of the individual fishing quota (IFQ) program. If at a future time “Other Fish” is added to the IFQ program, QS would be determined using the same catch history criteria as the other IFQ species (1994-2003 catch history of the permit), unless otherwise specified by a future Council action.

Catch History Used for Allocation in the Mothership Co-op Fishery. For the purpose of determining the allocations for catcher vessel permits in the mothership sector, the Council decided a vessel’s catch history in a particular year will be measured as its share of catch in that year (relative pounds), rather than its total pounds of catch in that year.

Halibut for the Trawl IBQ Program. The Council modified its previous action taken under the intersector allocation FMP amendment (Amendment 21) by specifying that during the biennial specifications process the amount of

halibut made available for the trawl individual bycatch quota (IBQ) program may be modified either up or down. The original action specified that only downward movement could occur. Additionally, each vessel would be required to cover their halibut mortality with IBQ.

Tracking and Monitoring. It is the Council intent to provide NMFS sufficient flexibility in the design and implementation of the tracking and monitoring program to achieve the goals and objectives of the trawl rationalization program.

Divestiture. Anyone qualifying for non-overfished species quota shares in excess of control limits adopted by the Council at its June 18, 2009 meeting will be allowed to receive those QS but will be required to divest themselves of those shares in years three and four of the IFQ program (a transfer moratorium prohibits transfer in years one and two). Any QS not divested by the end of the fourth year will be forfeited without compensation. The opportunity to receive QS in excess of the limits and then divest applies only with respect to QS issued for permits for which transfers were registered with NMFS prior to the end November 2008. Arrangements for such transfers must have commenced prior to November 8, 2008. Prior to the time divestiture occurs, permit holders will receive and be allowed to transfer to vessels all the quota pounds associated with their QS, including amounts of QP associated with QS held in excess of control limits.

Amendment 20 -- FMP Amendment Language

The Council adopted Fishery Management Plan (FMP) amendment language, which includes text specifying that there would be IFQ for the shoreside sector and co-op programs for the at-sea sectors, text implementing those provisions that relate directly to vessel licenses and endorsements, and modifications to existing text needed to create consistency between the FMP and the IFQ and co-op programs. All other aspects of the IFQ and co-op programs will be covered in appendices to the FMP. These appendices may be revised from time to time to reflect program changes made by regulatory amendments without the need for a duplicative FMP amendment.

Fishery Management Plan Amendment 20 – Trawl Rationalization – Final Action on Accumulation Limits and Divestiture

The Council took the following actions on accumulation limits:

1. Confirmed control and vessel limits for all non-overfished species consistent with the preliminary preferred option, as specified in [Agenda Item E.11.a, Attachment 1, Table 1 on page 2](#).
2. Adopted control limits for all overfished species consistent with Table F of [Agenda Item E.11.b, GMT Report](#) (using the upper range values for bocaccio and cowcod). Set vessel limits equal to the control limits for overfished species. Permit owners may replenish their vessel accounts back to the vessel limit, as QP are used. Vessel accounts will be subject to an annual cumulative usage limit set equal to the vessel limit percentages identified in Table F (page 21, Agenda Item E.11.b, GMT Report). If widow rockfish is declared rebuilt before initial allocation of quota shares, the vessel limit will be set equal to 1.5 times the control limit.
3. For Pacific halibut, the Council adopted a control limit of 5.4 percent and a vessel limit equal to the control limit. Quota pound holders will be allowed to replenish their vessel accounts up to the vessel limit, as QP are used. Vessel accounts will also be subject to an annual cumulative usage limit of 14 percent.
4. The Council may revisit vessel cumulative usage limits for overfished species and Pacific halibut in the first biennial specifications process after implementation of the trawl rationalization program. Additionally, QP transfers will be allowed only from the QS holder to vessels and from one vessel to another.

Fishery Management Plan Amendment 20 – Final Action for Adaptive Management Program

The Council voted to adopt an Adaptive Management “pass through” option for the first two years of the trawl rationalization program. This option will distribute the Adaptive Management Program (AMP) quota pounds to QS holders on a pro-rata basis during this period and will effectively call for no AMP during the first two years of the rationalization program. During this period the Council will continue to develop a formulaic AMP for implementation in years three through five, consistent with the goals and objectives specified as part of the April motion

on this topic. The AMP will be reviewed during year five of the rationalization program as part of the comprehensive program review.

Administrative Matters

Membership Appointments and Council Operating Procedures

The Council appointed Mr. Dave Ortmann to serve as Council Chair for the 2009-2010 term (effective August 11). For its two vice chair positions, the Council reappointed Mr. Mark Cedergreen and appointed Mr. Daniel Wolford to his first term.

As the new Council Chair, Mr. Ortmann will replace Mr. Hansen on the Budget, Legislative, and Groundfish Allocation committees.

Prior to the September Council meeting, Mr. Ortmann will make decisions for filling vacancies left by departing Council members. Those positions are that of Mr. Frank Warrens on the Budget Committee and Ms. Kathy Fosmark on the Legislative Committee.

To fill the vacant tribal fisher position on the Groundfish Advisory Subpanel (GAP) for the remainder of the 2007-2009 term, the Council appointed Mr. Roger Bain.

The Council also created an ad hoc Salmon Amendment Plan Committee to develop and complete a salmon FMP amendment that will bring the FMP into compliance with the revised National Standard 1 Guideline, which concerns conservation of the fishery resource and more specifically overfishing criteria, including annual catch limits. The Council Chair announced initial appointments to the committee ([Agenda Item G.1.a, Supplemental Attachment 1](#)) and will confer with Council members to make any other appropriate appointments to the committee.

Chair Hansen announced the nomination of Dr. Dave Hanson to the NOAA Catch Shares Task Force and Mr. Jim Seger to the NOAA Catch Share Working Group. Members to these groups will be selected from among nominees of all the regional councils to help NOAA facilitate the consideration and adoption of catch shares as a fishery management strategy.

Proposed Rule on Council Operations

The Council reviewed the proposed changes to regional council operating procedures, as contained in the NMFS proposed rule (74 FR 13386, March 27, 2009) and, in general, approved the staff's draft comment letter submitted as part of this agenda item. The primary areas of Council concern were with proposed definitions of advisory bodies which are at odds with the way most regional councils have established those bodies, and unclear directions with regard to restrictions on Executive Branch lobbying which are not consistent with the regional council's mandated advisory role to the administrative branches of the Federal Government. Further, the Council directed staff to include responsive comments on guidelines for the payment of stipends to the SSC and advisory panel members that align with Pacific Council priorities and advisory body organization.

Future Council Meeting Agenda and Workload Planning

The Council principally endorsed the draft September Council meeting agenda as shown in [Agenda Item G.5.a, Supplemental Attachment 4](#). However, the marine debris clean-up program will be an informational-only item and the staff was directed to optimize the sequencing of all agenda items. The proposed draft agenda for the September 2009 Council meeting in Foster City, California will be posted on the Council website www.pcouncil.org in August 2009.

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