

**DECISIONS OF THE PACIFIC FISHERY MANAGEMENT COUNCIL****NOVEMBER 4-9, 2010****HABITAT****Current Habitat Issues**

The Council directed Council staff to send a letter to the Bureau of Reclamation (BOR) (Agenda Item E.1.a, Attachment 1) accepting their offer to make a presentation to the Council's Habitat Committee (HC) to be scheduled at a Spring 2011 Council meeting. The letter also provides advance notice of key questions the HC has on the general matter of water flow management strategies in the Sacramento River basin designed to benefit anadromous salmonids. While these questions are very specific, the Council would like the discussion to include not only the specific questions but relevant matters on a general level.

**Deepwater Coral Information Report**

The Council heard a presentation on the Deepwater Coral Research and Technology Program, including a summary of the 2010 research conducted off the U.S West Coast. This research is scheduled to continue during the 2011 and 2012 field seasons, and the Council expressed strong interest in providing input into the design of the 2012 research season.

**SALMON MANAGEMENT****Preseason Salmon Management Schedule for 2011**

The Council adopted the following Council-sponsored hearing locations and dates:

Westport, Washington – March 28;

Coos Bay, Oregon – March 28;

Eureka, California – March 29.

Other state-sponsored meetings will be considered at the March 2011 Council meeting. The Council also approved the schedule and process for developing 2011 ocean salmon management measures as described in Agenda Item F.1.a, Attachment 1, November 2010, except that the Salmon Technical Team (STT) meeting in February to develop preseason forecasts and to draft Preseason Report I will occur February 22-25 rather than February 8-11. As a result, Preseason Report I will not be included in the advance Briefing Book for the March 2011 Council meeting.

**Fishery Management Plan Amendment 16, Annual Catch Limits and Accountability Measures**

The Council provided additional guidance on the alternatives adopted for public review at the September 2010 meeting in Boise, Idaho. The Council's preliminary preferred alternative (PPA) for stock classification was modified to include a stock complex for far-north-migrating spring/summer

Chinook stocks. The PPA for status determination criteria for overfished, approaching overfished, and rebuilt were modified to be based on three year geometric means of the most recent years. The Council provided guidance for qualitative language to be included in the PPA for *de minimis* fishing provisions describing how the allowable *de minimis* exploitation rate would be reduced as stock status declined below the lowest threshold levels.

The Council also scheduled final action for Amendment 16 for the June 2011 Council meeting. As a result, 2011 salmon management will be governed by the terms of the current Fishery Management Plan.

### **Mitchell Act Hatchery Draft Environmental Impact Statement**

Responding to the request for comments to the Draft Environmental Impact Statement to Inform Columbia River Basin Hatchery Operations and Funding of Mitchell Act Hatchery Programs (DEIS), the Council adopted the proposed draft comment letter developed by its ad hoc Mitchell Act Committee as provided in Attachment 1 to Agenda Item F.4.b, Supplemental MAC Report. The adopted letter includes comments regarding the need to update portions of the analysis, clarify the complexity and reduce confusion over the intent and purpose of the DEIS alternatives, ensure that there is an option in the preferred alternative that will accommodate increased production, and allow opportunity for public comment on the preferred alternative before the final EIS is completed.

### **2010 Salmon Methodology Review**

The Council adopted the following methodology changes for the 2011 ocean salmon management process:

- A new Oregon coastal natural (OCN) coho abundance predictor; and
- Updated indicator stock coded-wire-tag groups for Columbia River summer Chinook for incorporation into the Chinook Fishery Regulation Assessment Model (FRAM).

## **PACIFIC HALIBUT MANAGEMENT**

### **2011 Pacific Halibut Regulations**

The Council adopted the following changes to the Area 2A Pacific halibut catch sharing plan affecting the directed commercial fishery and the Oregon sport fisheries.

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

Adjustment of the allocation to the three Oregon central coast subarea seasons (spring all-depth, summer all-depth, and nearshore) as follows:

- Decrease the spring all-depth share from 69 to 67 percent
- Increase the summer all depth share from 23 to 25 percent.

## COASTAL PELAGIS SPECIES MANAGEMENT

### Pacific Sardine Stock Assessment and Coastal Pelagic Management Measures for 2011

The Council adopted the 2010 Assessment of the Pacific Sardine Resource in 2010 for U.S. Management in 2011 (Agenda Item I.2.b Attachment 2) and the biomass estimate of 537,173 metric tons (mt).

For the 2011 Pacific sardine fishery, the Council adopted an Overfishing Limit (OFL) of 92,767 mt, a P\* value of 0.40, and a corresponding Acceptable Biological Catch (ABC) of 84,681 mt. The Council set an Annual Catch Limit (ACL) equal to the ABC of 84,681 mt. The Council adopted a harvest guideline (HG) of 50,526 mt, with a 4,200 mt set-aside for dedicated Pacific sardine research activities in 2011. The Council also adopted a set aside of 5,000 mt allocated across seasonal periods as in the following table. Incidental catch limits during closed periods and rollover provisions for quota overages and underages remain the same as prior years.

| HG = 50,526 mt; EFP set aside = 4,200 mt; Adjusted HG = 46,326 mt |               |               |                 |        |
|---|---------------|---------------|-----------------|--------|
|   | Jan 1- Jun 30 | Jul 1- Sep 14 | Sep 15 – Dec 31 | Total  |
| Seasonal Allocation (mt)  | 16,214        | 18,530        | 11,582          | 46,326 |
| Incidental Set Aside (mt)   | 1,000         | 1,000         | 1,000           | 3,000  |
| Management Uncertainty (mt)                                       |               |               | 2,000           | 2,000  |
| Adjusted Allocation (mt)  | 15,214        | 17,530        | 8,582           | 41,326 |

The Council adopted the following catch limits for monitored CPS stocks.

| Stock                                    | OFL   | ABC   | ACL          | ACT      |
|--|---|---|--------------|----------|
| Jack mackerel                            | 126,000 mt  | 31,000 mt   | Equal to ABC |          |
| Northern anchovy, northern subpopulation | 39,000 mt   | 9,750 mt  | Equal to ABC | 1,500 mt |
| Northern anchovy, central subpopulation  | 100,000 mt  | 25,000 mt   | Equal to ABC |          |
| Market squid                             | F <sub>msy</sub> proxy resulting in Egg Esc ≥ 30% | F <sub>msy</sub> proxy resulting in Egg Esc ≥ 30% | Exempt       |          |

### Terms of Reference for Stock Assessment and Methodology Review Panels

The Council adopted two Terms of Reference documents, on stock assessment reviews and methodology reviews, with the addition of the changes in the latter document, as recommended by the Scientific and Statistical Committee (SSC). The Council also adopted three survey methods for review in 2011 by methodology review panels. The acoustics survey and satellite methodology

proposals will be considered at the early 2011 review panel meeting; and the lidar proposal will be considered in parallel with the May mackerel STAR panel meeting.

### **CPS Essential Fish Habitat Five-Year Review**

The Council approved the completed five-year review of Essential Fish Habitat (EFH) for Coastal Pelagic Species (CPS), and adopted the recommendations of the Coastal Pelagic Species Management Team. These included the conclusion that although recent information will help inform EFH consultations and provide additional background on CPS habitat, but does not warrant changes to the existing description of CPS EFH at this time.

### **GROUND FISH MANAGEMENT**

#### **Initial Consideration of Revisions to the Groundfish Biennial Management Process**

The Council reviewed and discussed a Council staff draft white paper on improvements in the biennial groundfish harvest specifications and management measures adoption process. After hearing recommendations from the advisory bodies, the Council recommended forming an ad hoc committee composed of individuals with knowledge and experience with the groundfish biennial process. Members of the task force are:

#### Council Members

Mr. Frank Lockhart Ms. Michele Culver Mr. Rod Moore Mr. Dan Wolford Ms. Gway Kirchner

#### Scientific and Statistical Committee (SSC)

Dr. Martin Dorn or SSC designee

#### Groundfish Management Team

Mr. Corey Niles Ms. Lynn Mattes Ms. Joanna Grebel Dr. Jason Cope

#### Groundfish Advisory Subpanel

Mr. Dan Waldeck

#### NMFS Northwest Region

Mr. Kevin Duffy Ms. Sarah Williams

#### NOAA General Counsel

Ms. Sheila Lynch

The committee will meet over the winter and provide initial recommendations to the Council at its April 2011 meeting including (1) a detailed process and schedule for the 2013-14 biennial regulation process and (2) whether an FMP amendment ought to be pursued for the period beyond the 2013-14 cycle. Final action on the recommendations being incorporated into the next biennial management schedule will be scheduled for the June 2011 Council meeting.

### **Final Review of Exempted Fishing Permits for 2011**

Oregon Department of Fish and Wildlife (ODFW) withdrew the 2010 exempted fishing permit (EFP) application to collect biological data from yelloweye rockfish due to funding concerns and the rollover

of the 2010 yelloweye optimal yield of 14 mt. Therefore, the ODFW yelloweye EFP was not considered by the Council for final approval.

The Council considered the status of the 2010-2011 Oregon Recreational Fishing Alliance exempted fishing permit (EFP for yellowtail rockfish and recommended that the EFP deduction from the 2011 yellowtail rockfish catch limit be increased from two metric tons (mt) to ten mt. The Council recommendation would be transmitted by the Executive Director commenting on the proposed rule to implement 2011-2012 harvest specifications and management measures (75 FR67810).

## **Consideration of Inseason Adjustments**

### **2010 Groundfish Fisheries**

The Council received new information on the status of groundfish fisheries and adopted the following inseason adjustments to remaining 2010 seasons.

#### Reductions

Darkblotched rockfish bycatch caps in the limited entry mid-water trawl fisheries for Pacific whiting were reduced to the following, effective immediately.

- From 6.0 to 5.5 mt for mothership processors,
- From 8.5 to 5.5 mt for the catcher-processors, and
- From 10.5 to 5.0 mt for the shore based sector.

For the non-whiting trawl fishery north of 40°10 N. latitude, the Council recommended that the seaward rockfish conservation area line be moved from 200 to 250 fm, effective as soon as possible, and a closure of the minor slope and darkblotched rockfish trip limits, effective December 1, 2010.

The Council adopted a closure of the open access trip limits for sablefish south of 36° N. latitude, and a reduction of the limited entry fixed gear trip limits for sablefish south of 36° N. latitude from 2,800 lbs/week to 1,800 lbs/week, both changes effective December 1, 2010 for the remainder of the year.

#### Increases

For limited entry fixed gear north of 36° N. latitude, the Council adopted an increase for sablefish trip limits from 1,750 lbs/week not to exceed 8,000 lbs/2 months, to 2,000 lbs/week not to exceed 8,000 lbs/2 months. For open access sablefish trip limits in the same area, the Council adopted an increase from 300 lb/day or 1 landing per week of up to 950 lb, not to exceed 2,750 lb/2 months, to 400 lb/day or 1 landing per week of up to 1,500 lb, not to exceed 4,500 lb/2 months. Both changes are to be effective December 1 through the remainder of the year.

The Council adopted an increase the Makah Tribal fishery limits for yellowtail rockfish to no more than 169 mt with widow rockfish being no more than 10 percent of the total weight for Period 6.

### **2011 Groundfish Fisheries**

Given the announcement by NMFS that the 2011-2012 harvest specifications and management measures previously adopted by the Council to start January 1 will not be implementable by

January 1, and that the 2010 harvest specifications and management measures will remain in regulation until formally modified by late April, the Council considered changes to the current regulations.

The Council adopted changes to the current regulations to make the management measures for recreational and commercial fisheries very similar to those that had been intended to start January 1, 2011, particularly for recreational fisheries. However, the total allowable catches will be the lower of either (1) the 2010 levels currently in place, or (2) the Council adopted 2011 levels that had been intended to be in place January 1, 2011.

The Council also adopted important trawl and nontrawl allocations for selected species, for such things as commercial fishery trip limits and quota share issuances, that are necessary for the fisheries to proceed January 1, 2011. For example, a 35 mt. allocation of petrale sole to non-trawl fisheries and a 0.3 mt allocation of yelloweye rockfish to the trawl fishery were adopted by the Council. Details of the proposed recreational and commercial management measures, catch limits, and allocations will be provided in the Council's upcoming winter newsletter.

#### **Implementation Update for Amendment 20 (Trawl Rationalization) and Amendment 21 (Intersector Allocation) as well as Scoping of Prioritized Trailing Amendments**

The Council decided to recommend that the International Pacific Halibut Commission anticipate that the groundfish trawl fishery will incur 130,000 pounds (net weight) of legal sized halibut mortality in 2011. As a result of this change, the amount of quota pounds (QP) issued to trawl individual bycatch quota (IBQ) holders will be twice what was originally recommended under Amendment 21 to the groundfish FMP but still half the amount of halibut mortality that would have been expected in the absence of Amendment 21 and the trawl catch share program. The 130,000 pounds legal sized fish will convert to approximately 280,000 pounds for the entire trawl sector to use to cover the round weight of its legal and sublegal halibut mortality. The need for this change became apparent after NMFS released information in September indicating that the historic trawl sector halibut mortality is substantially higher than had been previously estimated. The Council scheduled formal consideration of a trailing amendment to permanently modify that trawl halibut mortality allocation currently specified in the groundfish FMP, with analysis of three alternatives to be reported at the March, 2011 Council meeting.

The Council will also be proceeding with consideration of a number of other trailing amendments or trailing actions related to its catch share plan. The Council specified as a highest priority an FMP amendment replacing the current limited entry/open access (Amendment 6) allocations with the trawl/nontrawl allocations established in Amendment 21, consistent with the Council's intent for Amendment 21. With respect to regulations defining cost recovery specifics, the Council requested data to ensure transparency in the process used to develop a fee structure and indicated its intent move toward a fee system that would be structured to assess fees for each trawl sector based on the catch share management costs of that sector. The Council requested NMFS work on options for a QS control limit exception (safe harbor) for constraining species risk pools and lenders accepting QS as loan collateral, via scheduled workshops and other venues, with a report to the Council at the April Council meeting. The Council adopted alternatives for analysis over the winter to define community

fishing associations, and structure exceptions to the QS control limit. For the adaptive management program quota pounds which are scheduled to be passed through to QS holders for the first two years of the catch share program, the Council will be considering changes which could result in a pass through for at least one additional year. The Council also scheduled consideration of a provision to allow the mothership catcher vessel endorsements and associated catch history to be transferred separately from the underlying limited entry permits, with selection of a preliminary preferred alternative targeted for the March, 2011 Council meeting.

In response to a request for guidance from NMFS, the Council recommended that if for any reason the start of the catch share program is delayed for more than two weeks beyond January 1, 2011 that the trawl fishery should open using cumulative trip limits. For an implementation delay of between a day and two weeks, the groundfish trawl fishery would be closed until the day the catch share program starts. While the Council provided this contingency advice, ***it is still NMFS' strong expectation that the catch share program will start on the first day of 2011.*** The Council also recommended that the north-south split of the lingcod quota in the trawl fishery not be implemented until the start of 2012.

## HIGHLY MIGRATORY SPECIES MANAGEMENT

### Changes to Biennial Management Measures Beginning April 2011

The Council recommended a change to Federal regulations on the possession and landing limit for swordfish incidentally caught in the deep-set tuna longline fishery, contingent on hook type and observer presence. If using J-hooks (tuna hooks) the trip limit would be ten swordfish. If using circle hooks the trip limit would be 25 swordfish. If carrying an observer there would be no limit. Regulations prohibiting shallow-set longline to target swordfish would remain in place.

### Recommendations to Regional Fishery Management Organizations

The Council made the following recommendations for positions to be advanced by the U.S. delegation to the Seventh Western and Central Pacific Fisheries Commission (WCPFC) meeting:

- Support adoption of the Conservation and Management Measure (CMM) for Pacific bluefin tuna recommended by the Northern Committee
- If CMM 2008-01 is opened for renegotiation it should be strengthened
- Encourage finalization and adoption of a Memorandum of Cooperation between WCPFC and Inter-American Tropical Tuna Commission on cross-endorsement of observers
- Support ongoing efforts to develop a compliance monitoring scheme
- Ensure that any CMM on port state measures include practical requirements for notification when vessels enter a foreign port and in particular a shorter time period than 72 hours for advance notification
- Ensure that any CMM on a catch documentation scheme is practical for volume fisheries such as the albacore troll and baitboat fishery
- Encourage cooperation between WCPFC and IATTC to resolve conflicting requirements, particularly in the area of overlap of the two convention areas

- Seek modifications in current requirements for the Commission VMS to take into account differences in the operational characteristics of fisheries that may operate in both the WCPFC and IATTC convention areas

## ENFORCEMENT ISSUES

Based on recommendations from five Council advisory bodies and public testimony, the Council will provide a comment letter expressing a number of serious concerns about a proposal to establish a nationally standardized schedule of enforcement penalties ([http://www.pcouncil.org/wp-content/uploads/C1c SUP PENALTY SCHED NOV2010BB.pdf](http://www.pcouncil.org/wp-content/uploads/C1c_SUP_PENALTY_SCHED_NOV2010BB.pdf)). NMFS is taking formal comment on this proposal through December 21, 2010.

The Council also tasked the Executive Director with sending a letter to the NMFS expressing strong concern about the inadequacy of Joint Enforcement Agreement (JEA) funding levels provided to West Coast States in 2010. He was also tasked with communicating a Council perspective on adjustments in existing funding criteria, mechanisms, and decision making processes that determine future funding levels.

## ADMINISTRATIVE MATTERS

### Membership Appointments and Council Operating Procedures

Responding to a recent change in regulations and to provide for an advisory body stipend program that allows payment of other permanent Council advisory bodies in addition to the SSC on the same basis as was done in 2009, the Council designated the following advisory bodies as being formed, selected, and formally designated as Magnuson-Stevens Act Section 302(g)(2) advisory panels:

- Coastal Pelagic Species Advisory Subpanel
- Ecosystem Advisory Subpanel
- Groundfish Allocation Committee (stipends applicable to nonvoting members)
- Groundfish Advisory Subpanel
- Groundfish Essential Fish Habitat Committee
- Habitat Committee
- Highly Migratory Species Advisory Subpanel
- Salmon Advisory Subpanel
- Coastal Pelagic STAR Panels
- Groundfish STAR Panels

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

Ms. Rosemary Kosaka to the NMFS Southwest Fisheries Science Center position on the Groundfish Management Team (replacing Dr. Edward Dick).

Ms. Carol Henry to the WDFW position on the Highly Migratory Species Management Team (replacing Ms. Lorna Wargo).



Mr. Chuck Farwell to the vacant conservation position on the Highly Migratory Species Advisory Subpanel.

Mr. Merrick Burden to the vacant conservation position on the Groundfish Allocation Committee.

The Council also established the ad hoc Groundfish Biennial Process Improvement Committee. This committee is charged with developing recommendations for improvements and more efficiency in the groundfish management and regulatory process, so as to avoid the problems that have caused the delay of a January 1 implementation of measures for the past two biennial management cycles. Members appointed to the committee are listed under groundfish agenda item Initial Consideration of Revisions to the Groundfish Biennial Management Process.

|                    |                                   |                 |                 |
|--------------------|-----------------------------------|-----------------|-----------------|
| Mr. Frank Lockhart | Ms. Michele Culver                | Mr. Rod Moore   | Mr. Dan Wolford |
| Ms. Gway Kirchner  | Dr. Martin Dorn (or SSC designee) |                 | Mr. Corey Niles |
| Ms. Lynn Mattes    | Dr. Jason Cope                    | Mr. Dan Waldeck | Mr. Kevin Duffy |
| Ms. Sarah Williams | Ms. Sheila Lynch                  |                 |                 |

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

The proposed agenda for the March 2011 Council meeting will be available at [www.pcouncil.org](http://www.pcouncil.org) during February 2011. The meeting is to be held March 5-10, 2011 at the Hilton Vancouver Washington, with advisory bodies potentially meeting immediately prior to March 5, 2011.

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