2008 REPORT TO CONGRESS

ON APPORTIONMENT OF MEMBERSHIP

ON THE

REGIONAL FISHERY MANAGEMENT COUNCILS

PURSUANT TO SECTION 302(b)(2)(B) OF THE
MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

PREPARED BY
U.S. DEPARTMENT OF COMMERCE
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A. BACKGROUND

Section 302(b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Secretary of Commerce (Secretary) to report annually to Congress on the achievement, to the extent practicable, of a "fair and balanced apportionment," on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries under the jurisdiction of each Regional Fishery Management Council (RFMC). This is the 17th Report related to the status of such apportionments.1/ In addition to assessing the annual apportionment of RFMC membership, this Report discusses significant fishery management issues and related actions either under development or pending for 2009.

B. FAIR AND BALANCED RFMC MEMBERSHIP

The consideration of balance and fairness between commercial and recreational fishing sectors is an important element in the Secretary's appointments. An equally important consideration is the stewardship responsibilities of RFMCs and the appointment of individuals who can work collectively with members to achieve the conservation standards under the Magnuson-Stevens Act. Successful nominees, therefore, are those who not only are qualified in accordance with the provisions located at 50 CFR 600.215, but who will also best contribute to the stewardship of marine fishery resources.2/

Generally, the most qualified nominees are those whose records indicate they:

1. Have achieved a level of leadership in promoting stewardship of the marine fishery resources under the jurisdiction of the RFMCs to which they would be appointed; and

2. Participate in, or represent commercial fishermen participating in, one or more commercial fisheries under the RFMCs' jurisdictions; or

3. Participate in, or represent recreational fishermen participating in, one or more recreational fisheries under the RFMCs' jurisdictions; or

4. Are otherwise experienced and/or knowledgeable in leadership of organizations whose members participate in a fishery or in management and conservation of natural resources, or are representatives of consumers, teachers, journalists, writers, consultants, lawyers, or marine fishery researchers.

1/The initial report assessed the RFMC membership in 1991 and 1992 and was submitted to Congress on September 1, 1992.
2/The qualifications for appointment are derived from Section 302(b)(2)(A) of the Magnuson-Stevens Act and are also included in regulations contained at 50 CFR 600.215.

Standard for Apportionment

Before evaluating each RFMC with respect to fairness and balance, the Secretary must first have a standard for such judgments. Although clear as to intent, the amendments to the Magnuson-Stevens Act and legislative history do not provide specific guidance for judging whether the Secretary's appointments meet the statutory standard. The National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) has addressed the requirement by reasoning that, in the ideal case, voting members should be individuals with prescribed qualifications related to commercial or to recreational fishing within the RFMC's area of jurisdiction, or individuals with qualifications in one of the "other" related fishing interest categories, who are personally committed to meeting the RFMC's trusteeship responsibilities for living marine resources. This continues to be the yardstick for judging whether an individual member of a RFMC will fulfill the paramount mandate—the conservation and management of fisheries resources.

Over the past decade, fishery management issues have become increasingly complex. Therefore, RFMC members who possess the necessary background and abilities to address current issues are critical to the ultimate success of the RFMCs. A significant consideration in appointing members is their specific knowledge of the conservation and management issues and fisheries in which each RFMC is expected to be involved. Also important is the level of nominees' participation in the fishery management process, and the support for the nominees from the fishing sector communities and other individuals, largely through endorsement letters to the Secretary.

For the purposes of this Report, three general fishing interest sectors are discussed: the commercial fishing sector, the recreational fishing sector, and an "other" sector. The "other" sector is made up of appointed members with knowledge of and experience in biological, economic, or social sciences; environmental or ecological matters; consumer affairs; and associated fields.

Nominees may be categorized as participating in more than one of the three general fishing interest sectors. In these cases, NMFS' determination about a nominee's primary interest sector is the result of NMFS' interpretation of: (1) supporting background information provided by the nominating governor; (2) background information provided by the nominee, reflecting the nominee's demonstrated principal participation; and (3) other supplemental information provided.

C. APPORTIONMENT OF RFMC MEMBERSHIP

RFMC members are appointed from among qualified individuals nominated by the governors of the RFMCs' constituent states and, in the case of tribal representation on the Pacific Fishery Management Council (PFMC), from among Indian representatives nominated by the appropriate Tribal Governments. A major factor in meeting the requirement to balance membership is the

cooperation of the governors of the constituent states in nominating qualified individuals who are knowledgeable regarding conservation and management or the commercial or recreational harvest of fishery resources. The process works best when governors provide the Secretary with a wide diversity of highly qualified nominees who meet the requirements of the Magnuson-Stevens Act.

For governor-nominated seats, the Secretary will select an appointee for an obligatory seat (state-specific) from the list of qualified nominees submitted by the governor of that state. In filling expiring at-large seats (regional), the Secretary will select an appointee from the list of all qualified candidates submitted by constituent state governors.

In 2008, the Secretary announced the appointment or reappointment of 21 voting obligatory and at-large RFMC members whose 3-year terms, having commenced on August 11, 2008, will expire on August 10, 2011. In addition, the Secretary announced the reappointment of one voting obligatory member on the WPFMC whose 3-year term having commenced on October 11, 2008, will expire on August 10, 2011. There was also an out-of-cycle appointment on the NPFMC, for a total of 23 appointments in 2008.

Table 1 shows the current totals in the distribution of Secretarially appointed RFMC voting members by interest sector for 2006, 2007, and 2008 (page 7). In 2008, nine members were appointed from the commercial fishing sector, nine members were appointed from the recreational fishing sector, and five members were appointed from the "other" sector. The tribal representative on the PFMC for the purposes of this table is counted as a member of the "other" sector.

Because of the limited number of RFMC seats, not all sectors and localities can be represented on each RFMC. In addition, the Secretary's appointments are constrained by the nominations submitted by the governors. Within these parameters, the Secretary endeavors to select appointees who possess the breadth of knowledge and experience to collectively provide a balance on each RFMC, and who pursue their RFMC roles as stewards and trustees of living resources. To the extent practicable, the appointments also seek to rotate membership, thereby distributing participation among all sectors of the fisheries-specific actions. Adjustments to the distribution of representation on each RFMC are also made, where possible, to achieve a balance of interest sectors or needed experience to address changing priorities.

Where sector or gear components are not represented on a RFMC, membership on the various RFMC advisory panels and committees is also crucial to providing those sectors with representation during RFMC deliberations, as well as with a voice on specific issues of interest.

Women and Minority Representation

Nine women currently serve on the RFMCs. Governors are encouraged to nominate qualified female and minority candidates.

D. RFMC MEMBERSHIP VACANCIES DURING 2009

Table 2, page 9, lists the 31 RFMC members whose terms will expire on August 10, 2009. Table 3, page 10, sorts the 31 RFMC members into the three general fishing sector categories.

The Magnuson-Stevens Act prohibits the reappointment of RFMC members to a fourth consecutive term. As a result, six of the 31 members whose terms expire in 2009 will be ineligible to be renominated at this time.

TABLE 1: APPOINTED RFMC MEMBERS SORTED NUMERICALLY BY FISHING SECTOR INTERESTS (2005-2007)

	Year	Commercial	Recreational	"Other"	Total
NEFMC	2006	8	3	1	12
	2007	7	4	1	12
	2008	7	3	2	12
MAFMC	2006	5	5	3	13
	2007	5	5	3	13
	2008	5	5	3	13
SAFMC	2006	3	4	1	8
	2007	3	4	1	8
	2008	3	4	1	8
GMFMC	2006	4	5	2	11
	2007	4	4	3	11
	2008	4	4	3	11
CFMC	2006	2	1	1	4
	2007	2	1	1	4
	2008	2	1	1	4
PFMC	2006	3	5 3/	1	9
	2007	3	5	1	9
	2008	3	5	1	9
NPFMC	2006	6 4/	1	0	7
	2007	6	1	0	7
	2008	6	1 5/	0	7
WPFMC	2006	3	4	1	8
	2007	2	4	2	8
	2008	2	3	3	8
ALL RFMCs	2006	34	28	10	72
	2007	32	28	12	72
	2008	32	26	14	72

3/In 2006 a fishing sector change occurred for David W. Ortmann, from the "other" sector to the recreational sector on the PFMC.
4/ Gerald P. Merrigan was appointed to an out-of-cycle vacancy in December 2006. The total number of members on the NPFMC representing the commercial sector remains the same.
5/Robert E. Dersham was appointed to an out-of-cycle vacancy in 2008. The total number of members on the NPFMC representing the recreational sector remains the same.

RFMC MEMBERS' TERMS EXPIRING AUGUST 10, 2009
GROUPED BY OBLIGATORY OR AT-LARGE APPOINTMENT

OBLIGATORY MEMBERS		APPT. DATE	CONSEC. TERMS SERVED		AT-LARGE MEMBERS	APPT. DATE	CONSEC. TERMS SERVED
New England							
MA:	R. Avila/C	2003	2		D. Rice/ME (C)	2002	*2
CT:	S. McGee/O	2003	2				
ME:	J. Odlin/C	2003	2				
RI:	D. Preble/R	2006	1				
Mid-Atlantic							
VA:	J. Deem/R	2006	1		L. Nolan/NY (C)	2000	**3
NJ:	E. Goldman/R	2006	1		D. Spitsbergen/NC (O)	2000	**3
South Atlantic							
GA:	C. Harris/R	2003	2		B. Currin/NC (R)	2003	2
FL:	A. Iarocci/C	2000	**3		J. Wallace/GA (C)	2003	2
Gulf of Mexico							
FL:	R. Gill/C	2006	1		T. McIlwain/MS (O)	2006	1
LA:	S. Villere/R	2006	1		H. Pearce/LA (C)	2006	1
AL:	B. Walker/R	2000	**3				
Caribbean							
VI:	V. Brown/O	2000	**3		M. Hanke/PR (R)	2003	2
Pacific							
CA:	K. Fosmark/C	2006	1		D. Hansen/CA (R)	2000	**3
OR:	F. Warrens/R	2003	2		D. Myer/WA (C)	2006	1
T. Seat WA:	D. Sones/O	2006	1				
North Pacific							
WA:	D. Benson/C	2003	2		There are no at-large seats on the North Pacific Council.		
AK:	R. Dersham/R	2008	*				
AK :	G. Merrigan/C	2007	*				
Western Pacific							
GU:	M. Duenas II/C	2003	2		There are no at-large vacancies on the Western Pacific Council in 2009.		
AmS:	S. Haleck/R	2003	2				
HI:	S. Martin/C	2003	2				
21 Obligatory Members					**10 At-Large Members**		

Fishing Sectors: C=commercial; R=recreational; "O"=other

*These members replaced other members who left office during a term; in accordance with the Magnuson-Stevens Act, section 302(b)(3), any term in which an individual was appointed to replace a member who left office during the term shall not be counted in determining the number of consecutive terms served by that Council member.

**These members have served three consecutive terms; therefore, they are ineligible by law for reappointment to a fourth consecutive term.

TABLE 3: RFMC MEMBERS' TERMS EXPIRING AUGUST 10, 2009 GROUPED BY GENERAL FISHING SECTOR CATEGORIES				
	COMMERCIAL	RECREATIONAL	OTHER	TOTAL
New England	Rodney M. Avila James A. Odlin Dana B. Rice	David E. Preble	Sally E. McGee	5
Mid-Atlantic	Laurie A. Nolan	Jeffrey D. Deem Edward L. Goldman	Dennis L. Spitsbergen	4
South Atlantic	Anthony L. Iarocci John A. Wallace	Benjamin M. Currin Charles D. Harris		4
Gulf of Mexico	Robert P. Gill Harlon H. Pearce	Susan S. Villere Bobbi M. Walker	Thomas D. McIlwain	5
Caribbean	Marcos R. Hanke		Virdin C. Brown	2
Pacific	Kathleen A. Fosmark Dale D. Myer	Donald K. Hansen Frank R. Warrens	David B. Sones	5
North Pacific	David W. Benson Gerald P. Merrigan	Robert E. Dersham		3
Western Pacific	Manuel P. Duenas, II Sean C. Martin	Stephen Haleck		3
TOTAL1	15	TOTAL 11	TOTAL 5	TOTAL 31

Removal of Members

On occasion, after appointments have been made, RFMC constituents have advised the Secretary of concerns about or indicated disagreement with some of the Secretarial appointment decisions. In some cases, constituents have called for the revocation of particular appointments. All such concerns are noted. However, in accordance with Section 302(b)(6) of the Magnuson-Stevens Act, the removal of a council member is limited to the following circumstances:

> a) The Secretary may remove for cause any Secretarially appointed RFMC member only when the RFMC concerned first recommends removal of the member by not less than two-thirds of the RFMC voting members, and the RFMC submits such removal recommendation to the Secretary in writing, together with a statement of the basis for the recommendation; or
>
> b) After notice and an opportunity for a hearing in accordance with Section 554 of Title 5, United States Code, the member is found by the Secretary to have committed an act prohibited by Section 307(1)(O) of the Magnuson-Stevens Act, which pertains to compliance with financial disclosure requirements.

E. THE SECRETARY'S 2008 APPOINTMENTS/2009 REPORT RECOMMENDATIONS

As a result of the annual appointments announced on June 27, 2008, 21 members were seated on August 11, 2008.

The following sections update RFMC appointment rosters, specify apportionment totals for RFMC members, discuss fishery management issues and challenges being addressed by each RFMC, and make Secretarial recommendations for future nomination and appointment considerations. The latter reflects information included in letters sent to the constituent state governors requesting nominees, consistent with regulations at 50 CFR 600.215. The governors are required to submit their nominees by March 15 of each year.

1. New England Fishery Management Council (NEFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for four NEFMC members. As a result of the 2008 appointments, the composition of fishing sector representatives is seven commercial, three recreational, and two "other," which reflects a change from seven commercial, four recreational, and one "other." The current geographical balance regarding the distribution of at-large seats on the NEFMC remains unchanged. The appointees and reappointees are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
Michael P. Leary/commercial	Reappointment
James J. Fair, Jr./ "other"	Thomas R. Hill/recreational
John W. Pappalardo/commercial	Reappointment
Mary Beth Nickell-Tooley/commercial	James W. Salisbury/commercial

The following table lists the Secretarial appointees currently on the NEFMC:

2008 NEW ENGLAND FISHERY MANAGEMENT COUNCIL (12 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	AVILA, RODNEY M.	MA	2009	C
O	PREBLE, DAVID E.	RI	2009	R
O	GOETHEL, DAVID T.	NH	2010	C
O	MCGEE, SALLY E.	CT	2009	O
O	ODLIN, JAMES A.	ME	2009	C
A	CUNNINGHAM, COLIN M. JR.	MA	2010	R
A	LEARY, MICHAEL P.	NH	2011	C
A	FAIR, JAMES J. JR.	MA	2011	O
A	PAPPALARDO, JOHN W.	MA	2011	C
A	RICE, DANA B.	ME	2009	C
A	BLOUNT, FRANCIS W. JR.	RI	2010	R
A	NICKELL-TOOLEY, MARY BETH.	ME	2011	C

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. Rodney M. Avila – commercial fishing sector – Massachusetts' obligatory seat

2. David E. Preble – recreational fishing sector – Rhode Island's obligatory seat

3. Sally E. McGee – “other” sector – Connecticut’s obligatory seat

4. James A. Odlin – commercial fishing sector – Maine’s obligatory seat

5. Dana B. Rice - commercial fishing sector – at-large seat (Maine)

2009 REPORT RECOMMENDATIONS:

The stocks within the NEFMC’s geographical area are primarily associated with commercial fisheries. Of the seven members whose terms do not expire in 2009, four are from the commercial harvesting sector, two are from the recreational fishing sector, and one is from the “other” sector. Members from the commercial harvesting sector have experience in the groundfish, scallop, herring, and monkfish fisheries, utilizing trawl, dredge, gillnet, purse seine, and longline gear. Recreational fishing sector members are all hook-and-line and rod-and-reel fishermen representing private or for-hire recreational fishery sectors.

The five upcoming vacancies include three outgoing members from the commercial sector, one from the recreational sector, and one from the “other” sector. Governors are encouraged to nominate qualified nominees from the commercial and recreational fishing sectors. Also, governors are encouraged to nominate nominees from the “other” sector, including people with knowledge and experience in the conservation and management of marine resources and habitat and ecosystem approaches to management.

DISCUSSION:

The NEFMC is responsible for six Fishery Management Plans (FMPs): Northeast Multispecies, Atlantic Sea Scallop, Atlantic Herring, Deep-sea Red Crab, Skates, and Atlantic Salmon. In addition, the NEFMC and Mid-Atlantic Fishery Management Council (MAFMC) are jointly responsible for two FMPs (Spiny Dogfish and Monkfish). The NEFMC has the lead responsibility for the Monkfish FMP, while the MAFMC has the lead responsibility for the Spiny Dogfish FMP.

The species managed by the NEFMC are primarily commercial; however, the multispecies fishery has an important recreational component (party/charter and private vessels). The Atlantic salmon fishery is considered recreational, although possession of Atlantic salmon is prohibited in the Exclusive Economic Zone (EEZ) under the Atlantic Salmon FMP. Management of all of the fisheries must take into consideration effects of the fisheries on habitat, and must consider ways to minimize bycatch. Fishing gear technology and selectivity are areas of great interest, to allow healthy stocks to be harvested at or near their optimum yields while protecting overfished and rebuilding stocks.

In 2008, the Council's management actions included:

- **Northeast (NE) Multispecies**
  The Council continued the development of Amendment 16, which will make mid-course adjustments to the rebuilding plans for overfished groundfish stocks and address other management needs in the fishery.

- **Atlantic Sea Scallops**
  The Council initiated Amendment 15, which may include annual catch limits and accountability measures (ACLs/AMs), capacity reduction measures, days-at-sea leasing, permit transfers, sectors, and revisions to overfishing definitions.

- **Atlantic Herring**
  The Council initiated development of Amendment 2, which will include ACLs/AMs, and address monitoring issues in the fishery.

- **Monkfish**
  The Council completed Framework 5, which changed the biological reference points in response to a new stock assessment, and Framework 6, which removed the precautionary default measures in the FMP, which were no longer necessary.

- **Skates**
  The Council continued development of Amendment 3 to end overfishing and rebuild overfished skate stocks, and to add ACLs/AMs to the FMP.

- **Habitat**
  The Council continued development of an omnibus habitat amendment, which will amend the essential fish habitat designations in the Council's FMPs and provide additional measures to protect habitat. Phase I, to better define essential fish habitat (EFH), has been completed, and work on Phase II, to develop management measures to protect EFH, was continued.

Council priorities for 2009 include:

- Continue work on Phase II of a two-part omnibus amendment to address issues regarding EFH across all of the Council's FMPs;
- Continue development of Scallop Amendment 15 to add ACLs/AMs to the FMP, address capacity in the fishery, revise overfishing definitions, set specifications for the 2011-2012 fishery, and make other changes to the scallop management program;
- Complete Scallop Framework 21 to set specifications for the 2010 scallop fishery and to comply with the terms and conditions of the Biological Opinion for sea turtles;
- Initiate development of ACLs/AMs and specifications for the 2010-2011 NE multispecies fisheries;
- Complete Amendment 16 to the NE Multispecies FMP to adjust measures necessary to end overfishing and rebuild overfished stocks, authorize additional sectors, and make other adjustments in the groundfish management program;

- Complete Skates Amendment 3 to end overfishing and rebuild overfished stocks, and to develop ACLs/AMs for these stocks;
- Develop specifications for the 2010 Atlantic herring fishery;
- Continue development of Herring Amendment 4, to improve monitoring of catch and bycatch, and to add ACLs/AMs to the FMP;
- Initiate development of Amendment 5 to the Monkfish FMP to add ACLs/AMs to the FMP, and to set specifications for the 2011-2013 monkfish fisheries;
- Continue development of Amendment 19 to the NE Multispecies FMP to create a limited access program for the small-mesh groundfish fisheries (e.g., whiting), to add ACLs/AMs for the small-mesh stocks, and to set specifications for the 2011-2013 fisheries;
- Develop specifications for the 2010 deepsea red crab fishery.

2. Mid-Atlantic Fishery Management Council (MAFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for five MAFMC members. As a result of the 2008 appointments, the composition of fishing sector representatives remains unchanged at five commercial, five recreational, and three "other." The current geographical balance regarding the distribution of at-large seats on the MAFMC remains unchanged. The appointees and reappointees are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
John G. McMurray/recreational	Patrick H. Augustine/recreational *
Eugene J. Kray/recreational	Reappointment
Jule D. Wheatly/commercial	James A. Ruhle, Sr./commercial (ineligible, by law, for a fourth consecutive term)
Howard J. King, III/ "other"	William P. Jensen/ "other"
Patrick H. Augustine/recreational	Scott B. Holder/recreational

* Note: Outgoing member Patrick H. Augustine effectively changed seats from NY's obligatory seat to an at-large seat when he was subsequently reappointed to the Council during the 2008 appointment process.

The following table lists the Secretarial appointees currently on the MAFMC:

2008 MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (13 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	MCMURRAY, JOHN G.	NY	2011	R
O	GOLDMAN, EDWARD L.	NJ	2009	R
O	KRAY, EUGENE J.	PA	2011	R
O	DEEM, JEFFREY D.	VA	2009	R
O	WHEATLY, JULE D.	NC	2011	C
O	KING, HOWARD J. III	MD	2011	O
O	ANDERSON, LEE G.	DE	2010	O
A	NOLAN, LAURIE A.	NY	2009	C
A	ROBINS, RICHARD B. JR.	VA	2010	C
A	BERG, ERLING A.	NJ	2010	C
A	SIMNS, LAWRENCE W.	MD	2010	C
A	SPITSBERGEN, DENNIS L.	NC	2009	O
A	AUGUSTINE, PATRICK H.	NY	2011	R

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. Edward L. Goldman - recreational fishing sector – New Jersey's obligatory seat

2. Jeffrey D. Deem - recreational fishing sector – Virginia's obligatory seat

3. Laurie A. Nolan – commercial fishing sector – at-large seat (New York); by law, Ms. Nolan, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.

4. Dennis L. Spitsbergen – "other" sector – at-large seat (North Carolina); by law, Mr. Spitsbergen, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.

2009 REPORT RECOMMENDATION(S):

A total of nine members will continue after 2009—four from the commercial sector, three from the recreational sector, and two from the "other" sector. Commercial sector members include harvesters and processors, with experience in the bluefish, surfclam, summer flounder, scup, black seabass, monkfish, spiny dogfish, scallop, squid, mackerel, butterfish, herring, and tilefish fisheries, utilizing dredge, gillnet, longline, trap and pot, and trawl gear. Recreational sector members are all rod-and-reel fishermen.

The four upcoming vacancies include one outgoing member from the commercial sector, two from the recreational sector, and one from the "other" sector. MAFMC fisheries have both commercial and recreational components; therefore, it is important that a balance be achieved between both sectors. Governors are encouraged to nominate individuals from both the recreational sector and the commercial sector. Also, governors are encouraged to nominate individuals from the "other" sector, including people with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

DISCUSSION:

The MAFMC is exclusively responsible for five existing FMPs: Summer Flounder, Scup, and Black Sea Bass; Atlantic Mackerel, Squid, and Butterfish; Surfclam and Ocean Quahog; Tilefish; and Atlantic Bluefish. In addition, the MAFMC and the NEFMC are jointly responsible for two other FMPs (Spiny Dogfish and Monkfish). The MAFMC has the lead responsibility for the Spiny Dogfish FMP, and the NEFMC has the lead responsibility for the Monkfish FMP.

Some of these fisheries are primarily commercial (e.g., surfclam, ocean quahog, tilefish, spiny dogfish, squid, Atlantic mackerel, and butterfish); others have significant recreational components (bluefish, summer flounder, scup, and black sea bass). Management of all fisheries must take into consideration effects of the fisheries on habitat, and must consider ways to minimize bycatch.

In 2008, the Council's management actions included:

- **Summer Flounder/Scup/Black Sea Bass**

  In addition to developing annual specifications and recreational measures for these fisheries for 2009, the Council continued development of Amendment 15 to the FMP to add ACLs/AMs to the FMP.

- **Surfclams/Ocean Quahogs**

  The Council initiated Amendment 14 to the FMP to define excessive shares in the Individual Transferable Quota (ITQ) portion of the fishery, to develop a cost-recovery program for the ITQ fishery, to update EFH, and to add ACLs/AMs to the FMP.

- **Squid/Mackerel/Butterfish**

  In addition to developing annual specifications for these fisheries for 2009, the Council completed all actions on Amendment 9 to the FMP, which was implemented by final rule on July 1. Amendment 9, among others measures, established multi-year specification setting for all four species and extended the *Illex* squid moratorium indefinitely. Amendment 10 was also completed, and includes a rebuilding program for butterfish. The Council also continued development of Amendment 11, which would establish a limited access program for Atlantic mackerel, and add ACLs/AMs to the FMP.

- **Spiny Dogfish**

  The Council developed the 2009 specifications for this fishery and completed Framework 2. Framework 2 was submitted to the agency in December, and would provide flexibility in establishing or changing biological reference points to reflect new scientific information.

- **Tilefish**

  The Council completed Amendment 1 to the FMP and submitted it to the agency in December. Among other measures, Amendment 1 would establish an ITQ program system for this fishery, and add measures to protect EFH.

- **Bluefish**

  The Council developed specifications for the 2009 recreational and commercial bluefish fisheries.

- **Omnibus ACLs/AMs**
  The Council initiated an amendment to add ACLs/AMs to all of its FMPs to comply with new requirements of the Magnuson-Stevens Act, as reauthorized. For some FMPs, the ACLs/AMs may be added through separate amendments.

Council priorities for 2009 include:

- Continue development of a limited access program for the Atlantic mackerel fishery through Amendment 11 to the Atlantic Mackerel/Squid/Butterfish FMP;
- Complete Surfclam/Ocean Quahog Amendment 14, which would define excessive shares, provide a cost recovery system for the fishery, update EFH, and add ACLs/AMs to the FMP;
- Complete annual specifications for the summer flounder/scup/black sea bass (commercial and recreational), mackerel/squid/butterfish, and bluefish fisheries, including research set-asides, as warranted.
- Continue development of an omnibus amendment to add ACLs/AMs to all MAFMC FMPs.

3. South Atlantic Fishery Management Council (SAFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for two SAFMC members. As a result of the 2008 appointments, the composition of fishing sector representatives remains unchanged at three commercial, four recreational, and one "other." The current geographical balance regarding the distribution of at-large seats on the SAFMC remains unchanged. The reappointees are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
David M. Cupka/ "other"	Reappointment
George J. Geiger/recreational	Reappointment

The following table lists the Secretarial appointees currently on the SAFMC:

2008 SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL (8 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	HARRIS, CHARLES D.	GA	2009	R
O	IAROCCI, ANTHONY L.	FL	2009	C
O	MERRITT, RITA G.	NC	2010	C
O	SWATZEL, THOMAS L. III	SC	2010	R
A	CURRIN, BENJAMIN M.	NC	2009	R
A	CUPKA, DAVID M.	SC	2011	O
A	GEIGER, GEORGE J.	FL	2011	R
A	WALLACE, JOHN A.	GA	2009	C

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. Charles D. Harris – recreational fishing sector – Georgia's obligatory seat

2. Anthony L. Iarocci – commercial fishing sector – Florida's obligatory seat; by law, Mr. Iarocci, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.

3. Benjamin M. Currin – recreational fishing sector – at-large seat (North Carolina)

4. John A. Wallace – commercial fishing sector – at-large seat (Georgia)

2009 REPORT RECOMMENDATIONS:

Of the four members whose terms do not expire in 2009, one is from the commercial sector, two are from the recreational sector, and one is from the "other" sector. The commercial member's experience includes harvesting, while the recreational members are rod-and-reel fishermen. The governors are encouraged to nominate nominees from both the commercial and recreational sectors so the Secretary can achieve a balance between these two interest groups. While nominees to help balance the commercial and recreational sectors are important, the governors should also be encouraged to nominate nominees from the "other" sector, including people with knowledge and experience in the conservation and management of marine resources and habitat and ecosystem approaches to management.

DISCUSSION:

The SAFMC has prepared fishery management plans and amendments for the following fisheries or living marine resources in the South Atlantic EEZ: shrimp (penaeid and rock); coral, coral reef, and live/hard bottom habitats; golden crab; dolphin/wahoo; *Sargassum*; and the snapper-grouper species complex. The SAFMC and the Gulf of Mexico Fishery Management Council have prepared joint FMPs for spiny lobster and coastal migratory pelagic (CMP) species in the South Atlantic and Gulf of Mexico.

In 2008, the SAFMC's management actions included:

- Amendment 14 to the Snapper Grouper FMP, which includes eight marine protected areas from North Carolina to Florida;

- Amendment 15B to the Snapper Grouper FMP, which would address the sale of bag limit caught snapper-grouper species, methods to reduce the effects of incidental hooking on sea turtles and smalltooth sawfish, commercial renewal periods and transferability requirements, a plan to monitor and assess bycatch, establishment of reference points for golden tilefish, and allocations for snowy grouper and red porgy;

- Public Hearing Draft of the Ecosystem-Based Comprehensive Amendment I, which amends the Coral FMP to establish deepwater Coral Habitat Areas of Particular Concern (HAPCs), creates allowable fishing areas for deepwater shrimp and golden crab fisheries, and amends current FMPs to comply with the essential fish habitat EFH final rule;

- Amendment 16, which would include measures to end overfishing of gag and vermilion snapper, address overfishing of black grouper and red grouper, protect shallow-water grouper species during their spring spawning season, establish management reference points for gag and vermilion snapper, and reduce bycatch of snapper-grouper species in the South Atlantic;

- Options paper for Amendment 17, which would reduce bycatch of deepwater species, establish annual catch limits and accountability measures for snapper-grouper species experiencing overfishing, end red snapper overfishing, and rebuild red snapper; and

- Amendment 7 to the Shrimp FMP, which would address issues in the rock shrimp fishery.

The SAFMC also:

- Transferred red drum management authority in the South Atlantic EEZ from the SAFMC to the Atlantic States Marine Fisheries Commission (ASMFC);
- Administered and actively participated in the Southeast Data Assessment and Review (SEDAR) process for South Atlantic and Gulf of Mexico king mackerel, South Atlantic Spanish mackerel, and South Atlantic vermilion snapper;
- Developed a Limited Access Privilege Program (LAPP) Workgroup for golden tilefish; and
- Continued to support NMFS by participating in activities of the International Commission for the Conservation of Atlantic Tunas Advisory Committee, and the Highly Migratory Species (HMS) and Billfish Advisory Panels.

SAFMC priorities for 2009 include:

- Submit Amendment 15B to the Snapper Grouper FMP to the Secretary;
- Submit Amendment 16 to the Snapper Grouper FMP to the Secretary;
- Submit the Comprehensive Ecosystem-Based Amendment I to the Secretary;
- Submit Amendment 7 to the Shrimp FMP to the Secretary;
- Continue development of Amendment 17;
- Develop Amendment 18 to the Snapper Grouper FMP, which would limit participation and effort in the golden tilefish fishery, limit participation and effort in the black sea bass fishery, extend fishery management unit range and designate essential fish habitat in the new areas, separate snowy grouper quota into regions/states, change golden tilefish fishing year, and improve data reporting;
- Develop a Comprehensive Annual Catch Limit Amendment, which would include ACLs and AMs for species not experiencing overfishing;
- Develop Comprehensive Ecosystem-Based Amendment II, which would update EFH and EFH-Habitat Areas of Particular Concern, modify the limited take of octocorals, modify the limited take of *Sargassum*, allow harvest of the erect forms of corky seafingers and encrusting gorgonians, and establish a permit system to harvest the invasive orange cup coral; and
- Actively participate in the SEDAR process for South Atlantic and Gulf black grouper and South Atlantic red grouper.

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4. Gulf of Mexico Fishery Management Council (GMFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for three GMFMC members. As a result of the 2008 appointments, the composition of fishing sector representatives remains unchanged at four commercial, four recreational, and three "other. The current geographical balance regarding the distribution of at-large seats on the GMFMC remains unchanged. The appointee and reappointees are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
Robert L. Shipp/recreational	Reappointment
Edward W. Sapp/recreational	William K. Daughdrill/recreational
Joseph P. Hendrix, Jr./commercial	Reappointment

The following table lists the Secretarial appointees currently on the GMFMC:

2008 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL (11 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	RAY, MICHAEL S.	TX	2010	O
O	GILL, ROBERT P.	FL	2009	C
O	VILLERE, SUSAN S.	LA	2009	R
O	WILLIAMS, HAROLYN K.	MS	2010	C
O	WALKER, BOBBI M.	AL	2009	R
A	SHIPP, ROBERT L.	AL	2011	R
A	SAPP, EDWARD W.	FL	2011	R
A	HENDRIX, JOSEPH P. JR.	TX	2011	C
A	MORRIS, JULIE K.	FL	2010	O
A	PEARCE, HARLON H.	LA	2009	C
A	MCILWAIN, THOMAS D.	MS	2009	O

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. Robert P. Gill – commercial fishing sector – Florida's obligatory seat

2. Susan S. Villere – recreational fishing sector – Louisiana's obligatory seat

3. Bobbie M. Walker – recreational fishing sector – Alabama's obligatory seat; by law, Ms. Walker, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.

4. Harlon H. Pearce – commercial fishing sector – at-large seat (Louisiana)

5. Thomas D. McIlwain – "other" sector – at-large seat (Mississippi)

2009 REPORT RECOMMENDATIONS:

Of the six members whose terms continue beyond 2009, two are from the commercial sector, two are from the recreational sector, and two are from the "other" sector. The remaining commercial members' experience includes harvesting and processing, while the recreational members are all rod-and-reel fishermen.

The five council members whose terms expire in 2009 include two outgoing members from the commercial sector, two from the recreational sector, and one from the "other" sector. The reauthorized Magnuson-Stevens Act requires a governor of a state submitting a list of names of individuals for appointment by the Secretary to the GMFMC to include at least one nominee each from the commercial, recreational, and charter fishing sectors; and at least one other individual who is knowledgeable regarding the conservation and management of fisheries resources in the jurisdiction of the Council.

DISCUSSION:

The GMFMC has prepared fishery management plans and amendments for the following fisheries or living marine resources in the Gulf of Mexico EEZ reef fish, shrimp, coral and coral reefs, red drum, and stone crab. The GMFMC and the SAFMC have prepared joint FMPs for the spiny lobster fishery and coastal migratory pelagic species in the Gulf of Mexico and South Atlantic.

GMFMC activities for 2008 included:

- Submission of Amendment 30A to the Reef Fish FMP to the Secretary, which included measures to end overfishing of gray triggerfish and greater amberjack, create a gray triggerfish rebuilding plan, and revise the greater amberjack rebuilding plan. NMFS published a final rule on July 3, 2008;

- Submission of Amendment 30B to the Reef Fish FMP to the Secretary, which included measures to end overfishing of gag, revise reef fish management measures, adjust the red grouper total allowable catch (TAC); and improve effectiveness of management measures. NMFS approved this amendment on January 23, 2009;

- Finalization of the Generic Offshore Aquaculture Amendment, as altered to a stand-alone FMP, which would establish a rigorous and consistent permitting, monitoring, and reporting system for offshore aquaculture operations in the Gulf of Mexico. The Council approved this FMP for submission to the Secretary at its January 2009 meeting;

- Draft and finalize Amendment 29 to the Reef Fish FMP, which would include a limited access program for grouper and tilefish; the amendment was submitted to NMFS in February 2009; and

- Finalization of Amendment 8 to the Spiny Lobster FMP, which established import restrictions on spiny lobster, in conjunction with the South Atlantic and Caribbean Councils. NMFS published a final rule on January 12, 2009.

The GMFMC also:

- Actively participated in the SEDAR process for king mackerel;
- Participated in the National Scientific and Statistical Committee (SSC) meeting regarding ACLs and the new role of SSCs in accordance with the reauthorized Magnuson-Stevens Act;
- Convened several meetings of the SSC, in regard to developing ACLs and AMs for managed fisheries; and
- Conducted a series of meetings with the Ad Hoc Red Snapper Advisory Panel regarding potential new management strategies to improve recreational red snapper fishing opportunities.

GMFMC priorities for 2009 include:

- Develop and implement Amendment 31 to the Reef Fish FMP, which would reduce sea turtle interactions with the commercial reef fish longline fishery;
- Initiate development of Amendment 18 to the Coastal Migratory Pelagic FMP, which would adjust management boundaries and associated management strategies in cooperation with the South Atlantic Council;
- Initiate development of a Comprehensive ACL/AM amendment for managed stocks that are not undergoing overfishing;
- Investigate means to appropriately adjust allocations among sectors for managed species.
- Participate in SEDARs for red grouper, gag, and red snapper stock assessment updates.
- Participate in SEDAR for black grouper benchmark assessment.

5. Caribbean Fishery Management Council (CFMC)

BACKGROUND SUMMARY:

The term expired in 2008 for one CFMC member. As a result of the 2008 appointment, the composition of fishing sector representatives remains the same at two commercial, one recreational, and one "other." The current geographical balance regarding the distribution of at-large seats on the CFMC remains unchanged. The appointee is as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
Eugenio Piñeiro-Soler/commercial	Reappointment

The following table lists the Secretarial appointees currently on the CFMC:

2008 CARIBBEAN FISHERY MANAGEMENT COUNCIL (4 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	BROWN, VIRDIN C.	VI	2009	O
O	PIÑEIRO-SOLER, EUGENIO	PR	2011	C
A	HANKE, MARCOS R.	PR	2009	R
A	LEDEE, WINSTON J.	VI	2010	C

EXPIRING TERM:

The following members' terms will expire on August 10, 2009:

1. Virdin C. Brown – "other" sector – Virgin Islands' obligatory seat; by law, Mr. Brown, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.

2. Marcos R. Hanke - recreational fishing sector – at-large seat (Puerto Rico)

2009 REPORT RECOMMENDATIONS:

The two members of the CFMC whose terms do not expire in 2009 are from the commercial sector. The two upcoming vacancies include one outgoing member from the recreational sector and one from the "other" sector. The Governors of Puerto Rico and the U.S. Virgin Islands are encouraged to nominate nominees from the recreational fishing sector, as well as nominees from the "other" sector, including people with knowledge and experience in the conservation and management of marine resources and habitat and ecosystem approaches to management.

DISCUSSION:

The CFMC has prepared Fishery Management Plans and amendments for the following fisheries or living marine resources in the Caribbean EEZ: spiny lobster, reef fish, coral and reef associated plants and invertebrates, and queen conch.

In 2008, the CFMC's management actions included:

- Development of an options paper for Amendment 4 to the Reef Fish FMP and Amendment 3 to the Spiny Lobster FMP, which would require escape vents in fish traps;

- Approval and Secretarial review of Amendment 4 to the Spiny Lobster FMP, which would address the illegal harvest and exportation of undersized lobster tails to the United States;

- Develop an options paper for establishing a Bajo de Sico marine protected area off the west coast of Puerto Rico;

- Consulted with local governments to develop compatible closed seasons and gear restrictions to reduce fishing effort; and

- Utilized a ACL Working Group to address issues related to compliance with the Magnuson-Stevens Act;

- Develop options to establish ACLs and accountability measures for species considered to be overfishied and to be undergoing overfishing.

The CFMC also:

- Developed a white paper on the sale of catch by recreational fishermen;
- Actively participated in an international delegation to study how to strengthen Western Central Atlantic Fisheries Commission (WECAFC);
- Participated in an international Large Marine Ecosystem project;
- Coordinated with the participation of NMFS Office of International Fisheries, and the Secretariat of WECAFC, the Nassua Gouper Workshop; and
- Actively participated in an international symposium on spiny lobster management and trade.

CFMC priorities for 2009 include:

- Develop Amendment 4 to the Reef Fish FMP and Amendment 3 to the Spiny Lobster FMP;
- Implement Amendment 4 to the Spiny Lobster FMP;
- Develop Amendment 5 to the Reef Fish FMP to establish a Bajo de Sico marine protected area off the west coast of Puerto Rico;
- Begin development of a Comprehensive ACL Amendment for managed species;
- Determine the feasibility of a limited entry program for U.S. Virgin Islands fisheries.

6. Pacific Fishery Management Council (PFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for two PFMC members. As a result of the 2008 appointments, the composition of fishing sector representatives remains the same at three commercial, five recreational, and one tribal representative, who is counted as a member of the "other" sector. The current geographical balance regarding the distribution of available at-large seats on the PFMC remains unchanged. The reappointees are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
Mark V. Cedergreen//recreational	Reappointment
Rodney H. Moore/commercial	Reappointment

The following table lists the Secretarial appointees currently on the PFMC:

2008 PACIFIC FISHERY MANAGEMENT COUNCIL (9 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	CEDERGREEN, MARK V.	WA	2011	R
O	ORTMANN, DAVID W.	ID	2010	R
O	FOSMARK, KATHLEEN A.	CA	2009	C
O	WARRENS, FRANK R.	OR	2009	R
	PFMC *TRIBAL SEAT (*T):			
O	SONES, DAVID B.	WA	2009	T
A	MYER, DALE D.	WA	2009	C
A	MOORE, RODNEY H.	OR	2011	C
A	HANSEN, DONALD K.	CA	2009	R
A	WOLFORD, DANNY L.	CA	2010	R

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. Kathleen A. Fosmark – commercial fishing sector – California's obligatory seat

2. Frank R. Warrens – recreational fishing sector – Oregon's obligatory seat

3. David B. Sones – "other" sector – Washington's Tribal Representative

4. Dale D. Myer – commercial fishing sector – at-large seat (Washington)

5. Donald K. Hansen – recreational fishing sector – at-large seat (California)

2009 REPORT RECOMMENDATIONS:

Members who will continue to serve beyond 2009 include one from the commercial sector (seafood processor), and three from the recreational sector utilizing rod-and-reel and hook-and-line gear.

The five upcoming vacancies in 2009 include two from the commercial sector, two from the recreational sector, and one from the "other" sector. Three recreational members will remain on the Council after 2009, compared to only one commercial member. The governors are encouraged to provide the Secretary with nominees from the commercial sector with expertise in all fisheries managed by the PFMC to maintain a balance of both sector interests. Also, governors are encouraged to nominate nominees from the "other" sector, including people with knowledge and experience in the conservation and management of marine resources and habitat and ecosystem approaches to management.

DISCUSSION:

The PFMC has prepared FMPs for: Pacific Coast groundfish, West Coast salmon, coastal pelagic species (CPS), and HMS fisheries.

The PFMC also has responsibility for recommending allocations of Pacific halibut among treaty Indian and non-Indian commercial and recreational users in Area 2A under the Northern Pacific Halibut Act.

In 2008, the Council's management actions included:

- Continued to seek funding for initiating the development of a Ecosystem Plan that will serve as an "umbrella" plan over the four existing FMPs;

- Refined the final range of intersector allocations alternatives for Groundfish Amendment 21, and adopted final 2009–2010 Groundfish Harvest Specifications;

- Adopted the majority of needed components of a groundfish trawl limited access privilege program, including fishing co-ops;

- Adopted a preliminary range of alternatives to limit the Open Access sector in the Groundfish fishery;

- For the 2008 salmon season, adopted ocean salmon seasons to protect Sacramento River and Lower Columbia River Chinook;

- Drafted the final Environmental Assessment (EA) and finalized the sardine long-term allocation amendment to the CPS FMP for the West Coast sardine fishery;

- Adopted recommendations for international actions under the requirements of Magnuson-Stevens Act Section 304(i), to end overfishing of yellowfin tuna;

- Provided input for tuna conservation measures to the General Advisory Committee to the U.S. Section of the Inter-American Tropical Tuna Commission (IATTC) and to the U.S. delegations of the Northern Committee and the Western and Central Pacific Fisheries Commission (WCPFC);

- Recommended that NMFS issue an exempted fish permit for shallow-set longline fishing targeting swordfish in the West Coast EEZ off California and Oregon; and

- Adopted a suite of alternatives for Amendment 2 to the HMS FMP to establish a shallow-set longline fishery in waters west of the west coast EEZ, targeting swordfish.

Council priorities for 2009 and 2010 include:

- Initiate the process for developing groundfish harvest specifications and management measures for 2011–2012;
- Complete a license limitation program for the open access groundfish fishery;
- Complete remaining components of a limited access privilege program for the groundfish trawl fishery and associated intersector allocations;
- Continue to address the challenge of providing opportunities for commercial, recreational, and treaty Indian fisheries in the ocean while protecting ESA-listed and other depressed salmon stocks;
- Continue efforts to develop an umbrella Ecosystem FMP;
- Complete the HMS FMP to include the high seas shallow-set longline fishery;
- Provide recommendations to the Secretary of State and the Congress to address eastern Pacific Ocean overfishing of yellowfin tuna; and
- Review the sardine allocation formula.

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7. North Pacific Fishery Management Council (NPFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for two NPFMC obligatory members. As a result of the 2008 appointments, the composition of fishing sector representatives on the NPFMC remains unchanged at six commercial and one recreational. There are no available at-large seats on the NPFMC. The appointee and reappointee are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
John J. Henderschedt/commercial	Milton J. Bundy/commercial (ineligible, by law, for a fourth consecutive term).
Eric A. Olson/commercial	Reappointment

The following table lists the Secretarial appointees currently on the NPFMC:

2008 NORTH PACIFIC FISHERY MANAGEMENT COUNCIL (7 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	BENSON DAVID W.	WA	2009	C
O	HENDERSCHEDT, JOHN J.	WA	2011	C
O	MERRIGAN, GERALD P.	AK	2009	C
O	FIELDS, DUNCAN S.	AK	2010	C
O	COTTEN, SAMUEL R.	AK	2010	C
O	OLSON, ERIC A.	AK	2011	C
O	DERSHAM, ROBERT E.	AK	2009	R

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. David W. Benson – commercial fishing sector – Washington's obligatory seat

2. Gerald P. Merrigan – commercial fishing sector – Alaska's obligatory seat

3. Robert E. Dersham – recreational fishing sector – Alaska's obligatory seat

2009 REPORT RECOMMENDATIONS:

Four members whose terms will continue beyond 2009 on the NPFMC are from the commercial sector with experience in processing and harvesting. The three upcoming vacancies include two outgoing members from the commercial sector and one from the recreational fishing sector. Although commercial fisheries are particularly important in this region, the governors of Alaska

and Washington are encouraged to continue to nominate persons from the recreational fishing sector and from the "other" sector. "Other" sector nominees should include persons with backgrounds in academics, fisheries management, environmental science, economics, or social science, and who have knowledge and experience in the conservation and management of marine resources and habitat and ecosystem approaches to management.

DISCUSSION:

The NPFMC has five Fishery Management Plans for: Gulf of Alaska (GOA) groundfish, Bering Sea and Aleutian Islands (BSAI) groundfish, salmon fisheries in the EEZ, BSAI king and Tanner crab, and scallop fisheries in the GOA and BSAI.

The Council recently adopted additional amendments to the groundfish FMPs, which have not yet been approved and implemented. Routine management of the fisheries under the salmon, scallop, and BSAI crab FMPs is deferred to the State of Alaska, while the Council retains oversight of major allocation, overfishing definition, and habitat management issues. In addition, under the Northern Pacific Halibut Act of 1982, the Council has authority over allocation issues affecting the Pacific halibut fishery in and off Alaska, while the International Pacific Halibut Commission (IPHC) retains responsibility for conservation management of this fishery.

Of all fisheries managed under FMPs, only three species are currently under rebuilding plans. These species include the Pribilof Island blue king crab, Bering Sea snow crab, and St. Matthew blue king crab. After NMFS determined that each of these stocks was overfished, the Council promptly developed rebuilding plans for these species, as required by the Magnuson-Stevens Act, and these plans have been approved by NMFS. Rebuilding plans were approved for Pribilof Island blue king crab in 2004 (FMP Amendment 17), Bering Sea snow crab in 2001 (FMP Amendment 14), and St. Matthew blue king crab in 2000 (FMP Amendment 15). During 2008, the abundance of only Pribilof Island blue king crab continues to be below its minimum stock size threshold.

The most significant fishery management issues faced by the Council that will receive priority attention in 2009 include:

- Assist NMFS in finalizing the draft FMP-level Status Quo Biological Opinion for Steller sea lions, humpback whales, and sperm whales; developing alternatives for possible changes to Steller sea lion protection measures; and assisting with consultation under section 7 of the Endangered Species Act and analysis on any changes to groundfish fisheries management;
- Development of measures to manage the harvest of halibut in the charter fishery in IPHC areas 2C and 3A;
- Refinement of the Bering Sea and Aleutian Islands Crab Rationalization Program and other limited access privilege programs developed by the Council and implemented by NMFS;
- Development of measures to address ongoing concerns about salmon bycatch in the Bering Sea pollock fishery; and
- Development of a new Arctic Fishery Management Plan.

8. Western Pacific Fishery Management Council (WPFMC)

BACKGROUND SUMMARY:

Terms expired in 2008 for three WPFMC members. As a result of the 2008 appointments, the composition of fishing sector representatives is two commercial, three recreational, and three "other" representatives, which reflects a change from two commercial, four recreational, and two "other." The current geographical balance regarding the distribution of at-large seats on the WPFMC remains unchanged. The 2008 appointments are as follows:

New Member/Fishing Sector	**Outgoing Member/Fishing Sector**
Benigno M. Sablan/ "other"	Reappointment
Frederick E. Duerr/recreational	Reappointment
David G. Itano/ "other"	Myrick R. Gaffney/recreational

The following table lists the Secretarial appointees currently on the WPFMC:

2008 WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL (8 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	DUENAS, MANUEL P. II	GU	2009	C
O	HALECK, STEPHEN	AS	2009	R
O	SABLAN, BENIGNO M.	CNMI	2011	O
O	MARTIN, SEAN C.	HI	2009	C
A	YOUNG, PETER T.	HI	2010	O
A	DUERR, FREDERICK E.	HI	2011	R
A	ITANO, DAVID G.	HI	2011	O
A	SWORD, WILLIAM A.	AS	2010	R

EXPIRING TERMS:

The following members' terms will expire on August 10, 2009:

1. Manuel P. Duenas, II – commercial fishing sector – Guam's obligatory seat

2. Stephen Haleck – recreational fishing sector – American Samoa's obligatory seat

3. Sean C. Martin – commercial fishing sector – Hawaii's obligatory seat

2009 REPORT RECOMMENDATIONS:

Of the five appointed members who will serve beyond 2009 on the WPFMC, two are from the recreational fishery sector with hook-and-line and rod-and-reel experience, and three are from the "other" sector. The three upcoming vacancies include two from the commercial fishery sector and one from the recreational fishery sector. To achieve a balance on the WPFMC, the governors are encouraged to nominate representatives from the commercial fishery sector and the recreational fishery sector.

DISCUSSION:

Domestic fisheries in U.S. EEZ waters of the western Pacific (Pacific Islands) region are managed under five western Pacific fishery management plans: Crustaceans FMP, Precious Corals FMP, Bottomfish and Seamount Groundfish FMP, Pelagics FMP and Coral Reef Ecosystems FMP. In 2008, WPFMC undertook management actions to address numerous emerging issues in the region in response to changes in the condition of the fisheries, the availability of new scientific information and new legislative mandates.

- **Pelagics**
  The WPFMC prepared Pelagics FMP Amendment 18 to remove effort limits (measured in longline sets) in the Hawaii-based shallow-set swordfish longline fishery. This is intended to provide fishermen with greater opportunities to harvest swordfish, while continuing to avoid, to the extent practicable, the accidental catch of sea turtles and other protected species. Since the introduction of circle hooks and a suite of other mitigation measures to the fishery in 2004, the number of interactions between Hawaii's longliners and sea turtles has decreased by approximately 90 percent. Removal of effort limits under Amendment 18 enables the shallow-set fishery to operate at optimal levels while ensuring sea turtle interactions remain at levels which will not jeopardize sea turtle populations.

  The WPFMC designated three species of pelagic squid as management unit species under Pelagics FMP Amendment 15. The amendment also established permits and reporting requirements for fishing vessels greater than 50 feet in length targeting pelagic squid.

  At the request of the WPFMC, NMFS published a control date of June 19, 2008 for both the Commonwealth of the Mariana Islands pelagic longline and Hawaii-based pelagic charter fisheries in response to concern about potential expansion and overcapitalization.

  The WPFMC began work on establishing TACs for U.S. pelagic fisheries in the western and central Pacific region based on quotas recommended by the WCPFC.

- **Bottomfish**
  The WPFMC developed Bottomfish FMP Amendment 14 to establish a management framework for annual TAC limits, non-commercial (recreational and subsistence) bag limits, and permit and data reporting requirements for the vessel-based bottomfish fishery in the main Hawaiian Islands (MHI). In October 2008, WPFMC recommended a MHI

TAC of 241,000 pounds for the 2008-09 bottomfish fishing year that was higher than the 2007-09 TAC because updated stock assessment and overfishing risk analysis by NMFS indicated the Hawaiian Islands Archipelagic bottomfish stocks are in a better condition than previously reported.

Amendment 10 to the Bottomfish FMP developed by WPFMC to prohibit commercial fishing vessels greater than 40 feet in length from bottomfish fishing within 10 miles of the Commonwealth of the Northern Mariana Islands southern islands and the island of Alamagan. Other provisions of the amendment include federal permits and logbook reporting for all commercial vessels and vessel monitoring system for vessels over 40 feet.

- **Crustaceans**
  The WPFMC developed Crustaceans FMP Amendment 13 establishing deepwater shrimp (*Heterocarups spp.*) as management unit species and created permit and reporting requirements for the deepwater shrimp fishery in the region.

- **Precious Coral**
  In response to a decline in recruitment and abundance, possibly as a result of the combined effects of fishing pressure and competition with the highly invasive soft coral, *Carijoa riisei*, WPFMC developed Precious Coral FMP Amendment 7. The amendment designated the black coral bed in the Auau Channel, Hawaii, as an established bed with a two-year harvest quota of 5,000 pounds. Amendment 7 also established a five-year moratorium on the harvest of deep-water gold coral species throughout the region in light of new information suggesting that the annual growth of these gold coral are much slower than previously thought.

- **Protected Resources**
  The WPFMC continued to support nesting beach management work for endangered leatherback turtles nesting in Melanesia and threatened loggerhead turtles nesting in Japan. WPFMC continued development of a database to harmonize all turtle nesting, tagging and biological data across the Southeast Asia and Pacific Islands regions.

- **Reauthorized Magnuson-Stevens Act Requirements**
  The WPFMC discussed and prepared a suite of actions for amending its FMPs on ACLs, Overfishing Limits (OFLs), Allowable Biological Catches (ABCs) and Annual Catch Targets (ACTs) for the region's non-pelagic management unit species. Many of the demersal management unit species do not have known Maximum Sustainable Yield values from which to establish ACLs. To address this concern, the WPFMC has taken a risk ranking approach to comply with MSRA requirements that all species managed under its FMPs have ACLs by 2011.

- **Indigenous and Community Programs**
  To address the new provisions of Section 305(j) of the Magnuson-Stevens Act (western Pacific Community Development), the WPFMC initiated the process for developing a

regionally-based marine education and training (MET) program with NMFS. The MET program is intended to foster understanding, practical use of knowledge (to include traditional knowledge), and technical expertise for stewardship of living marine resources in the Pacific Islands.

The WPFMC co-hosted the Bridging Communities and Government Workshop in August 2008 concurrent with US Coral Reef Task Force meeting in Kona, Hawaii. The workshop showcased the diversity of marine conservation and management projects undertaken by Pacific Island communities and highlighted the varied models and partnerships, common obstacles, challenges and solutions and identified resources available to support and enhance community-based initiatives.

WPFMC priorities for 2009 include:

- **Ecosystem Approaches to Fisheries Management**
  WPFMC's five existing FMPs and associated management provisions are expected to transition to four demersal Fishery Ecosystem Plans (FEPs) – American Samoa FEP, Mariana Archipelago FEP, Hawaiian Islands Archipelago FEP, US Pacific remote islands FEP and a separate Pacific Pelagic FEP. The new FEPs will improve the understanding and management of the interconnected diversity of marine species that inhabit the US Pacific Island areas. WPFMC will continue to focus on developing strategies for ocean zoning, identifying ecosystem-based indicators for management and establishing information collection systems to meet management demands.

- **Regional Fisheries Management Organizations**
  The WPFMC will work with NMFS and the WPCFC on the management of pelagic resources in the region, address impacts of international fishing on protected species such as sea turtles and marine mammals and assist in the development and implementation of conservation and management measures aimed at reducing fishing mortality on bigeye and yellowfin tuna over the next three years and addressing regional shallow set swordfish gear, including circle hook provisions.

F. Appendix – Statistical Fisheries Data

In addition to assessing the apportionment of membership on each RFMC, this report provides the following statistical information about the status of fisheries managed under each RFMC, and also identifies the number of RFMC members participating in those fisheries. The most recent data were compiled to show the volume of fisheries production and the related effort in each fishery managed under an FMP.[6/]

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6/The Secretary also has management authority over Highly Migratory Species (HMS) in the EEZ off the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico coasts. An additional table has been included with the following Appendix, which lists FMPs and other statistical data for Atlantic and Gulf HMS.

Appendix

This appendix provides statistical data required by Section 302(b)(2)(B)(i) of the Magnuson-Stevens Act. Unless otherwise indicated, the data are for the 2007–2008 fisheries listed by fishery management plan (FMP). Reported landings are for catches throughout the entire range of a fishery managed under the FMP. Beginning from the leftmost column, the listed data are:

1. FMPs developed by each RFMC;
2. Type of fishery managed under each plan, i.e., commercial or recreational, or mixed (see below);
3. Species/species groups making up each fishery;
4. Weight of each species or species group in a fishery landed in 2007,
5. (or as otherwise indicated) showing both the landings for commercial and recreational fishermen, if recreational information is available;
6. Number of fishermen participating in the listed fisheries, if available; otherwise, the number of U.S. vessels either permitted or estimated to be operating in the fishery;
7. Gear and processing methods used in each fishery;
8. Range and seasonality of the fishery; and
9. Number of current RFMC members who are commercial or recreational sector participants in each fishery; or their representatives.7/

LEGEND FOR TYPE FISHERIES

C - Commercial fishery: Eighty percent or more of the reported landings are by commercial fishermen.
c - Mainly commercial fishery: More than 60 percent but less than 80 percent of the reported landings are by commercial fishermen.
x - Mixed fishery: Sixty percent or less of the reported landings are by each group of commercial and of recreational fishermen.
r - Mainly recreational fishery: More than 60 percent but less than 80 percent of the reported landings are by recreational fishermen.
R - Recreational fishery: Eighty percent or more of the reported landings are by recreational fishermen.

7/Vertical sums in the attached appendices may not match the sums entered for interest sectors in Table 1 on page 7. If one or more council member actively participated in more than one fishery, the vertical sum will exceed the number entered in the interest sector column. Also, if a Council member participated in a currently closed fishery, he or she is still listed as a representative of the fishery in the table because of the expertise they bring to the Council regarding the operation of the fishery.