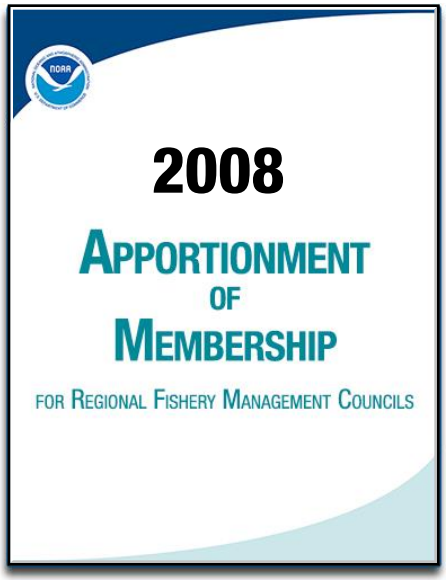
2008
REPORTS TO CONGRESS



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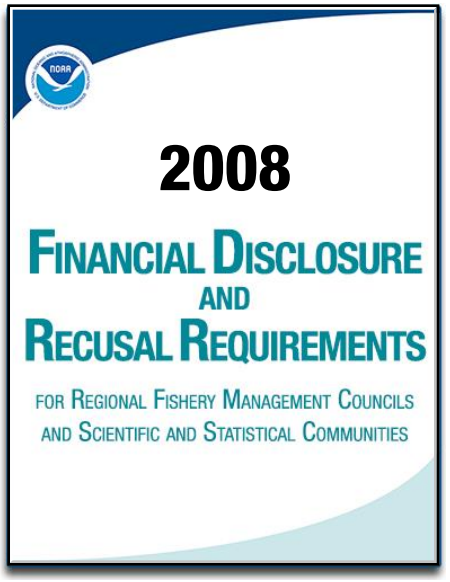

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2008 REPORT TO CONGRESS

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
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

2009

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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.

TABLE 2: 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				D. Rice/ME (C)	2002	*2
MA: R. Avila/C	2003	2				
CT: S. McGee/O	2003	2				
ME: J. Odlin/C	2003	2				
RI: D. Preble/R	2006	1				
Mid-Atlantic				L. Nolan/NY (C)	2000	**3
VA: J. Deem/R	2006	1		D. Spitsbergen/NC (O)	2000	**3
NJ: E. Goldman/R	2006	1				
South Atlantic				B. Currin/NC (R)	2003	2
GA: C. Harris/R	2003	2		J. Wallace/GA (C)	2003	2
FL: A. Iarocci/C	2000	**3				
Gulf of Mexico				T. McIlwain/MS (O)	2006	1
FL: R. Gill/C	2006	1		H. Pearce/LA (C)	2006	1
LA: S. Villere/R	2006	1				
AL: B. Walker/R	2000	**3				
Caribbean				M. Hanke/PR (R)	2003	2
VI: V. Brown/O	2000	**3				
Pacific				D. Hansen/CA (R)	2000	**3
CA: K. Fosmark/C	2006	1		D. Myer/WA (C)	2006	1
OR: F. Warrens/R	2003	2				
T. Seat WA: D. Sones/O	2006	1				
North Pacific				There are no at-large seats on the North Pacific Council.		
WA: D. Benson/C	2003	2				
AK: R. Dersham/R	2008	*				
AK : G. Merrigan/C	2007	*				
Western Pacific				There are no at-large vacancies on the Western Pacific Council in 2009.		
GU: M. Duenas II/C	2003	2				
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
TOTAL 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
John G. McMurray/recreational
Eugene J. Kray/recreational
Jule D. Wheatly/commercial

Howard J. King, III/ "other"
Patrick H. Augustine/recreational

Outgoing Member/Fishing Sector
Patrick H. Augustine/recreational *
Reappointment
James A. Ruhle, Sr./commercial (ineligible, by law, for a fourth consecutive term)
William P. Jensen/ "other"
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.

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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 by 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/

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.

A-i NEW ENGLAND FISHERY MANAGEMENT COUNCIL (NEFMC)

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	Landings (metric tons) 2007	Vessels (permits) 2007	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2008	
								Comm.	Rec.
Northeast Multi-Species	C	Commercial		3,328	trawl, dredge, longline, gillnet, hook & line	FMP area/year round	gutted	8	3
		Atlantic cod	6,574						
		Haddock	3,186						
		Pollock	7,468						
		Hakes	7,960						
		Ocean perch (redfish)	787						
		Yellowtail flounder	1,756						
		American plaice	996						
		Winter flounder	2,676						
		Witch flounder	1,075						
		Windowpane flounder*	200						
		Atlantic halibut	20						
		Ocean pout	4						
	R	Recreational		762	hook & line	FMP area/year round	gutted, filleted		
		Cod	890						
		Pollock	383						
		Winter flounder	142						
Atlantic Sea Scallops	C	Atlantic sea scallops	26,585	2,927	dredge & trawl	FMP area/year round	hand shucking and freezing	3	0
Atlantic Salmon	R	Atlantic salmon	0	none	None	none	none	0	0
Deep-sea Red Crab	C	Deep-sea red crab	1,203	1,737	Traps, trawl	FMP area/year round	whole, partially processed at sea	1	0
Atlantic Herring	C	Atlantic herring	72,991	2,540	Mid-water trawl; purse seines; weirs; otter trawl	FMP area/year round	fresh/canned shoreside/fresh bait	3	0
Monkfish	C	Monkfish	6,542	3,022	gillnets, trawls, dredges	FMP area/year round	fresh	7	0

NEFMC MEMBERSHIP

Commercial 2008	Recreational 208	Other 2008
7	3	2

Commercial fisheries landings statistics were provided by the Northeast Region and are based on information in the Region's data base as of December 2007. Recreational fisheries information was obtained from the Office of Science and Technology at http://www.st.nmfs.gov/st1/recreational/queries/index.html and are based on the results of the 2006 Marine Recreational Fisheries Statistics Survey.

A-ii MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (MAFMC)

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	Landings (metric tons) 2007	Vessels (permits) 2007	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2008	
								Comm.	Rec.
Atlantic Mackerel, Squid & Butterfish	C	Commercial Atlantic mackerel	25,547	2,870	otter trawl, trap, gillnet	FMP area/ year round	frozen, whole	2	1
	C	Squid, Loligo Squid, Ilex Butterfish	12,342 9,022 673	(Combine) 2,500	trawl; traps	FMP area/ year round	at-sea & ashore, some mackerel fillets		
	R	Recreational Atlantic mackerel	884	820		FMP area/year round			
Atlantic Surf Clam & Ocean Quahogs	C	Atlantic surfclams Ocean quahogs	30,004 15,734	1,838 1,797	dredge	FMP area/ year round (ITQ mgmt.)	shucked shoreside	1	
Summer Flounder (fluke)	x	Commercial	4,514	1,007	hook & line, otter trawl, trap, gillnet	FMP area/ year round	fillets ashore; fresh & frozen	3	3
		Recreational	4,450	915					
Scup	x	Commercial	4,194	856					
		Recreational	1,655	794					
Black Sea Bass	x	Commercial	1,016	903					
		Recreational	1,444	881					
Tilefish	C	Golden Tilefish	687	2,443	longline, hook & line	FMP area/year round	fresh/frozen	1	
Atlantic Bluefish	X	Commercial	3,133	3,297	hook & line; otter trawl; gillnet	FMP area/year round	fillets fresh/frozen	1	3
	x	Recreational	9,778	952					
Spiny Dogfish	C	Commercial	3,391	3,143	gillnet; trawl	FMP area/year round	fresh/frozen	5	1

MAFMC MEMBERSHIP

Commercial 2008	Recreational 2008	Other 2008
5	5	3

Commercial fisheries landings and permit statistics were provided by the Northeast Region and are based on information in the Region's data base as of November 2007. Recreational fisheries landings were obtained from the Office of Science and Technology at http://www.st.nmfs.gov/st1/recreational/queries/index.html and are based on the results of the 2006 Marine Recreational Fisheries Statistics Survey.

A-iii SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL (SAFMC)

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	Landings (metric tons) 2007	Vessels (permits:[1] Federal or Florida (FL)	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2008	
								Comm.	Rec.
Atlantic Coast Red Drum	n/a[3]	Commercial - Red drum[2] Recreational[2]	110 722	n/a[3]	n/a[3]	n/a[3]	n/a[3]		
Golden Crab	C	Golden Crab	200	11	traps	FMP area/ year-round	Fresh		
Snapper/Grouper Fishery of the South Atlantic	x	Commercial[4] Groupers Wreckfish Snappers Other species Recreational[5] Groupers Snappers Other Species	 887 Confidential 883 763 631 1144 3106	762 1,491 (for-hire)	rod and reel, bandit gear, longline, handline handline, rod and reel, bandit gear, spear, powerhead	FMP area/ prohibition on harvest and possession of Nassau grouper and Goliath grouper year-round[6] FMP area	at sea, gutted	2	3
Penaeid Shrimp Fishery of the South Atlantic Region	C	Commercial All Recreational White	 9,426 n/a[7]	592 penaeid) 242 (rock) n/a[7]	trawls n/a[7]	FMP area/ year-round	shore-side processing	1	
Coral, Coral Reefs, and Live/Hard Bottom Habitat of the South Atlantic Region	C	Commercial-Octocoral[8] (2007 landings) (colonies) Recreational	40,782 colonies n/a[3]	57 n/a[3]	hand harvest	south FL/ year-round	Fresh	1	
Gulf of Mexico Spiny Lobster	[Shared with GMFMC]							1	1
Coastal Migratory Pelagic Resources	[Shared with GMFMC]							2	3

1 Number of vessels with active permits on 12/17/2008.
2 State landings only.
3 Not applicable (Fishery closed in EEZ).
4 NMFS Accumulative Landings System data (12/17/2008).
5 Marine Recreational Fisheries Statistics Survey data only.
6 Commercial fishery for gag and black grouper closed during March and April. Commercial fishery for red porgy closed during January-April. Commercial fishery for greater amberjack closed during April. Fishing prohibited year-round in Oculina HAPC.
7 Not applicable (No recreational fishery in the EEZ).
8 Octocoral landings and number of persons harvesting octocoral provided by State of Florida. Federal permits are not required for octocoral harvest.

A-iii SAFMC Continued

SAFMC MEMBERSHIP

Commercial 2008	Recreational 2008	Other 2008
3	4	1

Sources: Commercial landings information was obtained from the Accumulative Landings System at the Southeast Fisheries Science Center (SEFSC), Miami, FL and the Florida Fish and Wildlife Conservation Commission Marine Fisheries Information System. Recreational landing estimates were obtained from the Marine Recreational Fisheries Statistics Survey. NMFS Southeast Region Permits Division Permits Team, St. Petersburg, FL, provided the Federal permit information for 2008.

A-iv GULF OF MEXICO FISHERY MANAGEMENT COUNCIL (GMFMC) FISHERY MANAGEMENT PLAN	Type	Fishery/Species, Species Group	Landings (metric tons) 2007	Vessels (permits:[1] Federal or Florida (FL))	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2008	
								Comm.	Rec.
Stone Crab Fishery of the Gulf of Mexico	C	Commercial-Stone Crab[2] Recreational	2,311 (claw weight) n/a[3]	FL: n/a[12] n/a[3]	trap, pot trap, pot, hand harvest	FL West Coast/ Oct-Apr	at-sea, declaw; shore-side processing	1	
Red Drum Fishery of the Gulf of Mexico	R	Commercial - Red Drum Recreational[4]	14 6,345[5]	n/a[6] n/a[6]	n/a[6] n/a[6]	EEZ Closed n/a[6] EEZ Closed n/a[6]	n/a[6] n/a[6]		3
Reef Fish Fishery of the Gulf of Mexico	X	Commercial Grouper Red Snapper Other snapper Other species[7] Recreational[4] Grouper Red Snapper Other snappers Other species[7]	 3,431 1,402 1,452 574 1,719 1,710 1,156 774	883 519[8] n/a[3] (1,349 for-hire vessel permits)	longline, handline, bandit gear, rod and reel, buoy gear, spear, powerhead spear, powerhead, bandit gear, handline, rod and reel, cast net	FMP area/ year round [9,10] FMP area/ year round [9,11]	at-sea, gutted; shore-side processing	3	5
Shrimp Fishery of the Gulf of Mexico	C	Commercial-All Recreational	86,696 n/a[3]	1,627 n/a[3]	trawl, butterfly net, skimmer, cast net trawl	FMP area/ year round; annual TX closure; seasonal FL closure FMP area/ year round	tail separation at-sea; shore-side processing	1	
Spiny Lobster Fishery of the Gulf of Mexico & South Atlantic [shared w/SAFMC]	C	Commercial Recreational	1,694 461[2]	162 commercial 313 tailing FL: n/a[12] n/a[3]	trap, pot, dip net, bully net, hoop net, trawl, snare, hand harvest dip net, bully net, pot, trap, snare, hand harvest	Florida/ Aug-Apr FL / 2-day sport-season in July, Aug-Apr	tail separation at-sea; shore-side processing		
Coral & Coral Reefs of the Gulf of Mexico	C	Commercial Octocoral[2] Recreational	 2,912 colonies n/a[3]	 10 n/a[3]	 hand harvest hand harvest	 South FL/ year round	 fresh	4	3

A-iv GMFMC (continued) from preceding page:

1 Number of vessels with active permits on 12/17/2008.
2 Landings and permits data provided by State of Florida. Federal permits are not required.
3 Not Available (no federal permit or reporting requirements).
4 Marine Recreational Fisheries Statistics Survey data only (Headboat and TPWD landings not included).
5 State landings only.
6 Not applicable (fishery closed in federal waters).
7 Includes greater amberjack, lesser amberjack, almaco jack, banded rudderfish, gray triggerfish, tilefishes, and hogfish.
8 Individual Fishing Quotas Program participants with active accounts. Last year's report included duplicates for participants with multiple accounts.
9 Fishing prohibited year-round on Madison and Swanson sites and Steamboat Lumps. Commercial fishery for gag, red grouper, and black grouper closed February 15 to March 15. Commercial fishery for shallow- and deep-water grouper closes once their respective quotas are met.
10 Commercial vermilion snapper fishery is closed from April 22 through May 31.
11 Recreational fishery for red snapper is closed from January 1 to April 20 and from November 1 through December 31.
12 Data not received from state of Florida.

GMFMC MEMBERSHIP

Commercial 2008	Recreational 2008	Other 2008
4	4	3

Sources: mmercial landings information was obtained from the Accumulative Landings System at the Southeast Fisheries Science Center (SEFSC), Miami, FL and the Florida Fish and Wildlife Conservation Commission Marine Fisheries Information System. Recreational landing estimates were obtained from the Marine Recreational Fisheries Statistics Survey. NMFS Southeast Region, St. Petersburg, FL, provided the Federal permit information for 2007.

FISHERY MANAGEMENT PLAN	Species/Species Group	Landings (metric tons) 2007	Vessel permits [1]	Gear	Fishing Areas/Seasons	Processing	Participants/ Representatives in 2008	
							Comm.	Rec.
Spiny Lobster	Commercial	73 (PR) n/a[2] (USVI)	n/a	trap/pot, dip net gillnet, snare	year-round	fresh, landed whole	2	1
	Recreational	n/a[4]	n/a	dip net, trap, pot	year-round			
Reef Fish (snappers, groupers, other reef species)	Commercial	219 (PR) n/a[2] (USVI)	n/a	longline, hook and line, trap, pot,	area closures[5], seasonal closures for red hind, mutton snapper, lane snapper, red grouper, black grouper, tiger grouper, yellowfin grouper, yellowedge grouper, black snapper, blackfin snapper, vermilion snapper, and silk snapper; prohibition on harvest and possession of Nassau and Goliath groupers	gutted at-sea, shore-side processing	2	1
	Recreational	145[3] (PR) n/a[4] (USVI)	n/a	dip net, handline, rod and reel, slurp gun, spear				
Coral Reef Resources	Commercial Stony Corals Gorgonians Live Rock Other Invertebrates Algae Seagrasses	0 0 0 0 0 0	n/a n/a n/a n/a n/a n/a	dip net, slurp gun, hand harvest	year-round	live, fresh		1
	Recreational	n/a[4]	n/a	dip net, slurp gun, hand harvest				
Queen Conch	Commercial	66 (PR) 121[2] (USVI)	n/a	hand harvest (no hooka)	closed year round (no harvest) in EEZ except east of St. Croix (portion of Lang Bank) where it is closed seasonally each year July through September	live, landed whole in shell, shore-side processing		
	Recreational	n/a[4]	n/a	hand harvest (no hooka)				

[1] Not applicable (no permits required).
[2] Data not received from Southeast Fisheries Science Center, Miami for 2007-2008 fishing year.
[3] Marine Recreational Fisheries Statistics Survey data.
[4] Not available.
[5] Fishing with pots, traps, bottom longlines, gill nets, and trammel nets is prohibited year-round at Grammanik Bank and at various mutton snapper and red hind spawning aggregation sites. Fishing for any species is prohibited year-round within Hind Bank Marine Conservation District.

CFMC MEMBERSHIP

Commercial 2008	Recreational 2008	Other 2008
2	1	1

Sources: USVI Commercial landings were obtained from the Southeast Fisheries Science Center (SEFSC), Miami. Puerto Rico commercial landings are from the Accumulated Landings System at the Southeast Fisheries Science Center (SEFSC), Miami, FL. Recreational landing estimates for Puerto Rico were obtained from the Marine Recreational Fisheries Statistics Survey.

A-vi PACIFIC FISHERY MANAGEMENT COUNCIL (PFMC)

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	2007 Landings (salmon in # of fish, others in metric tons)	2007 Permits (Vessels) & Angler Trips	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2008*	
								Comm.	Rec.
Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California 2	x	Commercial Chinook salmon Coho salmon Pink salmon Recreational Chinook salmon Coho salmon Pink salmon	 186,168 62,962 450 63,460 145,189 4,670	CA Troll 1,388 OR Troll 1,009 WA Troll 155 266,439 Angler Trips	Troll,; hook and line,	WA, OR & CA/ variable dates by area	headed & gutted; fillets; fresh & frozen	0	4
Pacific Coast Groundfish 1	x	Pacific whiting Flatfish Rockfish Other groundfish Recreational Groundfish	**224,000** **15,418** **3,453** **6,240** **1,952**	Limited Entry: **399** Open Access: **(1000E)** **588,428** Boat BasedTrips targeting groundfish	trawl; hook & line; pots; set nets	CA/year round OR/year round WA/year round	headed & gutted; fillets; surimi; fresh & frozen	Moore, Myers, Fossmark **3**	Rogers, Warrens Cedergreen **3**
Coastal Pelagic Species 3	c	Pacific sardine Pacific mackerel Jack mackerel Market squid Northern Anchovy	86,606 6,569 1,174 49,172 12,960	Limited Entry (S. CA) 65 Open Access North - ca 43	purse seine	CA - year round OR and WA - summer	human consumption bait meal and oil	1	
Highly Migratory Species 4	x	Northern albacore Other tunas Swordfish Sharks	12,754 125 539 210	ca 2032	Surface hook-and line Coastal purse seine Harpoon Drift gillnet High Seas longline	CA/year round OR/year round WA/year round	Fresh and frozen Human consumption		4

PFMC MEMBERSHIP

Commercial 2008	Recreational 2008	Other* 2008
Fosmark, Moore, Myer, **3**	Cedergreen, Hansen, Ortman, Thomas, Warrens**5**	Sones **1**

A-vi PFMC (continued)

[1] Salmon catch expressed as numbers of fish.
[2] = Not Applicable: permits not required for some species.
* "Other" includes tribal representative
** Council Representatives may represent more than One FMP.
1) Pacific Coast groundfish fishery data was extracted directly from the PacFin data system (commercial), RecFIN, and Final EIS for 2007-08 Pacific Groundfish Fishery (Recreational).
2) "Review of 2007 Ocean Salmon Fisheries:" (February 2008; Pacific Fishery Management Council).
3) SWR estimates from PacFIN.
4) SWR estimates from PacFIN.

FISHERY MANAGEMENT PLAN§	Type	Species/Species Group	Tonnage (metric tons)*	Fishermen & Crew**	Gear	Fishing Areas and Seasons	Processing	Participants/ Representatives in 2008***	
								Comm.	Rec.
Groundfish of the Gulf of Alaska (GOA)	C	Pollock Pacific cod Flatfish Rockfish Sablefish Atka mackerel Misc. species	51,743 58,284 45,038 22,917 12,369 2,094 5,724	1,528 Federal fishing permits 1,676 LLP permits (some Interim)	trawl; pots; hook & line; jigs	area/time closures adjusted in season LLP permits have gear and area endorsements	hand & machine fillet; headed/gutted; frozen; minced; meal & oil	4	
Groundfish of the Bering Sea and Aleutian Islands (BSAI)	C	Pollock Pacific cod Flatfish Rockfish Sablefish Atka mackerel Misc. species	991,458 167,565 267,330 21,684 2,012 58,061 30,281	623 Federal fishing permits 517 LLP permits (some Interim)	trawl; pots; hook & line; jigs	area/time closures adjusted in season LLP permits have gear and area endorsements	hand & machine fillet; headed/gutted; frozen; minced; meal & oil	4	
Commercial King and Tanner Crab Fisheries in the BSAI	C	King Crab Red king crab Golden king crab Tanner Crab C. opilio (snow) C. bairdi	 8,312 2,239 25,729 865	484 Quota Share holders for IFQ crab 347 LLP permits (some Interim)	pots	Deferred to State; generally November and winter months; LLP permits have fishery endorsements for minor crab species.	cooked; refrigerated; frozen	3	
Salmon fisheries in the EEZ off Alaska and adjacent state waters	C	Chinook salmon Coho salmon Pink salmon Sockeye salmon Chum salmon	1,026 4,349 51 4 252	2,027 permit holders (1,066 hand troll & 961 power troll).	troll****	Deferred to State; generally West area is closed; southeast area time area limits.	fresh; gutted & gilled; glazed; frozen; canned; smoked		1
Scallop Fishery off Alaska	C	Weathervane scallops (no fisheries for other scallop species listed in FMP)	194	9 LLP permits	dredges	Deferred to State; adjusted inseason	hand shucked and frozen	1	

§ In addition to these five FMPs, the NPFMC also is responsible for developing regulations governing Pacific halibut fisheries in and off of Alaska under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). These regulations, which are in addition to and not in conflict with regulations adopted by the International Pacific Halibut Commission, primarily allocate halibut fishing privileges among U.S. fishermen. Although the NPFMC develops halibut management regulations according to principles of the Magnuson-Stevens Act, no halibut FMP exists because the Magnuson-Stevens Act does not apply to management of the Pacific halibut fisheries. In 2008, the commercial fishing season for halibut in and off Alaska ran from March 8 through November 15. The total commercial catch of halibut under the Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) Programs was 22,422 mt, net weight, about 99 percent of the available quota. The season ended November 15 with about 339 mt remaining in available quota. For Pacific halibut, 2,908 persons held IFQ Quota Share as of the end of 2008.

* 2008 salmon catch data, including the Chinook season of October 11, 2007 through September 30, 2008, are from the State of Alaska. These data represent only the southeast AK hand and power troll fisheries that are governed by the Salmon FMP and managed as one fishery, inside and outside State waters by the State of Alaska. The catch data for the BSAI crab fisheries are from the BSAI Crab Rationalization Program Report for Fishing Year 2007/2008 (August 15,2007 through June 30, 2008), prepared by the Alaska Region, NMFS. The catch data for the Alaska scallop fisheries are for the 2007/2008 season which ran from July 1, 2007 to February 15, 2008. All other catch data are from the Alaska Region, NMFS, and reflect catch reports through November 15, 2008. NMFS catch data include retained and discarded catch amounts. Catch data for groundfish include harvests in State managed fisheries. Miscellaneous groundfish species includes squid, skates, sharks, octopus, and sculpin.

(Explanations for the asterisks and other notes are continued on the next page.)

**Data represent persons or vessels permitted to harvest fish, not the number of individuals actually involved in the operation of vessels, catching and processing fish. Permit data are as of November 26, 2008. The number of permits actually used to harvest fish is fewer than that indicated by the data. Participation in all FMP fisheries is governed by some form of limited access system. License Limitation Programs (LLP), initially effective in 2000, apply to all fisheries except crab fisheries brought under a new IFQ system in 2005, salmon (which is governed by the State of Alaska limited entry system), demersal shelf rockfish in the Southeast Gulf of Alaska, IFQ sablefish, and IFQ and CDQ halibut fisheries. In 2005, a new IFQ program replaced the LLP license requirement for most BSAI king and Tanner crab fisheries. A total of 489 distinct persons were initially issued one or more types of harvesting quota share for eight crab fisheries (managed as nine fisheries starting July 1, 2007); in the 2007/08 crab year most IFQ crab was assigned to cooperatives; 88 distinct fished IFQ for 26 permit holders (counting cooperatives, not members). Some LLP crab licenses were re-issued to authorize fishing not managed under the IFQ system. Of the approximate total 2,174 current LLP permits, most (1,827) authorized fishing for groundfish in the BSAI or GOA or both, and 347 still authorized fishing for BSAI crab species not under crab rationalization management; the remaining 9 were for scallop harvest. A number of permits were "interim" and will be revoked following final adjudication of claims.

Also, a total of 852 persons held QS to harvest sablefish as of November 26, 2008, with fixed gear in the GOA and BSAI under the IFQ Program. The salmon permit data are from the State of Alaska and represent the number of individual permit holders of hand and power troll permits in 2007. Not all permits holders landed fish in 2007.

***Secretarial appointed NPFMC membership in 2008: Commercial 6; Recreational 1; Other 0

****Troll gear is the only gear authorized to be used in the EEZ under the salmon FMP, however, other gear types such as gill nets, and purse seines are authorized in other areas of the State to harvest salmon.

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	Tonnage (metric tons)[a]	Vessels (permits)	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2008	
								Comm.	Rec.
Bottomfish and Seamount Groundfish	C/R	Bottomfish Seamount Groundfish	283[b]	Est. 3,900[c]	handline rod & reel	FMP Areas/year round, except: a. Main Hawaiian Islands upon reaching annual TAC b. Hancock Seamount (closed until year 2010) c. Commonwealth of Northern Mariana Islands (>40 ft vessels)	fresh fish market	1	1
Crustaceans	C	Spiny and Slipper Lobsters	30[d]	15 federal limited entry NWHI lobster permits	traps	FMP Areas/year round except: a. Northwestern Hawaiian Islands subject to a zero annual harvest pursuant to Proclamation No. 8031) b. Main HI: 1/1 - 4/30 & 9/1-12/31	flash frozen and live market	0	0
Pelagics[e]	C/R	Commercial - Tunas - Swordfish - Other (inc. sharks) - Blue marlin - Mahimahi - Other billfish - Wahoo Estimated Recreational (all species)	 14,998 1,787 1,267 440 827 476 605 n/a[f]	Est. 8,000[g]	troll handline longline	FMP Areas/year round, except for area closures around Hawaiian Archipelago, Guam and American Samoa	fresh fish market Whole frozen for cannery	2	3
Precious Corals	C	All Species Combined	Harvest Confidential	1	Manned submersible, remote operated vessel, hand	FMP Areas/year round except for Makapuu Bed which has a 2 year fishing period that begins 7/1 and ends 6/30, 2 years later.	shaped/ polished	0	0
Coral Reef Ecosystem	C/R	Currently harvested coral reef taxa, Potentially harvested coral reef taxa	826[h]	0	Hook and line, hand, net, trap, slurpgun, spear	FMP Areas - year round	fresh fish and aquarium markets	0	0

WPFMC - MEMBERSHIP

Commercial 2008	Recreational 2008	Other 2008
2	3	3

[a] Catch data is primarily comprised of domestic commercial landings, but includes non-commercial (recreational and subsistence) catch, where indicated.

[b] Data includes total estimated recreational, subsistence & commercial bottomfish landings from American Samoa, total reported commercial bottomfish landings from Hawaii & total estimated commercial bottomfish landings from Guam and the Northern Mariana Islands.

[c] Data includes American Samoa, Guam, Hawaii and Northern Mariana Islands recreational & commercial bottomfish vessels.

[d] Data includes total estimated recreational, subsistence, & commercial lobster landings from American Samoa, total reported commercial lobster landings from Hawaii (MHI Only) & total estimated commercial lobster landings from Guam and the Northern Mariana Islands. Data does not include NWHI lobster landings as the fishery has been subject to an annual harvest limit of zero since 2006.

[e] Foreign transshipment or domestic cannery pelagic landings are not included in data.

[f] Estimates of recreational only landings are not available.

[g] Data includes American Samoa, Guam, Hawaii and Northern Mariana Islands recreational & commercial pelagic trollers/handliners; Hawaii and American Samoa longliners, Hawaii pole-and-line vessels.

[h] Data includes total estimated recreational, subsistence & commercial coral reef species landings from American Samoa, total reported commercial coral reef species landings from Hawaii & total estimated commercial coral reef species landings from Guam and the Northern Mariana Islands.

SECRETARIAL MANAGEMENT ACTIONS
A-ix HIGHLY MIGRATORY SPECIES

FISHERY MANAGEMENT PLAN	TYPE	SPECIES/ SPECIES GROUP	LANDINGS 2007 MT = METRIC TONS WW = WHOLE WEIGHT DW = DRESSED WEIGHT	2008 VESSELS (PERMITS)	GEAR[7]	FISHING AREAS/SEASONS[8]	PROCESSING	2008 REPRESENTATIVES[9]				
								COMMERCIAL	RECRETIONAL	ACADEMIA/ ENVIROS	FMCs	IAC
Atlantic Billfishes[1]	R	White Marlin; Blue Marlin; Sailfish; Longbill Spearfish (prohibited)	52 mt ww[2] (comm dead discards) 10.9 mt ww[2] (rec)	Charter permits[5] Recreational permit[6]	Rod & reel	Atlantic coast, Gulf of Mexico, Caribbean Sea; Calendar year	Sale prohibited	12	12	8	5	1
Atlantic Sharks[1]	X	Commercial/Recreational -Large coastal (11 spp) -Pelagics (5 spp) -Small coastal (4 spp) -Prohibited (19 spp)	Comm[3] 1,464 mt dw 1,047 LCS 120 Pel 297 SCS	LIMITED ACCESS[7] Commercial permits - 214 directed - 285 incidental	Longline; Gillnets; Rod & reel; Handline; Bandit	Atlantic coast, Gulf of Mexico, Caribbean Sea; Non-sandbar LCS regions: Atlantic and Gulf of Mexico; Calendar year	Fins exported; Carcasses/ cartilage to U.S. market	12	12	8	5	1
			Rec[3,4] 273.9 92.5 LCS 9.0 Pel 172.4 SCS	Charter permits[5] Recreational permit[6]	Rod & reel; Handline	Atlantic coast, Gulf of Mexico, Caribbean Sea; Calendar year	Sale Prohibited					
Atlantic Swordfish[1]	X	Commercial	2,597.2 mt ww[2] (includes discards)	LIMITED ACCESS Commercial permits - 181 directed - 157 incidental/ handgear	Longline; Buoy; Handline; Harpoon; Rod & reel; Bandit Ottertrawl (incidental)	North and South Atlantic, Caribbean Sea, and Gulf of Mexico; Calendar year; North Atlantic directed semi-annual seasons: 1/1-6/30; 7/1-12/31	Fresh/frozen U.S. market	12	12	8	5	1
		Recreational	68.2 mt ww[2]	Charter permits[5] Recreational permit[6]	Rod & reel; Handline	Calendar year (East Coast of US)	Sale prohibited					
Atlantic Tunas[1]	X	Commercial Bluefin Yellowfin Bigeye Albacore Skipjack	3,561.8 mt ww[2] 450.1 2,563 395.8 138 14.9	Commercial permits - 241 Longline - 4,031 General - 26 Harpoon - 9 Trap - 4 Purse Seine (VTQ) Charter permits[5]	Rod & reel; Purse seine; Bandit gear; Longline; Handline; Harpoon; Trap; Greenstick	Northwest Atlantic, Gulf of Mexico (No Directed Fishing for Bluefin Tuna), and Caribbean Sea; Calendar year	Bluefin: fresh foreign and U.S. market. Other tunas: fresh/canned foreign and U.S. market	12	12	8	5	1
		Recreational Bluefin Yellowfin Bigeye Albacore Skipjack	3,966.5 mt ww[2] 398.6 2,996 126.8 393.6 51.5	Recreational permit[6]	Rod & reel; Handline; Speargun (non-BFT)		Sale prohibited					

1. 2006 Final Consolidated Atlantic Highly Migratory Species Fishery Management Plan.
2. Source: 2008 U.S. National Report submitted to ICCAT. Includes rod and reel recreational landings from the Caribbean
3. Source: Cortes and Neer. 2007; Cortes, pers. comm.. Updated Catches of Sharks.
4. Number of fish in thousands (not mt).
5. 4,297 Charter/headboat permits issued as of May 8, 2008. Required for all tuna, swordfish, shark, and billfish fishing. These permits are considered commercial for Atlantic tunas.
6. 26,993 recreational angling permits issued as of May 8, 2008. Required for all tuna, swordfish, shark, and billfish recreational fishing.
7. Certain gear types may have restrictions, including time/area closures and gear modifications.
8. Seasons may close when quota is reached.
9. HMS Advisory Panel includes representatives of commercial and recreational fishing groups, academic, and environmental organizations, and one each from the U.S. ICCAT Advisory Committee, Atlantic and Gulf states, and the New England, Mid-Atlantic, Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils. The numbers for tunas, swordfish, billfish, and sharks are not additive.

2008 REPORT TO CONGRESS

ON THE DISCLOSURE OF FINANCIAL INTEREST AND

RECUSAL REQUIREMENTS FOR

REGIONAL FISHERY MANAGEMENT COUNCILS

AND

SCIENTIFIC AND STATISTICAL COMMITTEES

PURSUANT TO SECTION 302(j)(9) OF THE
MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

PREPARED BY
U.S. DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
NATIONAL MARINE FISHERIES SERVICE

2009

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A. Summary

Section 302(j)(9) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Secretary of Commerce to submit an annual report to Congress beginning January 1, 2008, on action taken by the Secretary of Commerce (Secretary) and the Regional Fishery Management Councils (Councils) to implement the disclosure of financial interest and recusal requirements of the Magnuson-Stevens Act, including identification of any conflict of interest problems with respect to the Councils and Scientific and Statistical Committees (SSC) and recommendations for addressing any such problems. This is the second in the series of such reports. It assesses the efforts and action taken by the Secretary and the Councils in 2008 to meet the requirements of the reauthorized Magnuson-Stevens Act.

:

This report discusses the disclosure of financial interests by an individual who is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with Section 302(b)(2), a voting member of a Council appointed in accordance with Section 302(b)(2) or 302(b)(5), and members of an SSC appointed under Section 302(g)(1)(A) of the Magnuson-Stevens Act as it pertains to reporting, filing, and recusal requirements. Further it discusses what action is being taken by the Secretary and the Councils to identify and address conflict of interest problems among the Councils and SSCs.

B. Background

Section 302(a) of the Magnuson-Stevens Act established eight Regional Fishery Management Councils: New England (NEFMC), Mid-Atlantic (MAFMC), South Atlantic (SAFMC), Gulf (GMFMC), Caribbean (CFMC), Pacific (PFMC), North Pacific (NPFMC) and Western Pacific (WPFMC). Councils prepare and submit fishery management plans (FMPs) to the Secretary for fisheries under Council authority that require conservation and management, and any amendments necessary to manage the fisheries consistent with the Magnuson-Stevens Act.

In accordance with Section 302(b)(1) of the Magnuson-Stevens Act, voting members of each Council shall be: the principal state official with fishery management responsibility and expertise in each constituent state, who is designated by a governor; NOAA's National Marine Fisheries Service (NMFS) Regional Administrator for the geographic area concerned; public individuals appointed by the Secretary in accordance with Section 302(b)(2) from among nominees submitted by governors of the constituent states; and an individual appointed to the PFMC, from among nominees submitted from a list of tribal governments in accordance with Section 302(b)(5).

Section 302(g)(1) of the Magnuson-Stevens Act requires each Council to establish and appoint members to an SSC to provide the Councils ongoing scientific advice to assist the Councils in the development and preparation of FMPs and amendments. Members of the SSCs are federal and state employees, academicians, or independent experts with scientific or technical qualifications and experience who assist the Councils in the evaluation of biological and other scientific information on issues that come before the Council.

Section 302(j) of the Magnuson-Stevens Act requires that an individual nominated by the governor of a state for appointment as a voting member of a Council, appointed by the Secretary as a voting Council member, or appointed by a Council to an SSC must meet certain financial disclosure requirements.

C. Disclosure of Financial Interests and Recusal Requirements

In accordance with Section 302(j)(1) of the Magnuson-Stevens Act, the term "affected individual" means an individual who is nominated by the governor of a state for appointment as a voting member of a Council in accordance with subsection (b)(2); or who is a voting member of a Council appointed under subsection (b)(2); or under subsection (b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government. The reauthorization of the Magnuson-Stevens Act, at Section 302(g)(1)(D) also requires that each member of an SSC be treated as an "affected individual," but only for the purposes of paragraphs (2), (3)(B), (4), and (5)(A) of subsection (302)(j).

Disclosing Financial Interests: Reporting and Filing Requirements

Section 302(j)(2) of the Magnuson-Stevens Act requires "affected individuals" to disclose any financial interest held by the individual, the spouse, minor child, or partner of that individual; and any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which a Council has jurisdiction, or with respect to an individual or organization with a financial interest in such activity. Disclosure of financial interests will also include stocks, ownership interest, or employment with any entity that engages in or that provides services to someone engaged in any harvesting, processing, lobbying, advocacy, or marketing activity.

Affected individuals must disclose any financial interests on NOAA Form 88-195, Statement of Financial Interests (see Appendix 1). Guidance on reporting and filing procedures for complying with financial disclosure requirements are found at 50 CFR 600.235.

An individual who is nominated by the governor of a state for appointment as a voting member of a Council and before appointment by the Secretary must file a Statement of Financial Interests with the Assistant Administrator for Fisheries by April 15, or, if nominated after March 15, 1 month after nomination by the governor.

An individual who is a voting member of a Council, appointed by the Secretary in accordance with Section 302(b)(2) or (b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government, must file a Statement of Financial Interests within 45 days of taking office with the executive director of the Council, must file an update with the executive director of the Council within 30 days of the time any such financial interest is acquired or substantially changed, and by February 1 of each year.

The executive director of the Council will provide copies of all Statements of Financial Interests to the NMFS Regional Administrator, the Regional Attorney who advises the Council, and NMFS' Office of Sustainable Fisheries. Statements of Financial Interests will be kept on file by each Council, made available on the Council internet site, be available for public inspection at the Council offices during reasonable hours, and be kept on file by NMFS on behalf of the Secretary for use in reviewing determinations under Section 302(j)(7).

An individual who is appointed to an SSC in accordance with Section 302(g)(1) of the Magnuson-Stevens Act must file a Statement of Financial Interests with the Assistant Administrator for Fisheries, on behalf of the Secretary, which will be kept on file by NMFS. SSC members are not required to submit a Statement of Financial Interests to or through the Council, but may submit directly to the Assistant Administrator for Fisheries.

Voting Requirements and Financial Conflicts of Interest

An affected individual required to disclose a financial interest under 302(j)(2) of the Magnuson-Stevens Act shall not vote on a Council decision that would have a "significant and predictable effect" on a financial interest disclosed on his or her Statement of Financial Interests. This applies to any matter in which there is a close causal link between the decision and an "expected and substantially disproportionate benefit" to the member's financial interest. An expected and substantially disproportionate benefit exists when an affected individual, or those whose interests are attributed to the affected individual:

(a) has a greater than 10 percent interest in the total harvest or the sector of the fishery under consideration by the Council;

(b) has a greater than 10 percent interest in the marketing or processing of the total harvest or the sector of the fishery under consideration by the Council; or

(c) has full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery, or the sector of the fishery, under consideration by the Council.

Although an affected individual may not vote, he or she may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

At the request of an affected individual, or at the initiative of an appropriate designated official,[1] the designated official shall make a determination for the record as to whether a Council decision would have a "significant and predictable effect" on a financial interest. Within 10 days, any Council member may submit a written request to the Secretary to review any determination made. The review of the determination must be completed within 30 days. Any affected

[1] Designated official is a person with expertise in federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council, to attend Council meetings and make determinations under paragraph 302(7)(B) of the Act. In practice, this has been the NOAA Regional Attorney who advises the Council.

individual who does not vote on a Council decision in accordance with Section 302(j)(7) may state for the record how he or she would have voted.

It is expected that SSC members maintain a high standard of conduct. Questions regarding conflict of interest requirements for SSC members should be addressed to the NOAA Regional Attorney who advises the Councils.

D. Magnuson-Stevens Act Amendments

The Magnuson-Stevens Act was amended on January 12, 2007. Below is a summary of the amendments pertaining to the Disclosure of Financial Interest and Recusal Requirements.

(a) Section 302(j) of the Magnuson-Stevens Act has modified the definition of "financial interests" to include not only harvesting, processing, and marketing activity, but also lobbying and advocacy.

(b) Section 302(j) of the Magnuson-Stevens Act has been modified to expand the definition of "affected individual" such that members of the SSCs appointed under Section 302(g)(1) be required to disclose financial interests in any harvesting, processing, lobbying, advocacy, or marketing activity, and such information be kept on file by the Secretary.

(c) Section 302(j) of the Magnuson-Stevens Act has been modified such that the "Statements of Financial Interests" completed by voting members of the Councils that are appointed by the Secretary be made available on Council internet sites.

E. Action Taken by the Secretary and the Councils on the Disclosure of Financial Interest and Recusal Requirements

To gather information needed to meet the requirements of Section 302(j)(9) to provide this report, the Assistant Administrator for Fisheries requested that each NMFS Regional Administrator and Council provide the following information on efforts in 2008 to meet the requirements of the reauthorized Magnuson-Stevens Act:

(a) Action taken by each Council on implementing the requirements of the Magnuson-Stevens Act, including amendments to Section 302(g) Committees and Advisory Panels and Section 302(j) Disclosure of Financial Interest and Recusal. Following is a summary of each Council's actions.

The NEFMC discussed the new requirements of the reauthorized Magnuson-Stevens Act during several meetings held in 2008, which included both SSC and Council members. The Council approved new SSC operating procedures, which includes the requirements for submission of Statements of Financial Interests. In March 2008, the Council provided Statements of Financial Interests for SSC members to the Assistant Administrator for Fisheries to be kept on file by NMFS. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the NEFMC's internet site.

The MAFMC has modified its Statement of Organization, Practices and Procedures (SOPPs) to incorporate reauthorized Magnuson-Stevens language that addresses the role and use of the SSC. The Council continues to provide completed Statements of Financial Interests for SSC members to the Assistant Administrator for Fisheries to be kept on file by NMFS. In July 2008, the MAFMC posted Statements of Financial Interests for voting council members appointed by the Secretary on its internet site.

The CFMC has modified its SOPPs accordingly, and discussed the new requirements of the reauthorized Magnuson-Stevens Act with both SSC and Council members. The completed Statements of Financial Interests for SSC members were provided to the Assistant Administrator for Fisheries to be kept on file by NMFS. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the CFMC's internet site.

The SAFMC currently has an SSC consisting of 16 members from various scientific disciplines. The SAFMC continues to provide completed Statements of Financial Interests for SSC members to the Assistant Administrator for Fisheries to be kept on file by NMFS. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the SAFMC's internet site.

The GMFMC has modified its SOPPs to include the new SSC requirements for submission of Statements of Financial Interests. In 2008, the Council provided the remaining completed Statements of Financial Interests for SSC members to the Assistant Administrator for Fisheries to be kept on file by NMFS. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the GMFMC's internet site.

In 2008, the PFMC's SSC members completed their Statements of Financial Interests and provided them to the Assistant Administrator for Fisheries to be kept on file by NMFS. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the PFMC's internet site.

The NPFMC continues to receive and make available to the public completed Statements of Financial Interests forms for Council members appointed by the Secretary. In 2008, the Council provided the remaining completed Statements of Financial Interests for SSC members to the Assistant Administrator for Fisheries to be kept on file by NMFS. Although not a requirement, the NPFMC has also posted SSC resumes on its internet site. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the NPFMC's internet site.

The WPFMC continues to work with its SSC members on the changes in the reauthorized Magnuson-Stevens Act relating to their role and responsibilities. In 2008, the Council provided the remaining completed Statements of Financial Interests for SSC members to the Assistant Administrator for Fisheries to be kept on file by NMFS. The WPFMC posted Statements of Financial Interests for voting council members appointed by the Secretary on its internet site.

(b) Documentation of any time a voting Council member recuses themselves from a vote, the reason given, and any other relevant circumstances, per 50 CFR 600.235(d).

MAFMC Meeting – Council member Laurie Nolan recused herself from voting on any issues related to Amendment 1 to the Tilefish Plan at the Council's April 2008 meeting.

PFMC Meetings – Prior to Council action to adopt 2008 Stock Assessments, Allowable Biological Catch (ABC), Optimum Yield (OY), and Management Measures for groundfish fisheries at the Council's March 2008 meeting, Council member David Sones participated in the discussions, but recused himself from the tribal allocation vote because of his interest in the tribal whiting fishery. Council member Sones also recused himself from a vote during action to adopt a treaty allocation of 35,000 mt for 2008 Pacific whiting specifications because of his interest in the fishery.

At the Council's June 2008 meeting, Council member Kathy Fosmark recused herself from voting during Preliminary Review of Exempted Fishing Permits (EFP) for 2009, because one of the permits being considered to move forward for public review was sponsored by her spouse. During Council action to tentatively adopt and prior to adoption of final 2009-10 Groundfish Harvest Specifications, Management Measures, and Rebuilding Plan Revisions, Council member David Sones recused himself from the discussions and voting because he has a fishing interest in the Makah tribal whiting fishery. Prior to the adoption of final 2009-10 ABC, OY, Management Measures, Council member Dale Myer commented on the motions, but recused himself from voting on this issue because he is employed by an at-sea whiting company.

During Final Adoption of EFPs for 2009 at the Council's September 2008 meeting, Council member Kathy Fosmark recused herself from voting on the chilipepper EFP sponsored by her spouse for conflict of interest reasons.

During the agenda item overview for groundfish FMP Amendment 20 - Trawl Rationalization at the Council's November 2008 meeting, Council member Dale Myer recused himself from discussions and voting on motions 19, 20 and 26 related to the mothership sector upon the advice of the NOAA Regional Attorney who advises the Council.

NPFMC Meeting – At the October 2008 meeting, Council member Gerry Merrigan recused himself from voting on catch limits for crab fishing vessels in the Pacific cod fishery upon the advice of the NOAA Regional Attorney who advises the Council. Council member Merrigan's reason for recusal was his employment with Prowler Fisheries, LLC, which participates directly in the fishery.

WPFMC Council Meetings – Council member Sean Martin recused himself from Council action on the Hawaii Swordfish Fishery Effort limitation and Council member Manuel Duenas recused himself from voting on the Commonwealth of the Northern Mariana Islands' Longline exclusion zone. Upon the advice of the NOAA Regional Attorney who advises the Council, Council member Steven Haleck recused himself from voting on American Samoa Longline Fishery limited entry permit modifications.

The NEFMC, CFMC, SAFMC, and GMFMC indicate no recusals.

(c) Documentation of any Council member requests for determination for the need for a recusal by that Council member, and the results of that determination, per 50 CFR 600.235(f)(1).

The Councils indicate no occurrences.

(d) Documentation of any requests for determination on recusals of a Council member based on information provided to a designated official and the results of that determination, per 50 CFR 600.235(f)(3).

The Councils indicate no occurrences.

(e) Documentation of any requests for review of a determination and the results of that review per 50 CFR 600.235(g).

The Councils indicate no occurrences.

(f) Any circumstances where a Council member's Statement of Financial Interests, NOAA Form 88-195, was found to be in error, the circumstances relevant to the error, and its resolution.

The Councils indicate no occurrences.

(g) Any instances of Council member resignations or removal due to concerns about disclosure of financial interests or recusal and circumstances relevant to each occurrence.

The Councils indicate no occurrences.

(h) Any similar instances to the above regarding SSC members.

The Councils indicate no occurrences.

Action taken by the Secretary and the Councils

(a) On behalf of the Secretary, NMFS modified the general provisions and instructions of the NOAA Form 88-195, Statement of Financial Interests, to: include disclosure of financial interests if you are a member of an SSC appointed under Section 302(g)(1); expand financial interests to include lobbying and advocacy activity; include the requirement that Statements completed by voting members of the Councils be posted on Council internet sites; and a revision to the Statement to allow for a respondent to enter the date any financial interest is acquired or begun in any harvesting, processing, lobbying, advocacy, or marketing activity. The PFMC executive director provided NMFS with comments on the Statement of Financial Interests which will be considered as part of any further revisions to the form.

(b) The Secretary made the revised NOAA Form 88-195, Statement of Financial Interests, available to the Councils for use by the SSCs and voting members of the Councils appointed by

the Secretary in an electronically fillable format. Although the form is available in an electronically fillable format, SSCs and voting members of the Councils appointed by the Secretary are still required to sign and date the form.

(c) The Councils continue to make Statements of Financial Interests for voting council members appointed by the Secretary available for public viewing at Council offices and at Council meetings at reasonable hours, and available on Council internet sites.

(d) The Assistant Administrator for Fisheries, on behalf of the Secretary, continues to ensure Statements of Financial Interests are completed by SSC members and kept on file, ensure all Statements of Financial Interests completed by voting council members appointed by the Secretary are posted on Council internet sites, and copies forwarded to appropriate NMFS offices and the Office of General Counsel, Department of Commerce.

(e) Regulatory changes are needed to implement recent amendments to the Magnuson-Stevens Act related to the Disclosure of Financial Interest and Recusal Requirements for Councils and SSCs. NMFS is in the process of drafting and publishing proposed regulations addressing these amendments. The Assistant Administrator for Fisheries, on behalf of the Secretary, will seek comments from the public on the proposed regulations affecting those amendments.

APPENDIX 1 – NOAA Form 88-195 - STATEMENT OF FINANCIAL INTERESTS

STATEMENT OF FINANCIAL INTERESTS For Use By Voting Members of, and Nominees to, the Regional Fishery Management Councils, and Members of the Scientific and Statistical Committee (SSC)	1) Name: 2) Council 3) Committee
3) Position: ____Member ____Nominee	4) Type of filing: ____Original filing [if nominee] ____Supplementary filing [if seated member] ____Annual filing [if seated member] ____Original filing [if SSC Committee member] ____Annual filing [if SSC Committee member]

GENERAL PROVISIONS AND INSTRUCTIONS

Authority to Require this Information

Pursuant to Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management (Magnuson-Stevens Act) and the financial disclosure regulations at 50 C.F.R. 600.235, you are required to disclose your financial interests if you are appointed by a Council as a member of a Scientific and Statistical Committee under Section 302(g)(1), or nominated by the Governor of a State for appointment as a voting member of a Regional Fishery Management Council (Council), or if you are a voting member of a Council appointed by the Secretary of Commerce under Section 302(b)(2) or (b)(5) of the Magnuson-Stevens Act.

Disclosure Requirements

On the attached form, list the financial interests held by yourself, your spouse, minor child, or partner, and any organization in which you are serving as an officer, director, trustee, general partner, or employee in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken within any fishery over which the Council concerned has jurisdiction, or with respect to an individual or organization with a financial interest in such activity. The nature of your participation in each financial interest, such as ownership (percentage), directorship, employee, or contractor, must be identified. The information to be listed does not require a showing of the amount of financial interest. You must include a description, the date acquired or begun, for each such activity, of the fisheries participated in, the product type produced, and, where applicable, the gear type utilized. For example, if you own a one-third interest in a fishing vessel, your response might be: ABC Co., 15 Main Street, Brunswick, Georgia 31521; 4/25/2000; commercial fishing vessel "Miss AMY," ID - 123456; South Atlantic swordfish fishery, fresh swordfish, rod and reel; one-third ownership; John and Mary Doe (self and spouse). In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section titled "Information Requested of Other Persons."

Requests for Assistance or Additional Information

Refer to the financial disclosure regulations at 50 C.F.R. 600.235 for additional information. If you have any questions regarding the Statement of Financial Interests or related issues, please contact the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 5882, Washington, D.C. 20230, or telephone (202) 482-5384.

Paperwork Reduction Act

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The public reporting burden for this collection of information, on this NOAA Form 88-195, is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden to the National Marine Fisheries Service, Office of the Chief Information Officer (F/CIO), 1315 East-West Highway, SSMC #3, 3rd Floor, Silver Spring, Maryland 20910.

Public Access to Information

The Statement completed by voting members of the Regional Fishery Management Councils will be retained by the Council, made available on the Council Internet Site, and made available for public review at reasonable hours at the Council Office, and at each public hearing or public meeting.

FINANCIAL INTERESTS DISCLOSURE

NOTE: If you have no applicable financial interests to disclose, write "NONE" in the section below.

Company/Organization and Address Date acquired or begun:	Type of Company/Organization	Nature of Interest: In Whose Name Held:
Fisheries/Species Participated In	Gear Type Utilized	Product Type Produced

Company/Organization and Address Date acquired or begun:	Type of Company/Organization	Nature of Interest: In Whose Name Held:
Fisheries/Species Participated In	Gear Type Utilized	Product Type Produced

Company/Organization and Address Date acquired or begun:	Type of Company/Organization	Nature of Interest: In Whose Name Held:
Fisheries/Species Participated In	Gear Type Utilized	Product Type Produced

NOTE: If none, write "NONE" in the section above.

PLEASE WRITE OR PRINT YOUR NAME, COUNCIL, OR COMMITTEE BELOW:

NAME: COUNCIL/COMMITTEE:

Information Requested of Other Persons. If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, or relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied and the nature of the subject matter involved.

Name and Address	Date of Request	Nature of Subject Matter

NOTE: If none, write "NONE" in the section above.

Certification

I certify that the statements I have made are true complete and correct to the best of my knowledge and belief. I understand that if during the period of my appointment, I undertake new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period. I also certify that I am currently familiar with the statutes, regulations, and policies governing my responsibilities and conduct as applied to the duties I am assigned.

NOTE: PLEASE SIGN AND DATE THIS FORM, BELOW:

Signed: _____

Dated: _____

APPENDIX 2 – REGIONAL FISHERY MANAGEMENT COUNCILS

New England Fishery Management Council **(Constituent States: CT, MA, ME, NH, RI)** **http://www.nefmc.org/** Paul Howard, Executive Director e-mail: PHoward@nefmc.org 50 Water Street, Mill 2 Newburyport, Massachusetts 01950 Ph: 978-465-0492/Fax: 978-465-3116	**Mid-Atlantic Fishery Management Council** **(Constituent States: DE,MD,NC,NJ,NY,PA,VA)** **http://www.mafmc.org/** Daniel Furlong, Executive Director 300 South New Street Room 2115, Federal Building Dover, Delaware 19904 Ph: 302-674-2331/Fax: 302-674-5399
South Atlantic Fishery Management Council **(Constituent States: FL, GA, NC, SC)** **http://www.safmc.net/** Robert Mahood, Executive Director 4055 Faber Place Drive, Suite 201 N. Charleston South Carolina 29405 Ph: 843-571-4366/Toll Free: 866-SAFMC-10 Fax: 843-769-4520	**Caribbean Fishery Management Council** **(Constituent States: PR, VI)** **http://www.caribbeanfmc.com/** Miguel Rolón, Executive Director 268 Muñoz Rivera Ave., Suite 1108 San Juan, Puerto Rico 00918-1920 Ph: 787-766-5926/Fax: 787-766-6239
Gulf of Mexico Fishery Management Council **(Constituent States: AL, FL, LA, MS, TX)** **http://www.gulfcouncil.org/** Richard Leard, Acting Executive Director 2203 N. Lois Avenue, Suite 1100 Tampa, Florida 33607 Ph: 813-348-1630/Toll-Free 888-833-1844 Fax: 813-348-1711	**Pacific Fishery Management Council** **(Constituent States: CA, ID, OR, WA)** **http://www.pcouncil.org/** Donald McIsaac, Executive Director 7700 NE Ambassador Place, Suite 101 Portland, Oregon 97220-1384 Ph: 503-820-2280/Toll Free: 866-806-7204 Fax: 503-820-2299
North Pacific Fishery Management Council **(Constituent States: AK, OR, WA)** **http://www.fakr.noaa.gov/npfmc/** Chris Oliver, Executive Director 605 West 4th, Suite 306 Anchorage, Alaska 99501-2252 Ph: 907-271-2809/Fax: 907-271-2817	**Western Pacific Fishery Management Council** **(Constituent States: AS, GU, HI, CNMI)** **http://www.wpcouncil.org/** Kitty Simonds, Executive Director 1164 Bishop Street, Suite 1400 Honolulu, Hawaii 96813 Ph: 808-522-8220/Fax: 808-522-8226