



COUNCIL DECISIONS - SEPTEMBER 2008 MEETING

Salmon Management

Salmon Methodology Review

The Council directed the Scientific and Statistical Committee (SSC) to review the following topics and report their findings at the November Council meeting in San Diego, California:

- a) Sensitivity analysis of Chinook and Coho Fishery Regulation Assessment Models to major assumptions, including sensitivity to parameters related to mark-selective fisheries.
- b) Development of a new stock abundance forecast for Sacramento River fall Chinook.
- c) Harvest forecast model for Sacramento River fall Chinook.

Progress Report on Causes of the 2008 Salmon Failure

The Council requested that National Marine Fisheries Service (NMFS) project leaders provide brief rationale statements to be included on the list of potential causative factors that were either eliminated from further consideration or condensed into other topics, as a supplement to their September 2008 report presented at this Council meeting. The Council asked the draft final report be provided in mid-March 2009 for inclusion in the advance briefing book for the April Council meeting.

Central Valley Salmon Recovery Plan

The Council tasked Council staff with forwarding comments on the co-manager draft Central Valley Recovery Plan to NMFS that were developed by staff and advisory bodies (briefing documents labeled [Agenda Item D.3.a, Attachment 2: Council Staff Comments On the Co-Manager Draft Central Valley Salmon Recovery Plan](#); [Agenda Item D.3.d, STT Report](#); [Agenda Item D.3.d, Supplemental SAS Report](#); and [Agenda Item D.3.c, Supplemental HC Report](#)).

Pacific Halibut Management

Pacific Halibut Bycatch Estimate for International Pacific Halibut Commission Adoption

The Council recommended NMFS forward to the International Pacific Halibut Commission (IPHC) the report on Pacific halibut bycatch estimates in 2007 Area 2A groundfish trawl fisheries using, for the first time, the observed halibut viability methodology in place of the standard 50 percent release mortality assumption ([Agenda Item E.1.b, Supplemental NMFS Report](#)). These estimates show a 26 percent decrease in total bycatch mortality and a 19 percent decrease in legal size halibut bycatch mortality compared to 2006.

Pacific Halibut Catch Apportionment Methodology

The Council recommended a letter be sent to IPHC requesting a meeting between IPHC staff and Area 2A halibut managers to discuss issues associated with the proposed catch area apportionment methodology. The Council postponed final action on developing a Council position on the proposed catch apportionment methodology until the November 2008 Council meeting in San Diego, California.

Proposed Changes to Catch Sharing Plan and 2009 Annual Regulations

The Council adopted for public review the following proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan (CSP) season structures:

Washington North Coast Subarea

- a) Remove the provision to divide the subarea quota between May and June;
- b) Restructure the season from three staggered days per week (Tuesday, Thursday, and Saturday) to two staggered days per week (Thursday and Saturday); and
- c) Change the re-opening date in June from the first Tuesday after June 16 to the first Thursday in June.

Washington South Coast Subarea

- a) As an option, specify that the nearshore set-aside would be 10 percent of the subquota, or 2,000 pounds, whichever is less.
- b) Starting the third week in May the primary fishery will only be open on Sundays until the quota for the offshore season is reached.

- c) Specify that the season will be open in the nearshore areas on Thursday through Saturday during the primary season and Thursday through Sunday after the primary season.
- d) Specify that, in addition to the South Coast Yellowfish Rockfish Conservation Area (YRCA), recreational fishing for groundfish and halibut is prohibited in the Westport Offshore YRCA.

Columbia River Subarea

Change the structuring of the spring fishery from seven days per week to every Thursday, Friday and Saturday. The purpose of the change is to extend the duration of the spring season. Open days on Thursday, Friday and Saturday were suggested by the public as salmon seasons are often closed on Fridays and Saturdays.

Oregon Central Coast Subarea

- a) In the spring all-depth fishery, allow fishing on every Thursday, Friday and Saturday if pounds remain after the “fixed days”. Presently the CSP allows fishing only on every other Thursday, Friday and Saturday after the “fixed days”. The spring quota has not been taken in the last two years and poundage was rolled into the summer fishery. Opening the fishery every weekend allows more opportunity to harvest the spring quota and would also simplify the regulations.
- b) Extend the open area of the inside 40-fathom fishery north from Cape Falcon to the Columbia River. Under existing regulations, halibut caught incidentally in the nearshore groundfish fishery north of Cape Falcon must be released. This change would allow retention of those fish on days when the central coast all-depth fishery is not open.

Oregon Coast North of Humbug Mountain (Columbia River and Central Coast Subareas)

Allow retention of lingcod and Pacific cod with a halibut on the vessel during all-depth openings. Current language specifies that all groundfish, except sablefish (and Pacific cod north of Cape Falcon), cannot be retained with a halibut on the vessel during all-depth openings. This regulation has resulted in anglers discarding lingcod, which are often caught incidentally while targeting halibut. Allowing the retention of lingcod would not be a lingcod conservation issue as their status is considered healthy. Although Pacific cod are rarely encountered south of Cape Falcon, allowing retention in the central coast fishery helps to simplify regulations as the groundfish species allowed in the halibut fishery north and south of Cape Falcon would be the same.

The Council also directed that an Informational Report during 2009 be developed to investigate the issue of halibut bycatch in fixed gear sablefish fisheries for the purposes of bycatch accounting and the possibility of allowing incidental halibut retention south of Point Chehalis.

Highly Migratory Species Management

Changes to Routine Management Measures for 2009-2010 Seasons

The Council adopted a range of alternatives to address catch of thresher shark in both commercial and recreational fisheries and identified preliminary preferred alternatives among the range. The preliminary preferred alternative is a recreational shark fishery closure throughout California and a commercial seasonal shark closure south of Point Conception, both for the period February 1-August 14 of each year. Other options under consideration for the recreational fishery include: (1) bag limits, season limits, and boat limits; (2) a requirement to use fishing gear to reduce foul hooking; and (3) mandatory reporting of catch by shark tournaments. The no action alternative is also being considered. The Council also requested NMFS to make a regulatory change to allow vessel marking in compliance with rules established by the Western and Central Pacific Fisheries Commission that require the display of the International Radio Call Sign on vessels fishing west of 150° W longitude.

Fishery Management Plan Amendment 2: High Seas Shallow Set Longline Management

The Council further refined a suite of alternatives they adopted at the March 2008 meeting to establish a shallow-set longline fishery in waters west of the west coast Exclusive Economic Zone, targeting swordfish. Alternatives include no action, a limited entry program, and an open access fishery. Under the action alternatives mitigation measures would be applied to address incidental take of threatened and endangered sea turtles, particularly loggerhead sea turtles.

Habitat

Current Habitat Issues

The Council moved to forward the Habitat Committee comments on agenda items D.2, Progress Report on Causes of the 2008 Salmon Failure, and D.3, Central Valley Salmon Recovery Plan, to the appropriate parties.

Groundfish Management

Inseason Adjustments to 2008 Fisheries

The Council adopted the following inseason adjustments to groundfish fisheries:

California Recreational Fishery

- Take conforming federal action to close the California recreational fishery in the North and North Central Management Area north of Point Arena.

Limited Entry Pacific Whiting Trawl

- Increase the widow rockfish bycatch limit by 12 metric tons to 287 metric tons as early as possible.
- Increase the canary rockfish bycatch limit by 2 metric tons (to 6.7 mt) as soon as possible, but establish a split release of the limit where 1.7 metric tons is released initially and 0.3 metric tons is released 2 weeks after the initial release, but no later than November 1. If the 1.7 mt cap is not reached, any remaining canary would rollover to be added to the 0.3 mt. In all cases, the canary rockfish bycatch in the whiting fishery would not exceed an additional 2.0 mt.

Limited Entry Non-Whiting Trawl

- Shift the shoreward boundary of the trawl Rockfish Conservation Area to 75 fathoms in areas north of 40° 10' N latitude as early as possible, but leave the area north of Cape Alava and between Cape Arago and Humbug mountain closed.
- Increase petrale sole in the north to 45,000 lbs per two months in period 6 for vessels using large footrope trawl gear.
- Increase Dover sole in the north to 90,000 lbs per two months in period 6 for vessels using large footrope trawl gear.
- Increase petrale sole in the south to 65,000 lbs per two months in period 6.
- Increase Dover sole in the south to 90,000 lbs per two months in period 6.
- Increase chilipepper in the south to 5,000 lbs per two months in period 6 for vessels using small footrope.

Limited Entry Sablefish Daily Trip Limit Fishery North of 36° N latitude

- Increase the weekly limit to 1,500 lbs in period 6.
- Increase the bimonthly limit to 6,500 lbs in period 6.

Open Access Shelf Rockfish South of 34° 27' N latitude

- Increase shelf rockfish cumulative limits to 1,000 lbs per two months in period 6.

Groundfish Essential Fish habitat Review Process

The Council considered a revised version of Council Operating Procedure (COP) 22 governing review of groundfish essential fish habitat (EFH) as proposed by the EFH Review Committee (EFHRC). After clarifying the original intent in the EFH review process, the Council confirmed its adoption of the original COP 22 with a revision to the timetable for the five-year review process, initiating the process in 2011. The EFHRC will likely meet this fall to complete its terms of reference to guide the initial interim review process set to begin in June 2009. The interim review process consists of reviewing proposals for changes to areas closed to fishing by bottom contact gear that would be incorporated in the groundfish biennial specification process. The five-year review process would include broader issues associated with proposed changes to EFH and Habitat Areas of Particular Concern identification and description.

Fishery Management Plan Amendment 22: Open Access License Limitation

The Council postponed final action on limiting participation in the groundfish open access fishery until the March, 2009 Council meeting in Seattle, Washington. The Council adopted a preliminary preferred alternative for public review that included separation, via a permit endorsement, of sablefish and lingcod from other groundfish; continuation of a qualification criterion of the previously published control date of September 2006; and several other features. More detail on the preliminary preferred alternative will be contained in the fall 2009 Council newsletter and on the Council website in the near future. A notice of potential action will be mailed to all current participants in the open access fishery indicating that they may have their fishing privileges eliminated and providing further information for their use in participating in the decision.

Stock Assessment Planning for 2011-2012 Groundfish Fishery Decision Making

The Council adopted the following list of full stock assessments and Stock Assessment Review (STAR) panel meetings for 2009. Additionally, updated assessments for canary rockfish, cowcod, Pacific ocean perch, and darkblotched rockfish will be conducted next year and reviewed by the SSC Groundfish Subcommittee immediately prior to the June Council meeting. The dates and locations of 2009 STAR panels are tentative, but will be finalized soon. Stock assessments for spiny dogfish and greenspotted rockfish were postponed to a future cycle, due to lack of aging data and workload problems, respectively.

Panel	Dates	Location	Species 1	Species 2
<i>Whiting</i>	<i>Feb. 3-6</i>	<i>Seattle</i>	<i>Pacific Whiting</i>	<i>NA</i>
<i>1</i>	<i>May 4-8</i>	<i>Seattle</i>	<i>Petrale sole</i>	<i>Splitnose</i>
<i>Updates</i>	<i>June 10-11</i>	<i>June Council Meeting</i>	<i>POP, Darkblotched</i>	<i>Canary, Cowcod</i>
<i>2</i>	<i>July 13-17</i>	<i>Santa Cruz</i>	<i>Bocaccio</i>	<i>Widow</i>
<i>3</i>	<i>July 27-31</i>	<i>Santa Cruz</i>	<i>Lingcod</i>	<i>Cabazon</i>
<i>4</i>	<i>Aug 3-7</i>	<i>Seattle</i>	<i>Yelloweye</i>	<i>Greenstriped</i>
<i>Mop-Up</i>	<i>Sept 28-Oct 1</i>	<i>Seattle</i>	<i>TBD</i>	<i>TBD</i>

The Council also adopted a final Terms of Reference for the 2009 stock assessment and review process that features updated protocols, an increased Council staff role in the process, stringent deadlines to facilitate more effective peer reviews of draft assessments, and defines the content and use of data reports.

Final Adoption of Exempted Fishing Permits for 2009

The Council adopted four groundfish exempted fishing permits (EFPs) proposed for 2009. The four EFPs adopted by the Council and recommended to NMFS for 2009 implementation areas follows.

- An EFP designed to test a trolled longline strategy to selectively harvest abundant chilipepper rockfish off central California. The Council recommends full retention of all rockfish species and retention of groundfish other than rockfish up to the applicable open access limits and release of those species thereafter once the catch has been documented by the observer;
- An EFP designed to test the use of recreational hook-and-line gear to catch underutilized chilipepper rockfish on Commercial Passenger Fishing Vessels seaward of the non-trawl Rockfish Conservation Area in waters off California between Pt. Conception and 40°10' N latitude. The Council imposed a 3 mt cap of slope rockfish, required full retention of all rockfish with all non-rockfish species to be released, and limited each participating angler to two hooks;

- An EFP designed to test floated, long leader gear to selectively harvest yellowtail rockfish by Oregon charter boats in waters deeper than 40 fm off Oregon. The Council is requiring full retention of the first 15 rockfish caught by participating anglers, release of all non-rockfish species, and no annual cap on yellowtail rockfish; and
- An EFP designed to test the effectiveness of a regional fishing association in Morro Bay and Port San Luis to manage a groundfish fishery using hook-and-line and trap gears in central California using limited entry trawl permits purchased by The Nature Conservancy. The Council adopted a 165 mt sablefish cap for this EFP next year.

Bycatch caps (mt) of overfished groundfish species for each of the recommended EFP are shown in the table below.

EFP	Bocaccio	Canary	Cowcod	Darkblotched	POP	Widow	Yelloweye
Trolled longline for chilipepper in CA	3.300	0.027 (20 fish)	0.015 (3 fish)	0.400	*	0.700	0.005 (3 fish)
Morro Bay/Port San Luis regional fishing assoc.	5.000	0.023 (50 lbs)	0.200	0.454 (1,000 lbs)	0.136 (300 lbs)	2.000	0.068 (150 lbs)
Recreational chilipepper in CA	2.700	0.023 (50 lbs)	0.023 (50 lbs)	0.100	*	1.700	0.023 (50 lbs)
Recreational yellowtail in OR	*	2.600	*	*	*	3.000	0.200
Total	11.000	2.673	0.238	0.954	0.136	7.400	0.295

Administrative Matters

Process for Council Approval of Regulations Implementing Council Recommendations (Deeming Process)

The Council reviewed the three options proposed by staff for achieving a formal deeming process for necessary or appropriate regulations implementing Council recommendations. As a result, the Council recommended staff further refine the proposed COP 1 language (as described in Agenda Item C.2.a, Attachment 1) to reflect the following changes: (1) limit the proposed COP 1 addition to a revised Option 2, which more clearly specifies the two-step process of the Council deeming regulations necessary and appropriate, and the Executive Director reviewing and verifying that the regulations are consistent with the Council action; and (2) writing the COP language to formalize the deeming process in such a way that it would not necessitate a special motion after each Council action requiring NMFS regulations. Staff will draft the revised COP 1 language and provide it for

approval on Friday during Agenda Item C.8, Membership Appointments and Council Operating Procedures.

Update and Communications of Research and Data Needs

The Council approved a final version of the Research and Data Needs document. The Council directed staff to incorporate the recommendations of the SSC, Salmon Technical Team, and Salmon Advisory Subpanel including a reorganization of the salmon chapter to separate priorities and needs for data issues and research needs. The Council also approved the SSC recommendations on incorporation of the comments submitted by the West Coast Region of the National Marine Sanctuary Program. Once revised, the final document will be distributed according to COP 12 to organizations that may be able to support additional research.

Legislative Matters

The Council directed the Council Executive Director to send a letter to U.S. Senator Smith and the U.S. House Subcommittee on Fisheries, Wildlife and Oceans, regarding H.R. 6537 that reiterates the Council Coordination Committee position on the authority to regulate fishing within National Marine Sanctuaries and requests Council participation at future Congressional hearings on National Marine Sanctuaries Act reauthorization. Additionally, the Council tentatively scheduled the next meeting of the Legislative Committee for the March 2009 Council meeting in Seattle, Washington.

Implementation of the Magnuson-Stevens Reauthorization Act

The Council directed the Council Executive Director send a letter to NMFS under the comment period for the NMFS proposed National Standard 1 (NS1) guidelines by the September 22, 2008 deadline. The Council adopted for inclusion in the response a summary of the comments of nine Council advisory bodies and a general concurrence with the comments of the North Pacific Fishery Management Council regarding simplification of the proposed guidelines. The Council response will also address the anticipated heavy workload, short schedule, and costs of implementing final NS1 guidelines by 2011.

Membership Appointments and Council Operating Procedures

The Council made the following advisory body appointments:

- Ms. Lisa Veneroso to fill the Washington Department of Fish and Wildlife (WDFW) position on the Coastal Pelagic Species Management Team (replacing Ms. Carol Henry).

- Ms. Sarah McAvinchey to fill the vacant NMFS Northwest Region position on the Groundfish Management Team (GMT).
- Ms. Lynn Mattes to fill the Oregon Department of Fish and Wildlife vacancy on the GMT.
- Dr. Michael O'Farrell to fill the NMFS Southwest Fisheries Science Center position on the STT (replacing Mr. Michael Mohr).

The Council also noted that the Enforcement Consultants had selected a new Chair, Deputy Chief Mike Cenci with the WDFW, replacing Mr. Tony Warrington, California Department of Fish and Game.

The Executive Director announced that the Council Chair would make an interim appointment of Ms. Dorothy Lowman to fill the vacant non-voting conservation position on the Groundfish Allocation Committee (GAC), replacing Mr. Steve Barrager. This was necessary to fill the position for the October GAC meeting. The Council directed staff to solicit nominations for a permanent replacement for the position for Council consideration at the November Council meeting.

The Council also adopted an addition to COP 1, General Council Operating Procedures, which was a revision gleaned from three options considered under Agenda Item C.2 to formalize the Council's regulatory deeming process. The adopted language (Option 4) is contained in [Agenda Item C.8.a, Supplemental Attachment 1](#).

Earlier in the meeting, under Agenda Item I.2, Groundfish Essential Fish Habitat Review Process the Council also made revisions to COP 22, Groundfish Essential Fish Habitat Review and Modification. The revisions dealt only with the timetable of the five year review process.

Future Council Meeting Agenda and Workload Planning

The proposed draft agenda for the November 2008 Council meeting in San Diego, California will be posted on the Council website www.pcouncil.org in October 2008. The Council recommended no major changes from the draft agenda in [Agenda Item C.1.a, Supplemental Attachment 5](#).

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