

**DECISIONS OF THE  
PACIFIC FISHERY MANAGEMENT COUNCIL  
SEPTEMBER 11-16, 2010**

**SALMON MANAGEMENT**

**2010 SALMON METHODOLOGY REVIEW**

The Council directed the Scientific and Statistical Committee to review the following topics and report their findings at the November Council meeting in Costa Mesa:

- Examination of the potential bias in Coho and Chinook Fishery Regulation Assessment Model (FRAM) of fishery-related mortality introduced by mark-selective fisheries;
- Oregon coastal natural (OCN) coho abundance predictor;
- Evaluation of indicator stock tag groups for Columbia River summer Chinook for incorporation into Chinook FRAM.

**MITCHELL ACT HATCHERY DRAFT ENVIRONMENTAL IMPACT STATEMENT**

The Council received a briefing on the Mitchell Act (MA) Hatchery Draft Environmental Impact Statement (DEIS) that will inform Columbia River basin hatchery operations and funding of MA hatchery programs. The deadline for public comments on the DEIS was extended to December 3, 2010. The Council established an ad hoc committee of seven Council members to formulate recommended comments for Council consideration at the November 2010 meeting in Costa Mesa and identified a number of key questions for the committee to consider. Requests are to be made to various state and federal agencies, tribes, and assignments were made to Council advisory bodies and the Council staff, to provide information on the identified questions.

**SALMON ESSENTIAL FISH HABITAT REVIEW**

The Council approved the preliminary draft report and annotated bibliography on Pacific Salmon Essential Fish Habitat (EFH) for public review, and suggested that the EFH Oversight Panel incorporate comments from the Scientific and Statistical Committee and the Habitat Committee to the extent possible. The Council also requested a more clear explanation of the role of the report relative to Amendment 14 to the Pacific Coast Salmon Plan. The Council is scheduled to take final action on this matter at the March 2011 Council meeting in Vancouver, Washington.

## FISHERY MANAGEMENT PLAN AMENDMENT 16, ANNUAL CATCH LIMITS AND ACCOUNTABILITY MEASURES

The Council adopted a range of alternatives, including preliminary preferred alternatives, for public review on Amendment 16 to the Salmon fishery management plan (FMP). The alternatives cover the following issues:

- 1) Classifying stocks in the FMP as in the fishery, out of the fishery, or ecosystem component (EC) stocks.
- 2) Applying the Magnuson-Stevens Act (MSA) international exception to specifying acceptable biological catch (ABC), annual catch limits (ACLs), and accountability measures (AMs) for stocks managed under the Pacific Salmon Treaty (PST).
- 3) Establishing objective and measurable status determination criteria (SDC) for all relevant stocks in the FMP.
- 4) Establishing a framework for application of overfishing limit (OFL)/ABC/ACL reference points.
- 5) Determining appropriate accountability measures necessary to prevent ACLs from being exceeded, and to mitigate any overages that may occur.
- 6) Establishing *de minimis* fishing provisions to allow for incidental catch impacts for certain stocks when the pre-season forecast is less than the conservation goal.

The Council will release a draft Environmental Assessment with detailed descriptions of the alternatives and an analysis of effects prior to final action on this amendment. A summary of the adopted alternatives will be available on the Council web site [www.pcouncil.org](http://www.pcouncil.org). The Council encourages public comment in particular on the *de minimis* fishery provision alternatives for Sacramento River fall Chinook.

## PACIFIC HALIBUT MANAGEMENT

### 2011 PACIFIC HALIBUT REGULATIONS

The Council adopted for public review the following proposed changes to the Area 2A Pacific Halibut Catch Sharing Plan and 2011 regulations:

Specify that closed areas that will apply to the non-Indian directed commercial fishery will be defined within groundfish regulations at 50 CFR 660.70.

#### Oregon Central Coast Sub-area

1. Adjust the number of open days per week in the spring all-depth fishery from three to two days, if the number of fixed days will be nine days or less, otherwise remain at three days per week.
2. Adjust the number of open days per week in the nearshore (inside 40 fathoms) fishery from seven days per week to less than seven days per week. If, after some point mid-

season, effort and harvest are tracking slowly, the nearshore fishery could then be expanded to seven days per week to more fully utilize the allocation.

3. Adjust the allocation to the three central coast subarea seasons (spring all-depth, summer all-depth, and nearshore). The following alternatives have been suggested:
  - Maintain status quo with 69 percent to the spring all-depth, 23 percent to the summer all-depth, and 8 percent to the nearshore.
  - Maintain 8 percent to the nearshore, and then divide the remainder equally between the spring and summer all-depth seasons.
  - Maintain 8 percent to the nearshore, the divide the remainder 60 percent to the spring and 40 percent to the summer all-depth seasons.
  - Change the allocations to 45 percent to the spring all-depth, 45 percent to the summer all-depth, and 10 percent to the nearshore.

#### PROPOSED PROCEDURES FOR ESTIMATING PACIFIC HALIBUT BYCATCH IN GROUND FISH FISHERIES

The Council recommended National Marine Fisheries Service forward to the International Pacific Halibut Commission the report on Pacific halibut bycatch estimates in 2009 Area 2A groundfish trawl and fixed gear fisheries, and include two additional items: a break-down of legal and sublegal halibut impacts in the groundfish fisheries and the most recent ODFW report on incidental mortality in the pink shrimp trawl fishery.

#### INITIAL CONSIDERATION OF PROPOSED CHANGES TO PACIFIC HALIBUT ALLOCATION FOR BYCATCH AND CATCH SHARING IN GROUND FISH FISHERIES

The Council approved moving forward with consideration of allowing retention of incidentally caught Pacific halibut in the limited entry directed, limited entry daily trip limit, and open access sectors of the fixed gear sablefish fisheries south of Point Chehalis. The Oregon Department of Fish and Wildlife will be responsible for development of a preliminary analysis of the biological, socioeconomic, and fishery management implications. The analysis would assume any additional allocation of halibut for incidental retention in fixed gear sablefish fisheries would come from the Area 2A non-Indian commercial directed halibut fishery allocation.

## HABITAT

### NMFS NATIONAL HABITAT ASSESSMENT PLAN BRIEFING

The Council directed Council staff to develop a letter of support for the National Marine Fisheries Service Habitat Assessment Improvement Plan including a number of specific comments regarding research, priorities, funding, and sharing of available information.

## ECOSYSTEM BASED MANAGEMENT

### ECOSYSTEM FISHERY MANAGEMENT PLAN

The Council tasked the Ecosystem Plan Development Team (EPDT) with reviewing the Council's four fishery management plans (FMPs) to identify existing ecosystem-based principles as well as common management needs that may benefit from a coordinated overarching Ecosystem Fishery Management Plan (EFMP) framework. The results of the EPDT review will then be vetted through other Council Advisory Bodies. The Council decided not to pursue an omnibus FMP that would combine and broaden the scope of the existing FMPs in a single plan, but wanted to preserve the option for additional regulatory authority in an EFMP. The Council did not narrow the scope of potential EFMP regulatory authorities, but rather requested that the EPDT utilize the results of the aforementioned review of the existing Council FMPs to better inform a future decision on the appropriate regulatory authority for the EFMP.

The Council is tentatively scheduled to take up further development of a new EFMP matter at the March 2011 Council meeting.

## GROUND FISH MANAGEMENT

### GROUND FISH ESSENTIAL FISH HABITAT REVIEW

The Council recommended the ad hoc groundfish Essential Fish Habitat Review Committee (EFHRC) meet to discuss the scope, data sources, and process for conducting the 5-year periodic review of groundfish EFH, and report to the Council early in 2011 with recommendations. The EFHRC would also meet when new information has been identified to evaluate existing EFH descriptions and criteria for designating Ecologically Important Habitat Closed Areas (HCA) and Habitat Areas of Particular Concern (HAPC). The Council would then solicit proposals for changes to EFH, HAPC, and HCA, and the EFHRC would subsequently review those proposals. The process to accomplish these objectives, along with a proposed schedule for completing the review, will be included in COP 22, which is scheduled for Council action at the March or April 2011 meeting.

## CONSIDERATION OF INSEASON ADJUSTMENT

The Council considered the most recent information on the status of ongoing fisheries as well as requests from industry and recommends the following inseason adjustments to 2010 groundfish fisheries.

### Limited Entry Non-whiting Trawl Fishery

The Council recommended that the following trip limits and Rockfish Conservation Areas outlined below be implemented on October 1, 2010.

2-month period	RCA lines (fm)		2-month cumulative-poundage limits							
	shallow	deep	sable-fish	long-spine	short-spine	Dover sole	petrale sole	arrow-tooth	other flatfish	slope rockfish
<b>N. of 40°10' N lat.</b>										
Large/small footrope limits										
1	75	150	20,000	24,000	18,000	110,000	9,500	150,000	110,000	6,000
2	75	200	20,000	24,000	18,000	110,000	9,500	150,000	110,000	6,000
3	75	150/200	24,000	24,000	18,000	110,000	9,500	150,000	110,000	2,000
4	100	150/200	21,000	24,000	18,000	100,000	6,300	150,000	100,000	2,000
5	75	200	24,000	26,000	20,000	110,000	6,300	180,000	110,000	4,000
6	75	<b>200-pco</b>	24,000	26,000	20,000	110,000	6,300	180,000	110,000	4,000
Selective gear limits										
1	75	150	9,000	5,000	5,000	65,000	9,500	90,000	90,000	
2	75	200	9,000	5,000	5,000	65,000	9,500	90,000	60,000	
3	75	150/200	9,000	5,000	5,000	65,000	9,500	90,000	60,000	
4	100	150/200	9,000	5,000	5,000	65,000	6,300	90,000	60,000	
5	75	200	10,000	5,500	5,500	70,000	6,300	100,000	70,000	
6	75	<b>200-pco</b>	10,000	5,500	5,500	70,000	6,300	100,000	70,000	
<b>38° - 40°10' N lat.</b>										
1	100	150	22,000	24,000	18,000	110,000	9,500	10,000	110,000	15,000
2	100	150	22,000	24,000	18,000	110,000	9,500	10,000	110,000	15,000
3	100	150	22,000	24,000	18,000	110,000	9,500	10,000	110,000	15,000
4	100	150	21,000	24,000	18,000	100,000	6,300	10,000	100,000	15,000
5	100	150	24,000	26,000	20,000	110,000	6,300	12,000	110,000	15,000
6	100	150	24,000	26,000	20,000	110,000	6,300	12,000	110,000	15,000
<b>S. of 38° N lat.</b>										
1	100	150	22,000	24,000	18,000	110,000	9,500	10,000	110,000	55,000
2	100	150	22,000	24,000	18,000	110,000	9,500	10,000	110,000	55,000
3	100	150	22,000	24,000	18,000	110,000	9,500	10,000	110,000	55,000
4	100	150	21,000	24,000	18,000	100,000	6,300	10,000	100,000	55,000
5	100	150	24,000	26,000	20,000	110,000	6,300	12,000	110,000	55,000
6	100	150	24,000	26,000	20,000	110,000	6,300	12,000	110,000	55,000

Note: "**200-pco**" denotes the modified 200 fathoms seaward RCA with **petrale cutouts open**.

South of 40°10 N. latitude, the chilipepper rockfish trip limit for all trawl gears is 17,000 pounds per two-months.

### Conception Area Fixed Gear Sablefish (south of 36° N. lat)

Landings data through July 31, 2010 indicate that limited entry and open access daily trip limit fishery removals for Conception Area fixed gear sablefish are higher than previous years. Without inseason action, the Council's Groundfish Management Team projected that catches would exceed the 2010 sablefish optimum yield for south of 36° N. latitude. As such, the Council recommended that National Marine Fisheries Service adopt the following limits effective October 1, 2010 through the end of the year:

- Limited entry fixed gear: 2,800 pounds per week
- Open access fixed gear: 800 pounds per week not to exceed 1,600 pounds per month.

### PRELIMINARY REVIEW OF EXEMPTED FISHING PERMITS FOR 2011

The Council adopted for public review an EFP sponsored by the Oregon Department of Fish and Wildlife to collect yelloweye rockfish caught incidentally in the 2011 Oregon charter boat fishery. Since the objective of this EFP is to collect biological samples to inform future yelloweye assessments, the Council recommended the 0.06 mt yelloweye impact associated with this EFP be taken from the research set-aside rather than the EFP set-aside established in the 2011-12 biennial specifications process. The Council is scheduled to consider final adoption of this EFP at their upcoming November meeting in Costa Mesa, California.

### NATIONAL MARINE FISHERIES SERVICE REPORT

The Council directed the Executive Director to send a letter on the Council's behalf to Dr. Jane Lubchenco and Mr. Eric Schwaab outlining the importance of securing research vessel time in order to conduct the 2011 Pacific whiting acoustic survey. The Pacific whiting acoustic survey is the main fishery-independent index for the stock assessment and is conducted every other year. Failure to conduct this survey results in a four-year lag before this index is updated resulting in significantly higher scientific and management uncertainty in fishery management. Given that Pacific whiting is the most abundant groundfish stock on the west coast and is the target in the largest and most valuable west coast groundfish fishery. The Council believes conducting this survey is of paramount importance.

### IMPLEMENTATION OF AMENDMENT 20 (TRAWL RATIONALIZATION) AND AMENDMENT 21 (INTERSECTOR ALLOCATION)

National Marine Fisheries Service (NMFS) reported the initial allocation rule has been finalized and the public comment period on the components rule will close on September 30. NMFS made special note that all applications for an initial allocation of quota shares must be returned to NMFS by November 1, and that ***there will be no exceptions—anyone who does not meet that deadline will not ever receive an initial allocation quota of quota shares.*** The Council will submit comment during the public comment period on issues related to the effectiveness date for mothership/catcher vessel permit transfers, the absence of a continuing need for the at-sea fishery catch donation program, and

support for the NMFS alternative on the conflict of interest language for catch monitors and observers.

## POTENTIAL TRAILING ACTIONS TO AMENDMENT 20 ON TRAWL RATIONALIZATION

The Council decided that it will formally reconsider and resubmit portions of Amendment 21, which were disapproved by NMFS. It will also solicit public comment on the following priority issues for scoping possible trailing actions as regulatory amendments: (1) cost recovery, (2) safe harbors for the quota share control rule (exceptions to the rule for community fishing associations, bycatch risk pools, and quota used as collateral for financing), (3) severability of the mothership catcher-vessel endorsements from the permits, and (4) pro-rata distribution of the Adaptive Management Program ten percent set-aside in the first three years of the catch share program, instead of the first two years. This is a list for immediate consideration; other candidate issues for trailing action may be addressed later in the process.

Finally, the Council scheduled review at the November Council meeting of data on the existing Pacific halibut allocation to the trawl fishery, the actual historic trawl halibut bycatch, and IPHC bycatch assumptions, in order to assess whether or not to add to the list of immediate priority issues for trailing actions the topic of changing the trawl halibut bycatch mortality allocation to the groundfish trawl fishery.

## COASTAL PELAGIC SPECIES MANAGEMENT

### TERMS OF REFERENCE FOR STOCK ASSESSMENT AND METHODOLOGY REVIEW PANELS

The Council considered the draft Terms of Reference (TOR) for stock assessment and methodology reviews for Pacific sardine and Pacific mackerel, including statements from the Coastal Pelagic Species Management Team (CPSMT), the CPS Advisory Subpanel (CPSAS), and the Council Scientific and Statistical Committee (SSC). The Council voted to issue the draft TOR for stock assessment and methodology review panels for public review, and directed Council staff to:

- Edit the TOR with changes where there are no disagreements. Where there are disagreements, or for issues that have not yet been discussed, the SSC, CPSMT, and CPSAS will meet in November to recommend final changes;
- Apply other appropriate editorial and typographical changes; and
- Compile a list of proposed methods for review, based on suggestions from CPS advisory bodies, management entities, the SSC, and any interested parties; and submit those for consideration by the SSC for final approval at the November Council meeting.

## HIGHLY MIGRATORY SPECIES MANAGEMENT

### CHANGES TO BIENNIAL MANAGEMENT MEASURES FOR 2011-2012

The Council adopted for public review a range of alternatives of status quo, 10, 15, 20 and 25 albacore bag limits that would occur on a per-trip basis for the Washington recreational fishery.

The Council adopted alternatives for public review for a regulatory change to regulations for the deep-set tuna longline fishery on retention of incidentally-caught swordfish. The alternatives are no action (retain existing regulations with a 10 swordfish limit per trip) and an alternative to establish a 25 swordfish trip limit for deep-set longline vessels targeting tuna using circle hooks, and 10 swordfish per trip for vessels using tuna-hooks, if vessels are not carrying observers. If an observer is being carried by a deep-set tuna vessel then there is no limit to the amount of swordfish that can be retained by a longline vessel. These regulations would be consistent with a regulatory change proposed by the Western Pacific Fishery Management Council for deep-set longline vessels managed under their Pelagics Fishery Ecosystem Plan.

### RECOMMENDATIONS TO INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS

The Council made the following recommendations to the U.S. delegation to the Inter-American Tropical Tuna Commission (IATTC):

- Support the IATTC staff recommendation on conservation measures for bigeye and yellowfin tuna.
- For Pacific bluefin tuna the U.S. position should be to exempt recreational fisheries from the Pacific bluefin tuna management measures recommended by the IATTC Secretariat. If an exemption cannot be agreed to, the U.S. secondary position should be to include recreational fisheries in the IATTC Secretariat's proposed commercial Pacific bluefin tuna measures. This would be to ensure that during 2011-2012 annual catches of Pacific bluefin tuna in the Convention Area by commercial and recreational fisheries not exceed the average annual level of such catches during 1994-2007.
- For albacore tuna the U.S. should participate in the *ad hoc* working group to develop an operational definition of the "current levels" of effort specified in paragraph 1 of Resolution C-05-02, which is supposed to be convened at the 81<sup>st</sup> meeting of the IATTC. The U.S. should evaluate the best base periods for the determination of "current effort" by the U.S. fishing fleet to achieve the maximum percentage of harvest when compared to other nations that harvest North Pacific albacore. The U.S. should not propose or endorse any changes to international management of North Pacific albacore until the 2010 stock assessment of North Pacific albacore is completed in 2011.
- The U.S. delegation should support renewal of the tuna retention requirement in the purse seine fishery only if uniformly implemented and enforced by all Parties to the IATTC.



## ADMINISTRATIVE MATTERS

### BRIEFING ON MARINE SPATIAL PLANNING

The Council tasked the Executive Director to (1) write a letter to National Ocean Council encouraging it to designate the WCGA as the regional planning body for marine spatial planning offshore of the three West Coast states, noting that the Pacific Council should be seated on the regional planning body as a formal member, and (2) write a letter to the WCGA requesting a formal seat on the planning body for the Pacific Council should they or a successor body of theirs be designated as the actual regional planning body.

### MEMBERSHIP APPOINTMENTS AND COUNCIL OPERATING PROCEDURES

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

Dr. Phil Levin to a Northwest Fisheries Science Center position on the Ecosystem Plan Development Team (EPDT) (replacing Dr. Mary Ruckelshaus)

Ms. Heather Reed to the vacant second WDFW position on the Groundfish Management Team (GMT)

The Council approved the staff recommendation to require a two-week advance notice for designating alternates for advisory body positions.

Earlier, under Agenda Item C.3, Mitchell Act Hatchery Draft Environmental Impact Statement (DEIS), the Council established an ad hoc Mitchell Act Review Committee (MARC) consisting of seven Council members to prepare comments on the DEIS. The members of the committee are the Washington, Oregon, and Idaho State government Council members or their designees; Mr. Mark Cedergreen (Council Chair), Mr. Gordy Williams (Alaska), Mr. David Sones (Tribes), and Mr. Tim Roth (US Fish and Wildlife Service).

### FUTURE COUNCIL MEETING AGENDA WORKLOAD PLANNING

The proposed agenda for the November 4-9, 2010 Pacific Council meeting will be available on [www.pcouncil.org](http://www.pcouncil.org) by October 8.

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