

MINUTES
203rd Session of the
Pacific Fishery Management Council
April 10-15, 2010
 Sheraton Portland Airport Hotel
 8235 NE Airport Way, Portland, OR 97220

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A. Call to Order

A.1 Opening Remarks and Introductions

Chairman Dave Ortmann called the 203rd plenary session of the Pacific Fishery Management Council to order at 11:15 a.m. on Saturday, April 10, 2010. A closed session was held from 10:30 to 11:00 a.m.

A.2 Roll Call

Dr. Donald McIsaac, Council Executive Director, called the roll. The following Council members were present:

Mr. William L. "Buzz" Brizendine (At-Large)
Mr. Mark Cedergreen, Vice Chairman (Washington Obligatory)
Mr. Brian Chambers (US Coast Guard, non-voting, designee)
Ms. Michele Culver (Washington State Official, designee)
Mr. David Crabbe (California Obligatory)
Mr. Mark Helvey (National Marine Fisheries Service, Southwest Region)
Ms. Dorothy Lowman (Oregon Obligatory)
Mr. Jerry Mallet (State of Idaho Official)
Mr. Rod Moore (At-Large)
Mr. Dale Myer (At- Large)
Mr. Dave Ortmann, Chairman (Idaho Obligatory)
Mr. Tim Roth (US Fish and Wildlife Service, non-voting)
Mr. David Sones (Tribal Obligatory)
Ms. Marija Vojkovich (State of California Official, designee)
Mr. Gordon Williams (State of Alaska Official, non-voting)
Mr. Steve Williams (State of Oregon Official)
Mr. Dan Wolford, Vice Chairman (At-Large)

The following Council members and/or designees were present for portions of the meeting:

Mr. Phil Anderson (Washington State Official)
Dr. Dave Hanson, Parliamentarian (Pacific States Fisheries Commission, nonvoting)
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region)

The following Council members and/or designees were absent for the entire meeting:

Mr. David Hogan (US State Department, non-voting)

A.3 Executive Director's Report

Dr. McIsaac provided a brief report to the Council, referring them to the two informational reports (US Fish and Wildlife Service Mass Salmon Marking Report and the update on West Coast Hydrokinetic Energy Projects).

A.4 April 2010 Agenda

A.4.a Council Action: Approve Agenda

Mr. Rod Moore moved and Mr. Steve Williams seconded a motion (Motion 1) to approve the Council Agenda as provided in Agenda Item A.4, Proposed Council Meeting Agenda. Motion 1 carried unanimously.

B. Open Comment Period

B.1 Comments on Non-Agenda Items

B.1.a Management Entity and Advisory Body Comments

None.

B.1.b Public Comments

Mr. Ben Enticknap, Oceana, Portland, Oregon. Presented Agenda Item I.1.b, Supplemental Public Comment 2.

Mr. Duncan MacLean, Half Moon Bay, California. Spoke to his concern about National Oceanic and Atmospheric Administration's (NOAA) ocean aquaculture definitions.

Mr. Mike Pettis, Newport, Oregon. Presented Agenda Item I.1.b, Supplemental Public Comment 1 (concerning increasing vessel length).

Mr. Bernie Norvell, Fort Bragg, California. Spoke to the catch shares program and how it negatively affects his community. The fleet has zero yelloweye and needs a re-allocation of overfished species.

Ms. Michelle Norvell, representing Fort Bragg, California fleet. Asked about reallocation of the overfished species to alleviate the problem with yelloweye.

Mr. Barry Cohen, fisherman/processor, Avila Beach, California. Spoke about the yelloweye problem of a zero initial allocation.

Mr. Steve Bodnar, Coos Bay, Oregon. Spoke about the implementation of the trawl rationalization program and the problem of the inadequate amount of bycatch quota to be able to land the harvestable quota. The adaptive management program may help this some, but he is still not supportive of the program.

Mr. Pierre Marchand, Jesse's Ilwaco Fish Company, Ilwaco, Washington. Opposed to the catch share (IQ) program; too expensive to get in for the younger generation. A person cannot enter into this business and it will grant ownership of the resource to exclusive individuals.

Ms. Micah Cenci. Spoke about her recent fishing trip and showed pictures. Thanked Council for their management.

B.1.c Council Discussion of Comments as Appropriate

None.

C. Enforcement Issues

C.1 U.S. Coast Guard Annual West Coast Fishery Enforcement Report

C.1.a Agenda Item Overview

Mr. Jim Seger provided the agenda item overview.

C.1.b U.S. Coast Guard Fishery Enforcement Report

LCDR Brian Chambers and Mr. Brian Corrigan provided a PowerPoint presentation (on website).

C.1.c Reports and Comments of Advisory Bodies and Management Entities

None.

C.1.d Public Comment

None.

C.1.e Council Discussion

None.

D. Marine Protected Areas

D.1 Update on Olympic Coast National Marine Sanctuary (OCNMS) Management Plan Review

D.1.a Agenda Item Overview (2 p.m.)

Mr. Kerry Griffin provided the agenda item overview.

D.1.b Report of the OCNMS

Ms. Carol Bernthal and Ms. Lauren Bennett provided an update on the status of the OCNMS management plan review. Ms. Bernthal referenced a letter from the OCNMS to Chairman Ortmann which provided further information on a draft set of 20 preliminary action plans under consideration by the sanctuary. The preliminary plans fall roughly into five categories: management, research and monitoring, education and outreach, conserving natural resources, and cultural and socio-economic resources. The OCNMS is considering changes to its regulations which address discharge from cruise ships and clarifying the intent of the term “traditional” fishing. They are not considering any regulation changes that would manage fishing activities. The draft action plans should be issued for public comment in early 2011.

D.1.c Reports and Comments of Advisory Bodies and Management Entities

Mr. Joel Kawahara provided Agenda Item D.1.c, Supplemental HC Report.

D.1.d Public Comment

Mr. Ben Enticknap, Oceana, Portland, OR. Provided a PowerPoint presentation (available on website).

D.1.e Council Action: Provide Comments and Recommendations

Mr. Griffin and Ms. Bernthal clarified that the Council could provide recommendations on the action plans which are available on the OCNMS website. A 60-day comment period for the draft management plan as a whole will be in early 2011.

Ms. Culver and Mr. Cedergreen complimented the OCNMS on the intensive and open review process which has included a lot of discussions with the state and the coastal treaty tribes.

Mr. Sones asked Ms. Bernthal if there were any proposed aquaculture programs within the sanctuary. Ms. Bernthal said no, to date this has not been a major issue for them. The current regulations deny that type of activity.

E. Habitat

E.1 Current Habitat Issues (2:40 p.m.)

E.1.a Agenda Item Overview

Ms. Jennifer Gilden provided the agenda item overview.

E.1.b Report of the Habitat Committee

Mr. Joel Kawahara provided Agenda Item E.1.b, Supplemental HC Report.

E.1.c Reports and Comments of Agencies and Advisory Bodies

None.

E.1.d. Public Comment

Mr. Jim Hie, Pacific Conservation Council, Napa, CA.

E.1.e Council Action: Consider Habitat Committee Recommendations

Ms. Culver asked Mr. Helvey about the Reedsport wave energy project. Would this proposed action trigger a National Marine Fisheries Service (NMFS) consultation with Federal Energy Regulatory Commission (FERC), independent of the Council process, and relative to more than just the salmon Fishery Management Plans (FMPs)? Mr. Helvey said he believed so. He said the consultation would be on everything: essential fish habitat, protected resources, and marine mammals.

Mr. Moore said there would be a Section 7 consultation on the Endangered Species Act (ESA) and the species managed under the various FMPs. Is it FERC's obligation to contact NMFS, or NMFS' obligation to contact FERC? Mr. Helvey said that consultation usually begins with the action agency (FERC in this case). Mr. Helvey added that if NMFS is aware of activities and has not been notified of them, it will contact the action agency.

Regarding the proposed letter on Sacramento water use, Mr. Helvey said NMFS believes the letter should be directed to the regional administrator of the Bureau of Reclamation (BOR) in Sacramento, with a copy to the director. He did not feel it needed to go the Secretary of the Interior. In paragraph three, the word "violation" is a little strong.

Mr. Roth said United States Fish and Wildlife Service (USFWS) had internal discussions on the letter, and believed it was important for the letter to go out and to have a positive tone. We do not want to disrupt interagency cooperation, or be negative. It is disappointing that OMB asked for this review of the Sacramento basin salmon doubling program; the review took place, but there has not been a response from the two agencies (USFWS and BOR). We would like to have a response to that review. He said he was willing to have the letter sent to the regional level of BOR first. The Council needs to hear BOR's response to that independent review.

Regarding the "cc" list for the Sacramento letter, Dr. McIsaac asked legal counsel if we could include a member of Congress as a "cc" in a copy of a letter to an agency. Mr. Judson Feder said in this context, it would not constitute lobbying since it does not ask for initiation of legislation or changing of laws. Council members discussed removing the Congresswoman's name from the list of "cc's" and agreed to do so.

Chairman Ortmann said some wordsmithing needed to be done to the fifth paragraph on the second page. Scratch out "believes," "appears," etc. to make the letter less antagonistic. The Chairman will work with the author of the letter and Council staff on these edits.

Dr. McIsaac asked if someone from BOR could come and give a presentation to the Habitat Committee (HC) on this matter.

The Council agreed to send the letter as shown with the following changes: change the addressee, change the cc's, and remove the word "violation."

Mr. Roth said the letter will set the stage for the Salmon Technical Team (STT) and HC work on the overfishing concern report for Sacramento River fall Chinook. Getting this information from BOR and USFWS is important for that future work.

Ms. Culver asked about the purpose of having a presentation on Landscape Conservation Cooperatives. Mr. Roth said this was an offer from USFWS to provide an informational report to the Council.

Mr. Moore said the HC should draft a letter for June on the wave energy concerns. He also wanted to make sure that NMFS contacts FERC about green sturgeon and lets FERC know the Council manages other species besides salmon.

Mr. Brizendine asked about the timeliness of the wave energy comments. Is the comment deadline May 10? Mr. Moore said FERC would issue another document for analysis in July and assume the comments suggested by the HC were designed to respond to that document. Ms. Gilden said yes, that is what she understands; communications with FERC allow for comments at that time.

Dr. McIsaac said that Council staff would try to facilitate a joint HC/STT meeting on Sacramento River fall Chinook if that works for the Council. Mr. Roth said yes, he thought that would be wise. Mr. Crabbe asked if the meeting could be held in California so the Sacramento River fall Chinook fishermen could attend.

Ms. Culver said she was not sure about the process for the Western Straits of Juan de Fuca coho/habitat review. She asked that the review draft be shared with all of the HC members. Ms. Gilden said a draft would be shared with the HC and that a conference call was being scheduled. Mr. Roth confirmed as well, and noted some STT members would be providing input on that conference call.

F. Coastal Pelagic Species Management

F.1 Exempted Fishing Permit (EFP) for Sardine Aerial Survey Research

F.1.a Agenda Overview (04/11/10; 8:08 a.m.)

Dr. Don McIsaac provided a prelude to the agenda item by announcing that the industry-led sardine surveys in 2008 and 2009 had been well-received by NOAA as an excellent example of cooperative research. In recognition of the important role this research has played and in response to a Council request, NOAA allocated \$200,000 to be used by the Council, the Southwest Fisheries Science Center, and the industry researchers, to enhance and support said research.

Mr. Kerry Griffin then presented the agenda item overview.

F.1.b Reports and Comments of Advisory Bodies and Management Entities

Dr. Selina Heppell read the Scientific and Statistical Committee (SSC) report (Agenda Item F.1.b Supplemental SSC Report), and noted that the SSC had not had time yet to review the addendum submitted by the EFP applicants (Agenda Item F.1.a Supplemental Attachment 3). Dr. Heppell noted that the primary issues of concern to the SSC in both the March and April meetings were the lack of spatially stratified series of point sets in previous work, and the lack of detailed protocol for sufficiently stratifying samples in 2010. The SSC concluded that the revised application did not adequately address these concerns, but noted that the applicants had submitted the addendum developed in response to the SSC's statement. The SSC found the application to have strong scientific basis, and recommended approval of the EFP, subject to the inclusion of a detailed study design to sufficiently stratify the point sets as requested.

Ms. Michele Culver asked if Dr. Heppell considered the addendum (Agenda Item F.1.a Supplemental Attachment 3) to sufficiently address the SSC's concerns about spatial sampling design. Dr. Heppell said that at first glance it appeared to be adequate.

Mr. Greg Krutzikowsky presented Agenda Item F.1.b, Supplemental CPSMT Report. Mr. Mike Okoniewski presented Agenda Item F.1.b, Supplemental CPSAS Report.

F.1.c Public Comment

Mr. Mike Okoniewski, Pacific Seafood Group, Woodland, WA

Mr. Tom Jagielo, Consultant, Seattle, WA

Mr. Vince Torre, Processor, CA

Dr. Doyle Hanan, Rancho Santa Fe, CA

Ms. Dianne Pleschner-Steele, California Wetfish Producers Association, Buellton, CA

F.1.d Council Action: Adopt Final EFP Recommendations

Mr. David Crabbe commented that he was impressed with the industries' efforts and hard work in taking on this task of putting together this EFP.

Mr. Rod Moore moved (Motion 2) to adopt for NMFS approval, the EFP as shown in Agenda Item F.1.a, along with the relevant supplemental addendums that have been submitted by the applicants. Mr. Dale Meyer seconded the motion. The motion passed unanimously, with one abstention from NMFS.

Mr. Moore said he thinks the Council has looked at this project for a couple of years, and the SSC and other advisory bodies have noted the project provides benefits in terms of providing us knowledge, along with some funding from NMFS. The issues identified by the advisory bodies at the March meeting have been addressed. He believes it is a good project to go forward and will provide information. Mr. Steve Williams and Ms. Marci Yaremko agreed. Mr. Helvey noted that since NMFS still has to go through their notice of intent and public comment period, he will be abstaining from the vote.

Motion 2 carried. Mr. Helvey abstained.

G. Highly Migratory Species (HMS) Management

G.1 National Marine Fisheries Service Report

G.1.a Western and Central Pacific Fisheries Commission Report (04/11/10; 9:36 a.m.)

Ms. Marija Vojkovich presented Agenda Item G.1.a, Attachment 1.

G.1.b Pacific HMS Memorandum of Understanding

Dr. Don McIsaac summarized Agenda Item G.1.b, Attachment 1.

G.1.c Southwest Region Activity Report

Mr. Mark Helvey provided an update on activities, including Agenda Item G.1.c.

G.1.d Reports and Comments of Advisory Bodies and Management Entities

Mr. Doug Fricke provided Agenda Item G.1.d, Supplemental HMSAS Report.

G.1.e Public Comment

Mr. Doug Fricke, WTA, Hoquiam, WA

G.1.f Council Discussion

Mr. Cedergreen referenced the discussion on page 2 of Agenda Item G.1.a, Attachment 1, and requested the Executive Director to send a letter to NMFS and Department of State requesting the U.S. to contribute to the Western and Central Pacific Fisheries Commission/Northern Committee discretionary fund in order to support the North Pacific albacore stock assessment being conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean.

Ms. Vojkovich recommended that the Highly Migratory Species Management Team (HMSMT) and Highly Migratory Species Advisory Subpanel (HMSAS) develop recommendations relative to international matters in advance of key meetings. She referenced striped marlin conservation, biological reference points for North Pacific albacore, and bluefin and bigeye tuna conservation.

Ms. Culver asked about the timing of addressing the issues brought up by Ms. Vojkovich. She mentioned that biological reference points will have to be addressed under HMS FMP Amendment 2. Ms. Vojkovich suggested that the discussion could be taken up under Agenda Item K.3.

Mr. Moore referenced page 5 of Agenda Item G.1.a, Attachment 1, discussing a possible ad hoc committee meeting, and asked if Ms. Vojkovich's comments covered that concept. Ms. Vojkovich questioned the need for another meeting but thought it might be valuable to schedule a meeting in August, although a decision should be made at the June Council meeting. Mr. Moore suggested it could be coordinated with the Pacific States Marine Fisheries Commission (PSMFC) meeting occurring in that month.

G.2 Fishery Management Plan Amendment 2--Annual Catch Limits and Accountability Measures (10:30 a.m.; 04/11/10)

G.2.a Agenda Item Overview

Dr. Dahl provided the agenda item overview.

G.2.b Reports and Comments of Advisory Bodies and Management Entities

Dr. Steve Stohs, provided Agenda Item G.2.b, Supplemental HMSMT PowerPoint; along with Agenda Item G.2.b, HMSMT Report and G.2.b, Supplemental HMSMT Report 2.

Dr. Ray Conser presented Agenda Item G.2.b, Supplemental SSC Report. (Break until 1:05 p.m.)

Mr. Doug Fricke presented Agenda Item G.2.b, Supplemental HMSAS Report.

G.2.c Public Comment

Mr. Rick Goche, Oregon Albacore Commission, Coquille, OR

Mr. Peter Flournoy, San Diego, CA

Mr. Bill Sutton, Ojai, CA

G.2.d Council Action: Adopt Alternatives for Public Review, Including Consideration of Identifying a Preliminary Preferred Alternative

Mr. Feder advised that under the international exception the Council does not have to specify acceptable biological catches (ABCs), annual catch limits (ACLs), or accountability measures (AMs), but still has to specify overfishing limits (OFLs).

Ms. Culver moved (Motion 3) to adopt supplemental HMSMT Report 2 for public review and the HMSMT Report. The HMSMT should address the recommendations contained in the Supplemental SSC Report. Ms. Yaremko seconded the motion.

Ms. Culver said that a preliminary preferred alternative (PPA) should not be identified at this time. She confirmed that OFLs would be necessary under the international exception. The OFLs would be established on a stock-wide basis.

Mr. Moore asked for clarification on the range of alternatives described in the HMSMT Report and Supplemental HMSMT Report.

Dr. Dahl noted that National Environmental Protection Act requires, at a minimum, two alternatives, including the no action alternative. For some of the issues identified in the HMSMT Reports, there may only be one action alternative in addition to no action.

Motion 3 carried unanimously.

G.3 Consideration of Effort Limitation in the Albacore Tuna Fishery (04/11/10; 1:25 p.m.)

G.3.a Agenda Item Overview

Dr. Dahl provided the agenda item overview.

G.3.b Reports and Comments of Management Entities and Advisory Bodies

Dr. Steve Stohs provided Agenda Item G.3.b, Supplemental HMSMT Report. Mr. Fricke presented Agenda Item G.3.b, Supplemental HMSAS Report.

G.3.c Public Comment

Mr. Mark Schneider, Oregon Albacore Commission, Lapine, OR
Mr. Rick Goche, Oregon Albacore Commission, Coquille, OR
Mr. John Harder, Monterey, CA
Mr. Wayne Heikkila, Redding, CA
Mr. Peter Flournoy, International Law Offices, San Diego, CA
Mr. Chip Bissell, American Albacore Fishing Association, Oakview, CA
Mr. Joel Kawahara, Salmon Troller, WA
Mr. Doug Fricke, Westport WA
Mr. Duncan MacLean, Salmon Advisory Subpanel (read Supplemental SAS Report), El Granada, CA

G.3.d Council Action: Consider Implementing Effort Limitation Measures and a Control Date in the Albacore Tuna Fishery (3:40 p.m.)

Mr. Moore asked Mr. Helvey some clarifying questions relative to proposals made in public comments about freezing issuance of HMS commercial permits so that only current license holders could renew them. Mr. Helvey noted that the regulations would need to be amended to implement that, and Mr. Feder said it would require full notice and comment rulemaking.

Mr. Helvey reviewed what he thought was the Council's task at this time. He noted past concerns about North Pacific albacore stock status and the upcoming stock assessment in 2011. Because of the amount of time since the last assessment, the status of the stock is unclear at this time. The Council should be proactive and prepared to make recommendations on management at the international level, subsequent to learning the stock assessment results, which could trigger proposals for catch or vessel limits internationally. Catch limits, as opposed to limited entry (LE), may actually be more appropriate given the nature of participation in the fishery reflected in the materials presented under this agenda item.

Mr. Sones emphasized that at this time the Council should gather additional information and not act unilaterally to regulate the U.S. fishery before action is taken at the international level. He noted that the tribes are interested in participating in the albacore fishery at some future date.

Mr. Cedergreen and Mr. Brizendine concurred.

Mr. Moore asked if NMFS can assist in gathering the types of information listed on page 2 of the HMSMT Report. Mr. Helvey thought the HMSMT could better respond to the difficulty of obtaining this information and NMFS could help with information gathering to the extent possible.

Ms. Yaremko moved (Motion 4) to have the HMSMT proceed with the four data collection and analytical tasks listed on page 2 of the HMSMT Report with particular attention to the analysis of management measures applied to North Pacific albacore elsewhere in the world. A fifth item should be added to the list of tasks in the HMSMT Report, which is to update the fishery statistics found in the white paper, Agenda Item G.3.a, Attachment 1. The HMSMT and HMSAS should then evaluate the management measures used elsewhere to support future Council deliberations on the applicability of such measures should any be necessary for the U.S. fishery. The HMSMT and HMSAS should report back to the Council with this information in March or April 2011. Mr. Brizendine seconded the motion.

Ms. Yaremko spoke to her motion by noting that while action is not needed at this time the Council should be prepared if the next North Pacific albacore stock assessment suggests the need for more restrictions on fishing mortality. She referenced Mr. Sones' earlier comments and the HMSAS Report.

Ms. Culver noted her general support for LE programs. While in this instance a LE program is not needed for conservation purposes she sees it as a way of preserving harvest opportunity. She discussed the characteristics of the albacore fishery off Washington relative to preserving harvest opportunity. She supports the motion even though the Council is not moving forward with a LE program.

Motion 4 carried unanimously.

The Council concurred not to change the current HMS control date.

G.4 Critical Habitat Designation for Leatherback Turtles (04/11/10; 4:18 p.m.)

G.4.a Agenda Item Overview

Dr. Dahl provided the agenda item overview.

G.4.b NMFS Report

Ms. Liz Petras, and Mr. Scott Benson provided a PowerPoint presentation (on website).

G.4.c Reports and Comments of Advisory Bodies and Management Entities

Dr. Selina Heppell presented Agenda Item G.4.c, Supplemental SSC Report. Dr. Stohs presented Agenda Item G.4.c, Supplemental HMSMT Report. Mr. Doug Fricke presented Agenda Item G.4.b, Supplemental HMSAS Report. Mr. Kawahara presented Agenda Item G.4.c, Supplemental HC Report.

G.4.d Public Comment

Mr. Geoff Shester, Oceana, Monterey, CA

Ms. Dianne Pleschner-Steele, California Wetfish Producers Association, Buellton, CA

Mr. Peter Flournoy, International Law Offices, San Diego, CA

G.4.e Council Action: Provide Comments and Recommendations on the Proposed Designation

In response to a question from Mr. Moore, Ms. Petras said tribal lands are excluded from the critical habitat designation but not tribal usual and accustomed (U/A) fishing areas.

Ms. Culver sought clarification on the difference between the ESA section 7 consultation process and requirements pursuant to critical habitat designations. Ms. Petras said that under section 7 the standard is whether a Federal action jeopardizes the continued existence of a listed species, although habitat impacts may be addressed through consideration of indirect effects. A critical habitat designation involves a similar analysis, but the standard is adverse modification or destruction of critical habitat. Essentially, it adds another layer of review in the Biological Opinion.

Mr. Rod Moore moved (Motion 5) that the Council forward comments to NMFS in regard to the proposed rule for leatherback sea turtle critical habitat designation (Agenda Item G.4.a, Attachment 1) based on the SSC, HC, and HMSMT Reports, especially noting agreement in all three reports that fisheries do not directly or indirectly affect physical or biological features essential to conservation (Primary Constituent Elements) identified in the proposed critical habitat designation. Mr. Cedergreen seconded the motion.

Motion 5 carried unanimously.

H. Salmon Management

H.1 Tentative Adoption of 2010 Ocean Salmon Management Measures for Analysis

H.1.a Agenda Item Overview (04/12/10; 8:13 a.m.)

Mr. Chuck Tracy presented the agenda item overview.

H.1.b Update on Estimated Impacts of March 2010 Options

Dr. Robert Kope, STT Chairman, summarized updates to constraining stocks as presented in Preseason Report II:

- Lower Columbia River natural (LRN) tule Chinook total exploitation rate- Option I impacts decreased from 38.3 percent to 38.03 percent, Option II impacts decreased from 36.2 percent to 35.9 percent, and Option III impacts decreased from 34.4 percent to 33.4 percent. Option I exceeded the ESA consultation standard of no more than 38.0 percent.
- Interior Fraser coho southern U.S. fisheries- Option I impacts decreased from 11.0 percent to 10.9 percent. Option I exceeded the Pacific Salmon Commission objective of no more than 10.0 percent.
- Strait of Juan de Fuca coho southern U.S. fisheries- Option I impacts decreased from 14.7 percent to 13.3 percent, Option II impacts decreased from 13.5 percent to 12.2 percent, and Option III impacts decreased from 12.7 percent to 11.4 percent. All options exceeded the PSC objective of no more than 10.0 percent.
- Lower Columbia Natural (LCN) coho Council area fisheries- Option I impacts decreased from 14.9 percent to 14.7 percent, Option II impacts decreased from 11.8 percent to 11.6 percent, and Option III impacts decreased from 9.5 percent to 9.3 percent. All options failed to meet inriver/ocean sharing objectives.

Mr. Wolford asked if the Sacramento Harvest Model accounted for reduced impacts from raising the minimum recreational size limit. Dr. O'Farrell replied no.

Mr. Anderson noted that relative to the LCN coho impacts, Columbia River fisheries were not structured when the analysis was conducted.

H.1.c Summary of Public Hearings

Mr. Mark Cedergreen presented Agenda Item H.1.c, Supplemental Public Hearing Report 1.

Mr. Rod Moore presented Agenda Item H.1.c, Supplemental Public Hearing Report 2.

Mr. Dan Wolford presented Agenda Item H.1.c, Supplemental Public Hearing Report 3.

H.1.d U.S. Section of Pacific Salmon Commission Recommendations

Mr. Gordy Williams noted there were slight increases in Canadian Chinook forecasts, which increased quotas in northern fisheries and resulted in reduced impacts to LRN tule Chinook.

H.1.e North of Cape Falcon Forum Recommendations

Mr. Anderson reported on the North of Falcon Process and meetings to date.

H.1.f Reports and Comments of Advisory Bodies and Management Entities

Messrs. Butch Smith, Jim Olson, Paul Heikkila, Duncan MacLean, Steve Watrous, Richard Heap, Mike Sorenson, Paul Pierce, and Craig Stone presented Agenda Item H.1.f, Supplemental SAS Report, and H.1.f, Supplemental SAS Report 2. Several corrections to the options were made, which are reflected in Agenda Item H.2.b, Supplemental STT Report.

Ms. Vojkovich asked why there was no Commercial opportunity in the Monterey area. Mr. MacLean replied impacts to Sacramento River fall Chinook (SRFC) were too high in May and June, and abundance was too low in July and August for an economically sustainable harvest.

Ms. Vojkovich recommended targeting the high end of the conservation objective of 122,000 to 180,000 SRFC adult spawners; avoiding early season openings in 2011, avoiding fall fisheries in 2010, providing coastwide opportunity if possible, and keeping regulations simple and consistent for both fishermen and enforcement agents.

Mr. Virgil Lewis, Rapheal Bill, Herb Jackson, and Bruce Jim (Columbia River Treaty Tribes) presented Agenda Item H.1.f, Supplemental Tribal Report.

Mr. Mike Orcutt and Mr. Billy Matiltin (Hoopa Valley Tribe) presented Agenda Item H.1.f, Supplemental Comments of Hoopa Valley Tribe.

Mr. Anderson summarized Washington Department of Fish and Wildlife (WDFW) selective fisheries policy and implementation issues.

H.1.g Public Comment

Mr. Ben Doane, KMZ Fisheries Coalition, Willow Creek, CA

Mr. Marc Gorelnik, Coastside Fishing Club, El Cerrito, CA

Ms. Barbara Emley, Salmon Troller, San Francisco, CA

Mr. Dave Bitts, PCFFA, Eureka, CA

Mr. Duncan MacLean, Salmon Troller, Half Moon Bay, CA

Mr. Jeff Richards, Recreational Fisher, San Carlos, CA

Mr. Michael Caporale, Coastside Fishing Club, San Jose, CA

Mr. Darrell Ticehurst, Coastside Fishing Club, Hillsborough, CA
Mr. Peter Yeatrakas, Coastside Fishing Club, San Mateo, CA
Mr. Tom Mattech, Charter Boat Operator, Half Moon Bay, CA
Mr. Jim Relaford, Port of Brookings Harbor Commissioner, Brookings, OR
Mr. John Harder, Monterey, CA

H.1.h Council Action: Tentatively Adopt Management Measures for 2010 Ocean Salmon Fisheries (1:18 p.m.)

Mr. Sones presented Agenda Item H.1.h, Supplemental Tribal Report.

Mr. Sones moved (Motion 6) to tentatively adopt for STT preliminary analysis the Treaty Indian ocean troll fishery management measures as presented in Agenda Item H.1.h, Supplemental Tribal Report. Mr. Anderson seconded the motion.

Motion 6 carried unanimously.

Mr. Anderson moved (Motion 7) to tentatively adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area north of Cape Falcon as presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report. Mr. Cedergreen seconded the motion.

Motion 7 carried unanimously.

Mr. Steve Williams moved (Motion 8) to tentatively adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area between Cape Falcon and the Oregon/California border as presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report. Mr. Moore seconded the motion.

Motion 8 carried unanimously.

Ms. Vojkovich moved (Motion 9) to tentatively adopt for STT preliminary analysis the non-Indian commercial and recreational fisheries in the area south of the Oregon/California border as presented in Agenda Item H.1.f, Supplemental SAS Report with changes as reflected in Agenda Item H.2.b, Supplemental STT Report. Mr. Buzz Brizendine seconded the motion.

Motion 9 carried unanimously.

H.2 Clarify Council Direction for 2010 Management Measures

H.2.a Agenda Item Overview (04/13/10; 1:16 p.m.)

Mr. Tracy presented the agenda item overview.

H.2.b Reports and Comments of Advisory Bodies and Management Entities

Dr. Kope presented agenda Item H.2.b, Supplemental STT Report.

H.2.c Public Comment

Mr. Paul Alexander, Salmon Troller, Salem, OR

H.2.d Council Guidance and Direction

Mr. Anderson directed the STT to change the non-Indian coho quota north of Cape Falcon from 90,000 to 85,000.

Ms. Vojkovich directed the Salmon Advisory Subpanel (SAS) and the STT to work together on a California commercial fishery structure that would achieve an SRFC spawning escapement of 180,000.

There was Council consensus on the guidance.

The Council suspended further guidance on H.2.

The Council resumed Agenda Item H.2.d at 5:26 p.m. on 04/13/10.

Mr. Steve Williams directed the STT to eliminate the September commercial fishery between Cape Falcon and Humbug Mt., but to include a non-retention genetic stock identification (GSI) study during September, and to reduce the recreational coho quota south of Cape Falcon from 30,000 to 27,500.

Dr. Kope reported the savings from increasing the minimum size limit in the California recreational fishery from 20 inches to 24 inches of about 1,200 fish. Quotas in the Fort Bragg commercial fishery necessary to achieve 180,000 SRFC adult spawners would be 18,000 in July and 9,357 in August. Changing the coho quotas from 90,000 to 85,000 north of Cape Falcon and from 30,000 to 27,500 south of Cape Falcon, and closing the commercial fishery in September between Cape Falcon and Humbug Mt. would reduce the LCN coho impacts to 11.76 percent.

The Council suspended further guidance on H.2.

The council resumed Agenda Item H.2.d (04/14/10; 3:31 p.m.).

Mr. Sones noted that the Upper Skagit Tribe has provided a written statement (Agenda Item H.2.b, Supplemental Tribal Report).

Mr. Anderson directed the STT to change the non-Indian coho quota north of Cape Falcon from 85,000 to 80,000.

Mr. Steve Williams directed the STT to reduce the recreational coho quota south of Cape Falcon from 27,500 to 26,000.

Mr. Sones directed the STT to reduce the Treaty Indian coho quota from 43,000 to 41,500.

Ms. Vojkovich directed the STT to change the Fort Bragg commercial quota fisheries to July 15-29 with an 18,000 quota, and August 1-31 with a 9,375 quota, and to allow transfer of remaining July quota to the August quota in an impact neutral basis. There would also be language allowing inseason action to open the recreational fishery in April, 2011.

The Council provided additional direction to the STT as reflected in Agenda Item H.5.b, Supplemental STT Report.

H.3 National Marine Fisheries Service Report

This agenda item was cancelled.

H.4 Methodology Review Process and Preliminary Topic Selection for 2010

H.4.a Agenda Item Overview (04/14/10; 2:20 p.m.)

Mr. Tracy presented the agenda item overview.

H.4.b Reports and Comments of Advisory Bodies and Management Entities

Dr. Pete Lawson presented Agenda Item H.4.b, supplemental SSC Report. Dr. Kope presented Agenda Item H.4.b, Supplemental STT Report. Mr. MacLean presented Agenda Item H.4.b, Supplemental SAS Report. Mr. Andy Rankis, presented Agenda Item H.4.b, Supplemental MEW Report. Mr. Sones presented Agenda Item H.4.b, Supplemental Tribal Report. Dr. McIsaac presented Agenda Item H.4.b, Supplemental Council Staff Report.

H.4.c Public Comment

Mr. Duncan MacLean, El Granada, CA

H.4.d Council Guidance on Potential Methodologies to Review in 2010

Mr. Steve Williams asked what the report requested in the Supplemental Tribal Report would consist of. Mr. Anderson replied the existing annual reports should be reviewed first to determine if that information is complete and adequate, then the potential value of a multi-year report could be evaluated. The STT could initiate the review process.

Dr. McIsaac asked if NMFS was comfortable with Council staff taking the lead on LRN tule abundance based management. Dr. Dygert replied yes.

The Council directed the tentative salmon methodology review topics include review and incorporation of natural production information into the LCN coho exploitation matrix and all items in the SSC report except revisions to Oregon Coastal Chinook escapement goals. The Council also directed the STT to review of the WDFW mark-selective-fishery reports as time allowed.

H.5 Final Action on 2010 Management Measures

H.5.a Agenda Item Overview (04/15/10; 2:27 p.m.)

Mr. Tracy presented the agenda item overview.

H.5.b Reports and Comments of Advisory Bodies and Management Entities

Dr. Michael O'Farrell, presented Agenda Item H.5.b, Supplemental STT Report.

Mr. Virgil Lewis, Sr., Mr. Rapheal Bill, and Mr. Herb Jackson (Columbia River Treaty Tribes) presented Agenda Item H.5.b, Supplemental Tribal Report.

Mr. Sones presented Agenda Item H.5.b, Supplemental Tribal Report 2.

Mr. Frank Lockhart presented Agenda Item H.5.b, Supplemental NMFS Report.

H.5.c Public Comment

Mr. Dave Bitts, (Agenda Item H.5.c, Supplemental Public Comment). Mr. Bitts clarified that his testimony represented his recommendation to the Council.

H.5.d Council Action: Adopt Final Management Measures for 2010 Ocean Salmon Fisheries

Mr. Anderson moved (Motion 49), to adopt the non-Indian commercial and recreational salmon management measures for the area north of Cape Falcon as presented in Agenda Item H.5.b, Supplemental STT Report. Mr. Cedergreen seconded the motion.

Motion 49 carried unanimously.

Mr. Steve Williams moved (Motion 50) to adopt the non-Indian commercial and recreational salmon management measures for the area between Cape Falcon and the Oregon/California border as presented in Agenda Item H.5.b, Supplemental STT Report, with the addition of a September 1-30 experimental non-retention GSI fishery between Cape Falcon and Humbug Mt. Mr. Moore seconded the motion.

Motion 50 carried unanimously.

Ms. Vojkovich moved (Motion 51) to adopt the non-Indian commercial and recreational ocean salmon management measures for the area between the Oregon/California border and the U.S./Mexico border as presented in Agenda Item H.5.b. Mr. Brizendine seconded the motion.

Motion 51 carried unanimously.

Mr. Sones moved (Motion 52) to adopt treaty Indian commercial ocean salmon management measures as presented in Agenda Item H.5.b, Supplemental STT Report. Mr. Anderson seconded the motion.

Motion 52 carried unanimously.

I. Groundfish Management

I.1 Regulatory Deeming for Fishery Management Plan Amendment 20 (Trawl Rationalization) and Amendment 21 (Intersector Allocation)

I.1.a Agenda Item Overview

Mr. Jim Seger provided the agenda item overview.

I.1.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Randy Fisher and Dave Colpo presented Agenda Item I.1.b, Supplemental PSMFC Report.

Ms. Jamie Goen presented Agenda Item I.1.b, NMFS Supplemental PowerPoint (on website). (3:05 p.m.)

Ms. Culver summarized Agenda Item I.1.b, Supplemental WDFW Report. Mr. Tommy Ancona gave Agenda Item I.1.b, Supplemental GAP Report. Deputy Chief Mike Cenci gave Agenda Item I.1.b, Supplemental EC Report. Mr. Jim Seger read Agenda Item I.1.b, Supplemental GMT Report.

I.1.c Public Comment

Mr. Paul Kujala, Oregon Trawler, Warrenton, OR
Ms. Michelle Norvell, Fort Bragg, CA
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR
Mr. Brent Paine, United Catcher Boats, Seattle, WA
Mr. Steve Hughes, NRC, Seattle, WA
Mr. Bob Dooley, United Catcher Boats, Seattle, WA
Mr. Craig Urness, Pacific Seafood Group, Clackamas, OR
Ms. Donna Parker, Arctic Storm, Seattle, WA
Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR
Mr. John Bundy, Glacier Seafoods, Seattle, WA
Mr. Mike Hyde, Seattle, WA
Mr. Joe Sullivan, The Nature Conservancy, Seattle, WA
Mr. Shems Judd, Environmental Defense Fund, Portland, OR
Mr. Richard Carroll, Ocean Gold Seafoods, Seattle, WA

I.1.d Council Action: Consider Revising Council Recommendations on Selected Issues from NMFS Clarification Report from March 2010 Meeting, and Regulatory Deeming and Implementing Issues

Mr. Myer stated he would recuse himself from discussion and voting on item 3 and possibly item 4 of the issues for further deliberations because of his status as an employee of a company that has a significant participation in the mothership fisheries.

Ms. Culver referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 1, Issue 3, the 30-day clock. The issue is when does the 30-day clock start for vessel overages. She moved Option B, the NMFS-preferred option—if an overage shows on the fish ticket at the time of landing or in the vessel account at any time after the landing, the clock would start when any data or documentation from the trip which caused the overage is available, or the vessel account shows there is an overage (Motion 10). Mr. Myer seconded the motion. This is the option preferred by NMFS, the Groundfish Advisory Subpanel (GAP) and the Enforcement Consultants (EC). Mr. Lockhart also spoke in support of the motion. Motion 10 passed unanimously.

Ms. Culver referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 3, Issue 4, the carryover provision. She moved that the Council adopt Option A, the NMFS-preferred option, with some changes as follows: the carryover provision is 10 percent of the quota pounds (QP) in a vessel's account based on the balance; however, strike "a certain date early in the year" and replace it with "as of September 1 of the year" (Motion 11). Mr. Myer seconded the motion. NOAA General Counsel (NOAA GC) spoke to the preferability of Option D to Option A. The NMFS concern was that with the modified option there would be no way to determine the amount of the overage allowance until September 1. With Option D you would know where they stood at the time of the overage. Ms. Culver withdrew her motion and the second concurred. Action on this item was deferred until after lunch.

Ms. Culver referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 7, Issue 7a, and moved that September 1-December 31 of the year before the whiting season the mothership/catcher vessel (MS/CV) endorsed permit must declare through the permit renewal process that they are going to participate in the co-op or non-coop fishery. And, by September 1 of the year before the whiting season, the MS/CV permit must notify the MS permit that the MS/CV will deliver to the following year (Motion 12). Mr. Cedergreen seconded the motion. Mr. Myer recused himself. Ms. Culver noted the industry comment in support of these changes and that the changes would assist them in planning their operations.

Mr. Lockhart indicated his understanding that a permit application would not be considered complete until the mothership catcher vessel had provided required notice by the September 1 deadline. Motion 12 passed.

Mr. Williams referred to Agenda Item I.1.b, Supplemental NMFS Report 2, page 9, Issue 7B; and moved that the Council recommend Option B (NMFS-preferred) (Motion 13). Ms. Lowman seconded the motion. Mr. Myer recused himself. Option B requires a co-op permit for MS and catcher/processor (C/P) co-ops and between February 1 and March 31, before the whiting season, the co-op must also apply for a co-op permit, which would include the co-op agreement. It was noted that the permit provides the nexus allowing the collection of fees. Speaking in support of the motion, Mr. Williams noted that each sector would benefit from the trawl rationalization program, whether from the bycatch controls or being in a closed class with exclusive rights to a public resource. It's a fairness issue. Ms. Culver commented on cost recovery implications. Mr. Lockhart noted that the Magnuson-Stevens Act (MSA) puts the Council in the lead in developing a methodology for cost recovery. Cost recovery would be in a rule following the components rule and does not need to be in place before program implementation. Motion 13 passed. Mr. Myer recused himself.

Working from Supplemental NMFS Report 2, page 3, Issue 4, Mr. Lockhart moved that the Council adopt Option D--"The carryover amount for a deficit is determined based on the amount of QP in the vessel account at the end of the 30-day period during which a vessel must cover its overage. The carryover amount for a surplus is determined based on the amount of QP in the vessel account at the end of the year" (Motion 14). Ms. Vjokovich seconded the motion. This provides a workable process for NMFS. Motion 14 passed unanimously.

With regard to Agenda Item I.1.b, Supplemental NMFS Report 3, for the first issue described on the first page, Ms. Culver moved that the Council's Amendment 21 species allocations supersede any allocations for those species in the groundfish FMP prior to Amendment 21, and to whatever extent the Council draft EIS or FMP language documents appear ambiguous in regard to part one of this motion, the Council staff is directed to alter or add language to make the Council action more clear (Motion 15). Mr. Cedergreen seconded the motion. Ms. Culver spoke to the motion, noted the thorough presentations provided to the Council by NMFS and Council staffs and the different interpretations and subsequent calculations of the longterm allocations between the trawl and nontrawl sectors. The Council interpretation is consistent with the Council's action that the tribal research EFPs would come off the top, as we currently do, and then we would be applying the trawl and nontrawl split. The purpose of the Amendment 21 process was to specify the trawl sector allocations needed for Amendment 20. For this process, all the nontrawl sectors were put together and a trawl-nontrawl split created. Then within the nontrawl allocation, further divisions would be determined during the biennial specifications process. These longterm allocation pieces would only apply to the trawl/nontrawl level. In both cases we meant to keep the whiting and sablefish allocations in place. Ms. Vojkovich spoke in support of the motion and stated her agreement with Ms. Culver's recollection of what was done. Motion 15 passed with Mr. Lockhart abstaining.

On NMFS Supplemental Report 3, Issue 5, page 6, Ms. Culver moved that for at-sea processing, specify that all processing of groundfish at-sea will be prohibited unless specifically authorized by NMFS regulations (Motion 16). Mr. Moore seconded the motion. Ms. Culver spoke to a review of the regulations that had shown there was nothing to prohibit at-sea processing. She stated that her understanding was that at-sea processing would be prohibited unless allowed. Mr. Myer stated his belief that processing at-sea would be a good thing for the trawl fleet and would be what is required to make the most out of the quota share program. Nevertheless, this might require substantial regulatory adjustments and at this time he would support the motion. Ms. Cooney expressed concern about whether the analysis would cover a prohibition on at-sea processing. If it is being proposed for discussion down the road, there would need to be some analysis of it. Mr. Seger noted that the individual fishing quota (IFQ)

program is identified as applying to the shoreside fishery, and on that basis, prohibition of at-sea processing of fish for the shoreside sector would be within what was analyzed. Mr. Crabbe asked whether the motion covered all commercial groundfish or all groundfish. It was clarified that this applied to all groundfish in the trawl IQ program. Motion 16 passed with Ms. Vjokovich voting no.

Mr. Moore moved that with respect to the Pacific whiting allocation issue covered on page 9 of NMFS Report 3, that the 5 percent whiting allocation limit not be removed (Motion 17). Mr. Myer seconded the motion. Mr. Moore noted that the reasons for having the 5 percent set aside for the southern fishery were originally long and complex and date back to 1996. Removal of this language would be premature. Mr. Myer expressed concern about uncertainty in the program and possible adverse effects on the California whiting fishery. Mr. Lockhart concurred. Ms. Vjokovich stated that it had been her expectation that the 5 percent provision would be removed. Motion 17 passed with Ms. Vjokovich, Mr. Wolford, Mr. Crabbe and Mr. Brizendine voting no.

With respect to NMFS Report 3, Issue 6 on page 7, Mr. Moore moved that split deliveries be allowed as long as they are observed (Motion 18). Ms. Lowman seconded the motion. It was noted that the industry would bear the costs related to splitting deliveries. The motion passed unanimously.

Mr. Moore moved, with respect to the issue of own and control on page 5 of NMFS Supplemental Report 3 and also taking in the regulatory language on NMFS Report 6, that we use the language on accumulation caps found on page 105, regarding control under the individual and collective rule, that we use the language presented in Agenda Item E.6.b, Revised NMFS Report (March 2010) pages 38 and 39, and indicate our intent to set up a trailing amendment process to deal with issues such as financing safe harbors etc., as suggested in public testimony (Motion 19). Mr. Myer seconded the motion. The impact of this is to go back to the March language. That language was fairly strict and had a few problems, but it dealt with quota shares. He noted there is some time to look at this more closely because under the overall trawl IFQ amendment there is essentially a four year period before someone has to divest if they are over the control limit. However, the way we have addressed QP in the language presented at this meeting, seems to cause some problems for the at-sea co-ops for shoreside operations, etc. Ms. Vjokovich disagreed, stating that of the entire individual quota program this is the issue that is the backbone. Mr. Lockhart noted that the issue is a difficult one and that the issue of QP is an important one to address. The NMFS preference was to go with the language as presented in the document today, noting that there would be opportunities during the process to address Mr. Moore's concerns. After an extended discussion, Motion 19 failed on a roll call vote.

Ms. Culver referred to Agenda Item I.1.b, NMFS Report 6 and moved that the Council deem these draft proposed regulations as being consistent with the Council's action under Amendment 20 and 21 and that the language in the proposed regulations be revised to reflect the actions that we have taken previously here today and that the document also incorporate proposed recommended changes on Agenda Item I.1.a, Supplemental Attachment 5, the staff report on the draft initial issuance rule (Motion 20). Mr. Cedergreen seconded the motion. With respect to Supplemental Attachment 5, Mr. Seger noted that during the presentation on this document there had been a verbal addition of an item having to do with the mothership processor permit, on page 118 of NMFS Report 6. He asked if Ms. Culver's intent in referring to this report was to also include that verbal addition. Ms. Culver replied that it was. Mr. Moore said that he would vote no on the regulations because he believed that in some cases the regulations were not appropriate. Motion 20 passed with Mr. Moore voting no.

Ms. Culver addressed Agenda Item I.1.b, Supplemental WDFW Report. It had been the WDFW intent that while the whiting catcher vessel endorsements would not be transferable, the catch history would be transferable. In response to a question on whether making this change now would cause a delay, Mr.

Lockhart said that it would. Ms. Culver requested that the Council address this issue through a trailing amendment process.

Dr. Hanson moved the Council include the plan described in Agenda Item I.1.b, PSMFC Report as the preferred approach in the Council's submission of Amendment 20 under the MSA, as well as alert NMFS that this plan represents the preferred Council approach with regard to any relevance to regulation development and Federal funding assistance to states and the fishing industry (Motion 21). Mr. Cedergreen seconded the motion. Dr. Hanson spoke to the motion noting that it was important that the Council has expressed as a clear preference for a plan, that the industry needs some specificity as to what the plan is going to look like and NMFS knows what regulations should be drafted from the Council perspective. Ms. Culver moved to amend the motion to state that NMFS will work with the states to explore mechanisms to allow for the use of state employees as compliance monitors in both the shoreside fishery and on mothership catcher vessels (Amendment #1 to Motion 21). Dr. Hanson seconded the motion. Ms. Culver noted the state ability to hire and train compliance monitors that had been demonstrated through their experience with exempted fishing permits. Mr. Williams supported the flexibility and option provided by the amendment. In response to a question from Ms. Vjokovich, Mr. Lockhart noted that the PSMFC Report is not a legal document but rather a vehicle for providing Council guidance. The amendment to the main motion passed unanimously. The main motion passed unanimously.

I.2 Harvest Specifications for 2011-2012 Fisheries

I.2.a Agenda Item Overview (04/13/10; 3:45 p.m.)

Mr. John DeVore provided the agenda item overview.

I.2.b Reports and Comments of Advisory Bodies and Management Entities

SSC Report

Dr. Martin Dorn provided Agenda Item I.2.b, Supplemental SSC Report.

Ms. Culver asked about the sub-categories for stocks and wanted to know whether there is a natural hierarchy of data quality and quantity to the sub-categories; Dr. Dorn said that was the general philosophy. Category 1 stocks are relatively data-rich stocks and the category 3 stock sub-categories are ranked. However, category 2 stocks are characterized as intermediate in data quantity and quality without a natural hierarchy. The categorization criteria and methodology are somewhat crude and may be refined in time.

Ms. Vojkovich asked about the lack of hierarchy in category 2 stocks and the difference between a category 1 and category 2d stock. Dr. Dorn said the category 2d stocks were judged to be uncertain enough to be down-graded to a category 2. Model results for category 2d stocks are more sensitive to modeling assumptions than category 1 stocks.

Ms. Vojkovich asked how the category 1 OFL relates to the biomass estimate. Dr. Dorn said the proxy harvest rate that produces maximum sustained yield (F_{MSY}) is applied to the exploitable biomass estimated in the assessment. This is exactly how the ABC was determined under the old framework. She asked if there is an interaction between the ABC buffer under the new framework and the biomass estimate for a category 1 stock. Dr. Dorn said there is uncertainty in the F_{MSY} estimate, which is why a proxy harvest rate is used. The uncertainty in biomass estimates is used to represent the majority of the assessment

uncertainty. As the overfishing probability (P^*) approach is refined, we can perhaps capture more of the assessment uncertainty and have clearer criteria for deciding a P^* .

Ms. Culver said she is not clear how to choose a P^* given the estimated assessment variance for category 1 stocks ($\sigma = 0.36$). She asked if there are criteria for deciding the P^* and the size of the scientific uncertainty buffer. Dr. Dorn said there are no criteria offered by the SSC. He explained the meta-analysis done for category 1 stocks with multiple assessments to determine the σ value. If the Council believes the risk of overfishing is due to uncertainty in the true OFL value, then a single P^* and buffer would apply. However, the P^* decision can be made differentially for these stocks. This is a Council policy decision.

Ms. Vojkovich asked if all STAR panel-reviewed assessments were assigned to category 1 and Dr. Dorn said no. In some cases, where the assessment uncertainty was larger for a STAR panel-reviewed assessment, the SSC categorized the stock as a category 2d.

Ms. Vojkovich asked why the scientific uncertainty is reflected in the harvest specification and not the biomass estimate. Dr. Dorn said the biomass estimate in a groundfish assessment is considered the best, or most plausible, estimate given the data used in the assessment. Applying the F_{MSY} harvest rate determines the amount that can be caught. However, the estimated harvestable yield is uncertain. The σ/P^* relationship determines buffers in a probabilistic fashion to allow a risk assessment that the OFL or harvestable yield is the true value and would not be exceeded with a certain probability due to this uncertainty. Ms. Vojkovich asked if the uncertainty being addressed is that the harvestable yield is actually lower than estimated and Dr. Dorn said yes. This is based on the guidance from NMFS in the National Standard 1 (NS1) guidelines interpreting the re-authorized MSA.

Mr. Moore asked for an explanation of the depletion-corrected average catch and depletion-based stock reduction analysis approaches. Dr. Dorn said that both of these methods are logical ways to use average harvest to better inform an OFL since the stock's past estimated depletion rate is factored into the average catch.

Mr. Moore asked about the petrale sole alternatives and why the OFLs vary based on whether there is a winter fishery or not. Mr. DeVore explained this is due to the differential selectivities of the winter vs. summer trawl fleets (i.e., the winter fleet takes larger, more mature fish on a per ton basis).

Ms. Vojkovich asked why the Groundfish Management Team (GMT) determined the OFLs when the SSC is supposed to decide these OFLs and Dr. Dorn said the SSC is a review body. The GMT recommended the OFLs and the SSC reviewed and endorsed these limits.

Ms. Vojkovich remarked the SSC recommends the P^* approach for setting ABCs for category 2 and 3 stocks as the ideal method; however, the basis for the scientific uncertainty metrics (σ) for these categories are somewhat arbitrary. She asked if it was reasonable to pick different P^* values for different stocks and Dr. Dorn said yes. The alternative to decide 25 percent and 50 percent buffers for category 2 and 3 stocks, respectively is not recommended per se by the SSC.

Mr. Anderson noted that category 2d assessment decision tables were used to estimate a σ of 0.72 for category 2 stocks. He asked what additional analysis is contemplated to refine estimates of scientific uncertainty. Dr. Dorn said a more refined analysis of scientific uncertainty will be done in the future and these values are placeholders recommended for this management cycle.

Ms. Vojkovich asked about the SSC's role in recommending how to partition coastwise OFLs. Dr. Dorn said there are OFLs specified by complexes north and south of $40^{\circ}10'$ N. latitude. Since the SSC decides

OFLs, the methodology for partitioning coastwise OFLs is also an SSC responsibility. Ms. Vojkovich asked if other approaches for partitioning OFLs could have been explored and Dr. Dorn said yes. The SSC picked what they thought was the best partitioning method of those brought forward. The SSC also acknowledges better approaches should be considered for estimating the spatial distribution of these species. Ms. Vojkovich asked why there was not a comparative analysis of new partitioning methods and Dr. Dorn said the SSC reviewed only those analyses brought forward by the GMT.

Mr. Lockhart asked about the σ estimate and what that value is describing. Dr. Dorn said σ is a scientific uncertainty value determined in a meta-analysis of biomass estimates across a broad range of category 1 stocks with multiple assessments.

Ms. Kirchner asked why years after 1999 were not considered in the catch-based partitioning method and Dr. Dorn said that was based on the GMT recommendation that fishery constraints under rebuilding in recent years compromised the use of that data for that purpose.

GMT Report

Mr. Rob Jones provided Agenda Item I.2.b, Supplemental GMT Report.

Mr. Lockhart asked if the P* recommendations were assuming the SSC-derived σ values and Mr. Jones said yes.

Mr. Moore asked why there is a difference in the ACL buffers for sablefish and the thornyheads in the south and Mr. Jones said this is closest to the status quo buffers under the new framework.

Mr. Anderson asked if the recommendation #10 is to set a 1,000 mt ACL for black rockfish off Oregon and California and not off Oregon and Washington? Mr. Jones said that was correct, that part of the report contained a typographic error.

Mr. Brizendine asked if the GMT recommendations are to generally maintain the status quo, and Mr. Jones said the GMT presented a status quo solution under the new harvest specification framework as well as considerations for a change from status quo.

Mr. Lockhart asked if the status quo buffers for category 2 and 3 have performed well or have there been systematic problems under status quo. Mr. Jones said the one problem under status quo was the lack of transparency and rigor in setting ABCs/OFLs in the past. The GMT-recommended and SSC-endorsed OFLs begin to rectify that problem.

Ms. Vojkovich asked about the new sablefish apportionment alternative informed by variance-weighted swept area biomass estimates from the NMFS trawl survey. Mr. Jones said the trawl survey data was updated and further weighted by the variance of the survey by year and International North Pacific Fishery Commission (INPFC) area. Ms. Vojkovich asked if trawl survey information from southern California was used and Mr. Jones said yes.

Ms. Vojkovich asked about GMT recommendations for ACL reductions for sablefish in the south and whether the recommendations are based on status quo methodologies. Mr. Jones explained the status quo methods are shown and recommended.

Ms. Vojkovich asked if putting black rockfish back into the minor nearshore rockfish complexes was discussed and Mr. Jones said no.

GAP Report

Mr. Gerry Richter provided Agenda Item I.2.b, Supplemental GAP Report and Supplemental GAP Report 2.

Mr. Moore asked about the alternative 3 ACL recommendation for sablefish and whether that pertains to the 50 percent reduction in the south and Mr. Richter said yes.

Ms. Vojkovich asked if the GAP discussed the implications of dramatically reducing the minor nearshore rockfish north OFL. Mr. Richter said that was discussed and this reduction will cause disruptions to the fishery.

I.2.c Public Comment (04/14/10; 9:40 a.m.)

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR

Mr. Ben Enticknap, Oceana, Portland, OR

Mr. Daniel Platt, open access fisherman, Ft. Bragg, CA

Ms. Laura Pagano, Natural Resources Defense Council, San Francisco, CA

Mr. Jeff Russell, Natural Resources Defense Council, San Francisco, CA

Mr. Tom Marking, recreational fisherman, McKinleyville, CA

I.2.d Council Action: Adopt Preferred Overfishing Limits and Acceptable Biological Catches for all Groundfish Stocks, and Annual Catch Limits and Optimum Yields for all Non-Overfished Groundfish Stocks

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 22) to adopt the SSC-recommended OFLs in Revised Table 2-1a in Supplemental Attachment 3. This represents the best scientific information for this cycle.

Ms. Kirchner moved and Mr. Moore seconded a motion to amend the main motion (Amendment 1 to Motion 22) to adopt the 2010 ABC values for the 2011 and 2012 OFLs for the minor rockfish north (2011-2012 OFL of 3,678 mt) and south (2011-2012 OFL of 3,382 mt) complexes.

Mr. Lockhart asked if there was a scientific reasoning for this amendment and Ms. Kirchner said the new scientific methodology is unproven.

Dr. McIsaac asked Ms. Cooney about the legal implications of changing a science-based decision like an OFL and she thought there would be more concern if the OFL was set higher than that recommended by the SSC. She said she did not fully understand the implications.

Mr. Anderson said this does not seem to be the appropriate place to remedy scientific uncertainty issues. This is more of an ABC decision.

Amendment 1 to Motion 22 failed. Mr. Sones, Mr. Wolford, Ms. Lowman, Mr. Anderson, Mr. Myer, Mr. Mallet, and Mr. Ortmann voted no.

Mr. Wolford asked if the motion included the species categorization and Mr. Anderson said no.

Motion 22 carried (Ms. Vojkovich voted no).

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 23) to use a P* value of 0.45 for all species in setting ABCs.

Ms. Vojkovich said the P* is a risk assessment tool and setting a consistent value gives the Council more flexibility in setting ACLs.

Mr. Anderson moved and Mr. Mallet seconded a motion to amend the main motion (Amendment 1 to Motion 23) to not include the overfished species, sablefish, and splitnose rockfish in the motion, and set P* values of 0.35 for category 2 species and 0.32 for category 3 species in setting ABCs.

Mr. Anderson referred to the scientific uncertainty in the 2007 sablefish assessment. He also wanted to use a P* approach for category 2 and 3 stocks that produced similar status quo uncertainty buffers.

Ms. Vojkovich thought waiting until June to set ABCs for some of these stocks was problematic. Mr. Moore was in agreement for the most part with the main motion but agreed with Ms. Vojkovich that waiting until June was a problem.

Mr. Crabbe explained he was not in favor of the amendment since the status quo 25 and 50 percent buffers for category 2 and 3 stocks accounted for more than scientific uncertainty. The P*/ABC decision should only account for scientific uncertainty and the ACL decision should account for management uncertainty. Mr. Wolford agreed with that sentiment and said he also opposes the amendment.

Mr. Moore moved and Ms. Kirchner seconded an amendment to the motion (Amendment 2 to Motion 23) to use a preliminary P* of 0.45 for setting the splitnose ABC.

Mr. Moore said there was concern raised by Ms. Vojkovich to wait until June to deal with an ABC decision.

Mr. Lockhart asked for more justification for the P* value for splitnose. Mr. Moore noted the SSC categorized this species as a category 1 species, indicating there is relatively less scientific uncertainty in that assessment.

Amendment 2 to Motion 23 carried (Mr. Crabbe voted no).

Mr. Wolford explained the relative scientific uncertainty varies by the categorization of species. The greater values of σ for the respective categories address the difference in scientific uncertainty.

Ms. Vojkovich said she believes the category 2 and 3 buffer amounts under the amendment, which attempt to match status quo buffers, are not appropriate.

Mr. Anderson withdrew Amendment 1 to Motion 23.

Mr. Anderson moved and Mr. Mallet seconded a motion to amend the main motion (Amendment 3 to Motion 23) to remove the overfished species and sablefish from the main motion.

Mr. Wolford asked why sablefish was removed from the main motion. Mr. Anderson said he believes the sablefish uncertainty was greater than for the other category 1 species. He cited the sea surface index in the assessment creating the higher uncertainty. Mr. Wolford thought it more appropriate to address those concerns in the ACL or a possible ACT (annual catch target) decision.

Amendment 3 to Motion 23 carried (Mr. Wolford voted no).

Ms. Lowman moved and Mr. Myer seconded a motion to amend the main motion (Amendment 4 to Motion 23) to remove category 2 and 3 species from the main motion.

Ms. Lowman said she wanted to have a separate discussion regarding the scientific uncertainty buffers for category 2 and 3 species.

Mr. Moore moved and Mr. Wolford seconded a motion to amend the main motion (Amendment 5 to Motion 23) to adopt the σ values for category 1, 2, and 3 species in Table 2-1e as recommended by the SSC.

There was some discussion regarding the process of deciding σ values vs. P^* values. There was concern that these two decisions were being confused in the series of amendments to the main motion. Mr. Moore withdrew Amendment 5 to Motion 23.

Amendment 4 to Motion 23 carried (Mr. Crabbe, Ms. Vojkovich, and Mr. Wolford voted no).

Mr. Moore moved and Mr. Wolford seconded a motion to amend the main motion (Amendment 6 to Motion 23) to adopt the σ values for category 1, 2, and 3 species in Table 2-1e as recommended by the SSC.

Amendment 6 to Motion 23 carried unanimously.

Motion 23 carried unanimously.

Mr. Anderson moved and Mr. Moore seconded a motion (Motion 24) to adopt a P^* of 0.45 for setting the sablefish ABC.

Mr. Anderson said this P^* value is consistent with those decided for the other category 1 stocks.

Motion 24 carried unanimously.

Mr. Moore moved and Mr. Crabbe seconded a motion (Motion 25) to adopt a P^* value of 0.45 for all the overfished category 1 species.

Motion 25 carried unanimously.

Ms. Vojkovich moved and Ms. Kirchner seconded a motion (Motion 26) to adopt a P^* value of 0.45 for setting the ABCs for category 2 and 3 stocks, including cowcod.

Ms. Vojkovich explained the risk of overfishing has been eliminated in our management regime and the P^* probability of overfishing can be held constant. Other uncertainties can be addressed in setting buffers between the ABC and the ACL.

Mr. Lockhart asked if Ms. Vojkovich was comfortable that the differential σ values decided for the category 2 and 3 stocks adequately addressed the greater scientific uncertainty for those stocks and Ms. Vojkovich thought that was the case.

Mr. Anderson explained that he was present when the category 2 and 3 buffers of 25 and 50 percent were originally decided. These buffers primarily addressed the greater scientific uncertainty for these stocks; however, he acknowledged that other objectives such as management uncertainty were also addressed.

He is uncomfortable with the smaller buffers in the motion. Category 2 and 3 stocks should have a lower P* value than those for category 1 stocks.

Motion 26 failed on a roll call vote. Mr. Anderson, Mr. Sones, Mr. Mallet, Ms. Lowman, Mr. Moore, Mr. Myer, and Mr. Lockhart voted no.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 27) to adopt a P* of 0.4 for category 2 and 3 stocks in setting the ABCs for these stocks.

Motion 27 carried unanimously.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 28) to assume all complexes are comprised of category 3 species in deciding complex ABCs.

Mr. DeVore explained that stock categorization is a science call made by the SSC and not a Council policy call. Ms. Vojkovich explained the motion does not change the SSC's stock categorizations, but sets the ABC buffers for stock complexes. Mr. DeVore thanked her for that clarification.

Motion 28 carried unanimously.

Thursday, April 15 (1 p.m.)

Mr. Wolford moved and Mr. Moore seconded a motion (Motion 48) to adopt the SSC-recommended species categories and treat the complexes as category 3 when deciding ABCs.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion to amend the main motion (Amendment 1 to Motion 48) to include the SSC-recommended species categories for all the remaining species.

Amendment 1 to Motion 48 carried unanimously. Motion 48 carried as amended (Mr. Lockhart abstained).

Mr. Anderson asked Mr. DeVore to identify those species with status quo optimum yields (OYs) equal to their respective ABCs. Mr. DeVore listed the following species with 2010 OYs equal to ABCs: yellowtail rockfish, black rockfish in Washington, English sole, arrowtooth flounder, and California scorpionfish.

Mr. DeVore and members of the GMT were asked to provide a table comparing the 2011-2012 ACL alternatives with status quo OYs with an explanation of the basis for the status quo OYs. When the Council reconvened Agenda Item I.2, Mr. DeVore provided an overview of Revised Table 2-1f in Supplemental Attachment 6.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 60) to adopt preliminary preferred 2011-2012 ACLs as follows:

- Lingcod (separate ACLs north and south of 42° N. latitude); ACLs equal to ABCs;
- Chilipepper (coast wide): 2011 (2,130 mt); 2012 (1,924 mt) ACLs equal to the ABCs;
- Splitnose south of 40°10' N. latitude equal to ABCs (2011 equal to 1,461 mt; 2012 equal to 1,538 mt). Splitnose will continue to be managed in the northern slope rockfish complex with the northern proportion of the ABC used as the contribution of splitnose to the northern minor slope rockfish complex; and
- Continue to manage greenstriped rockfish in the northern and southern minor shelf rockfish complexes.

Mr. Anderson said these ACLs apply the new harvest specification framework while maintaining status quo harvest strategies. Northern and southern lingcod ACLs are driven by the new assessment and the SSC determination of area-specific OFLs for the species. Mr. DeVore said the northern minor shelf rockfish complex specifications would be reduced since chilipepper rockfish will be removed from that complex to manage the stock coast wide.

Motion 60 carried. Ms. Vojkovich voted no.

Ms. Kirchner moved and Mr. Moore seconded a motion (Motion 61) to adopt as a PPA, a 2011-2012 ACL of 2,283 mt for the northern minor rockfish complex; a 2011-2012 ACL of 1,190 mt for the southern minor rockfish complex; and remove the Oregon stock of cabezon from the Other Fish complex to allow management of the stock with stock-specific specifications as follows: a 2011 ACL of 50 mt and a 2012 ACL of 48 mt.

Ms. Kirchner explained the complex ACLs are lower than the ABCs. This creates a buffer to address management uncertainty and nearshore species have conservative management programs in Oregon and California. Cabezon in Oregon are managed under the same responsive system, where sport and commercial catches are tracked in real time. Oregon Department of Fish and Wildlife (ODFW) can take action in less than 48 hours notice as exemplified by such actions in recent years.

Mr. DeVore asked if the intent was to not specify ACLs for the northern and southern nearshore, shelf, and slope complexes and Ms. Kirchner replied that was correct.

Motion 61 carried unanimously.

Mr. Moore asked Mr. DeVore about the status quo specifications for the Other Flatfish complex and Mr. DeVore answered the 2010 OY is 4,884 mt.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 62) to adopt a preliminary preferred 2011-2012 ACL of 4,884 mt for the Other Flatfish complex.

Mr. Moore said he first examined the 2010 ABC and it was somewhat lower than the ABCs we have specified for 2011-2012 to accommodate scientific uncertainty. Since the status quo OY is well below the 2011-2012 ABC, reductions have been taken to address scientific and management uncertainty. The status quo OY provides a significant precautionary buffer.

Motion 62 carried. Ms. Vojkovich voted no.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 63) to adopt, as a PPA, 2011-2012 ACLs for the California stock of cabezon equal to the ABCs (i.e., 179 and 168 mt for 2011 and 2012, respectively).

Ms. Vojkovich said the precautionary management strategy CDFG employs prevents the stock from going into an overfished condition. With significant tracking and a state LE permit system, there is no need for a further buffer to address management uncertainty.

Mr. Anderson asked about the status quo OY and Ms. Vojkovich said it was 69 mt. Mr. Lockhart asked about delays in tracking landings inseason and reacting to a potential overharvest situation and Ms. Vojkovich said delays are no longer than for managing any other stock.

Motion 63 carried. Mr. Anderson and Mr. Myer voted no.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 64) to adopt the 40-10 harvest control rule (option 1) with the expectation that stocks under 40 percent of unfished biomass may have ACLs lower than specified using the harvest control rule.

Ms. Vojkovich explained that the option 2, 40-10 harvest control rule, is overly precautionary and not needed given the other precautionary adjustments made in deciding harvest specifications.

Mr. Anderson said he opposes the motion and that the option 1 control rule does not reflect current practice, even with the change in terms. He explained that the 40-10 rule was designed as a default rebuilding strategy when stock depletion is less than the target. It should not be viewed as a precautionary strategy to address scientific and/or management uncertainty.

After further discussion, Motion 64 failed on a roll call vote. Ms. Lowman, Mr. Ortmann, Mr. Myer, Mr. Sones, Mr. Mallet, Mr. Anderson, and Mr. Lockhart voted no (7 no votes, 5 yes votes, and Mr. Brizendine was absent from this vote).

Mr. Moore asked if any of the preliminary-preferred ACLs decided at this meeting could be revisited in June and Mr. DeVore said yes.

Mr. Anderson asked Mr. DeVore if we have to decide the 40-10 rule option to decide sablefish ABCs and ACLs. Mr. DeVore responded yes since the ACLs depend on which 40-10 option is applied.

Dr. McIsaac asked Ms. Cooney the legal implications of deciding the 40-10 rule now when final action on Amendment 23 is scheduled for June. Ms. Cooney said the sablefish decision needs to be consistent with the Amendment 23 decision. Mr. DeVore explained the 40-10 rule is the default harvest control rule for stocks in the precautionary zone. Ms. Cooney added there would need to be strong justification for deviating from the 40-10 rule. Mr. Anderson thought this decision could be delayed to provide additional time to evaluate the implications of each 40-10 option and Ms. Cooney thought that was acceptable.

Mr. Anderson asked for an explanation of the three alternative methods for apportioning the coastwide sablefish OFL (as provided in Table 2-1g in REVISED Supplemental Attachment 5). Mr. DeVore explained the basis for these apportionment alternatives. Mr. Jones added the GMT's perspective that they were not making a specific recommendation on which alternative to adopt. However, the GMT does endorse the variance-weighted apportionment approach as being a statistically better method for using trawl survey biomass estimates to apportion the coastwide OFL.

Mr. Anderson moved and Mr. Jerry Mallet seconded a motion (Motion 65) to adopt preliminary sablefish ACLs for 2011-2012 using the option 2 40-10 harvest control rule and the 68:32 north:south apportionment. The 2011 and 2012 northern ACLs are 4,961 mt and 4,689 mt, respectively and the 2011 and 2012 southern ACLs are 2,335 mt and 2,207 mt, respectively.

Mr. Anderson said these ACLs were based on the results of the most recent 2009 stock assessment, the comments made by the SSC at that time, and the GAP-recommended apportionment.

Ms. Vojkovich asked Mr. Ancona about the GAP recommendation regarding the southern ACLs. Mr. Ancona said the GAP was recommending the additional 50 percent reduction to the southern ACLs to address the greater uncertainty associated with that biomass (note: this is different than the southern ACLs under Motion 65, which does not apply the 50 percent reduction). The GAP believes the 50 percent reduction will still accommodate the needs of fishing communities south of 36° N. latitude.

Amendment to Motion 65: Ms. Vojkovich moved and Mr. Myer seconded an amendment to Motion 65 (Amendment 1 to Motion 65) to apply a 50 percent reduction to the southern sablefish ACLs in 2011 and 2012 (i.e., Alternative 3).

Mr. Moore said those ACLs would be 1,167 mt and 1,103 mt for 2011 and 2012, respectively. Ms. Vojkovich said that was correct and noted that the Alternative 3 sablefish ACLs with the 50 percent scientific uncertainty reduction was GMT recommendation #6.

Amendment 1 to Motion 65 carried unanimously. Motion 65 as amended carried unanimously.

Mr. Seger remarked that the Council needed to set ACLs for the minor shelf and slope rockfish complexes since these complexes are intended to be managed with IFQ in the trawl rationalization program. Mr. DeVore added that the Council had already established formal trawl/non-trawl allocations of the northern and southern minor slope rockfish complexes under Amendment 21 and that two-year allocations of the northern and southern minor shelf rockfish complexes were anticipated in this specifications decision-making cycle to implement the trawl IFQ program. A discussion followed to determine what was needed for the complexes.

Ms. Kirchner moved and Mr. Rod Moore seconded a motion (Motion 66) to set the following 2011 and 2012 ACLs: 155 mt for the northern minor nearshore rockfish complex; 968 mt for the northern minor shelf rockfish complex; 1,160 mt for the northern minor slope rockfish complex; 650 mt for the southern minor slope rockfish complex; 714 mt for the southern minor shelf rockfish complex; and 626 mt for the southern minor slope rockfish complex.

Mr. Anderson asked for the basis for these ACLs and Ms. Kirchner explained these are equal to the status quo 2010 OYs. Mr. Moore said we already made precautionary adjustments to the overall complex (i.e., the aggregate rockfish complexes north and south of 40°10' N. latitude) when deciding the ABC specifications and are therefore precautionary on a scientific basis.

Motion 66 carried unanimously.

Mr. DeVore said he believes that all of the ACLs are now set as PPAs. Additional analysis will come forth in June and these decisions will then be confirmed or modified.

[After I.2 the Council moved on to Agenda Item I.6.]

I.3 National Marine Fisheries Service Report (04/14/10; 3:31 p.m.)

I.3.a Regulatory Activities

Mr. Frank Lockhart provided an update on the treaty tribal whiting fishery issues. He noted NMFS published a proposed rule on the tribal whiting allocation which set forth a formula, based on tribal requests, of 17.5 percent of the US OY plus 16,000 mt. The rule also stated NMFS' belief that we can re-apportion whiting from the treaty sector to the non-treaty sector. The Council took action on the whiting OY in March and NMFS stated its intent to merge the two processes into one and issue a final rule as soon as possible. The rule is still in the internal review process.

I.3.b Fisheries Science Center Activities

Mr. Lockhart also mentioned that Dr. Clarke had planned to give a report to the Council on the estimated bycatch of marine mammals, sea birds, and sea turtles which is now available on the NMFS observer website.

I.3.c Reports and Comments of Advisory Bodies and Management Entities

None.

I.3.d Public Comment

None.

I.3.e Council Discussion

Mr. Anderson asked Mr. Lockhart about the issues of the tribal set aside given the letter received from the Quilleute Tribe and whether or not that would impact the decision on the tribal set-aside. He also requested further clarification on the terms and conditions for the process of rolling unused portions of tribal set-aside into the non-treaty fishery.

Regarding the first question, Mr. Lockhart replied that the letter from the Quilleute Tribe had stated that although they will have only one boat which will need 8,000 mt, they wanted to maintain the 16,000 mt as part of that formula. NMFS is considering that request in light of the rulemaking and it is part of the decision making on how we treat the requests, given the Quileute's statements from November, March, and April.

In response to Mr. Anderson's second question, Mr. Lockhart confirmed that NMFS believes it is possible to transfer unused quota from the treaty to the non-treaty fishery.

I.4 Part I of Management Measures for 2011-2012 Fisheries

I.4.a Agenda Item Overview (04/14/10; 4:15 p.m.)

Ms. Kelly Ames and Mr. John DeVore provided the agenda item overview.

I.4.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Rob Jones provided Agenda Item I.4.b, Supplemental GMT Report and Agenda Item I.4.b, Supplemental GMT Report 2.

[Continuation of this agenda item on 04/15/10; 8:07 a.m.]

Mr. Jones provided Agenda Item I.4.b, Supplemental GMT Report 3.

Mr. Tommy Ancona summarized Agenda Item I.4.b, Supplemental GAP Report (8:44 a.m.).

Deputy Chief Mike Cenci provided Agenda Item I.4.b, Supplemental EC Report.

Ms. Vojkovich provided a brief summary of CDFG goals in this process.

Ms. Kirchner summarized Agenda Item I.4.b, ODFW Report 1 and ODFW Report 2.

Mr. Anderson summarized Agenda Item I.4.b, WDFW Report.

Mr. Sones provided Agenda Item I.4.b, Supplemental Tribal Report.

I.4.c Public Comment

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR

I.4.d Council Action: Adopt Preliminary Revised Rebuilding Plans for Overfished Species and a Preliminary Range of Alternatives including Overfished Species Annual Catch Limits and Management Measures for Analysis

Ms. Cooney commented on the rebuilding issues and the importance of taking the shortest amount of time to rebuild overfished stocks while taking into account the needs of fishing communities and the science. She underscored the importance of analyzing lower ACL alternatives than those decided as preliminary preferred to better inform impacts and understand rebuilding tradeoffs.

Mr. Anderson, referring to page 12 in Agenda Item I.2.a, Attachment 2, moved a motion (Motion 31 seconded by Mr. Myer) to adopt as a PPA a revised canary rockfish rebuilding plan that modifies the target rebuilding year (T_{TARGET}) from 2021 to 2027, while maintaining the status quo spawning potential ratio (SPR) harvest rate of 88.7 percent.

Mr. Anderson explained this will maintain the current rebuilding strategy and harvest limit. The change in T_{TARGET} is responsive to the new updated assessment and rebuilding analysis and is an appropriate approach given the known impacts to west coast fishing communities associated with canary rebuilding strategies.

Mr. Lockhart asked what went into the consideration for the motion and if he considered decreasing the harvest rate to maintain the status quo T_{TARGET} ? Mr. Anderson said the current T_{TARGET} of 2021 is not attainable even in the absence of any fishing mortalities and is therefore not scientifically viable.

Motion 31 carried unanimously.

Mr. Anderson referred to page 12 in Agenda Item I.2.a, Attachment 2 and moved a motion (Motion 32 seconded by Mr. Myer) to adopt as a PPA a revised Pacific Ocean perch (POP) rebuilding plan that modifies T_{TARGET} from 2017 to 2020 and establishes an SPR rate of 86.4 percent.

Mr. Anderson said maintaining the current T_{TARGET} is not possible even in the absence of any fishing. He believes this is the most conservative approach in terms of rebuilding the POP stock in the shortest time possible. The potential ACLs under the prescribed harvest rate are within the range of specified OYs in recent years.

Motion 32 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 33) to adopt the following 2011 and 2012 canary rockfish ACL alternatives for more detailed analysis: a preferred alternative with a 2011 ACL of 102 mt and a 2012 ACL of 107 mt; and a second alternative with a 2011 ACL of 49 mt and a 2012 ACL of 51 mt.

Mr. Anderson knows there is much interest in analyzing a higher ACL than the preferred alternative in the motion; however, there may be additional information that comes forward that might compel consideration for a higher ACL. The current canary OY of 102 mt appears to be manageable for the fishery this year. Therefore, he did not feel comfortable offering a higher ACL. The second ACL alternative for analysis is close to the 44 mt OY that was specified for several years. That harvest level was managed at a high cost to the fishing industry and coastal fishing communities. He felt the analysis of these two alternatives would provide a good contrast and give us the information needed to make a final decision in June.

Mr. Moore asked if the canary ACL alternative 5 (129 mt and 135 mt in 2011 and 2012, respectively) would be achievable under the status quo SPR rate and Mr. DeVore said that alternative has a higher harvest rate than that specified in the current rebuilding plan.

Motion 33 carried unanimously.

Mr. Anderson referred to page 12 in Agenda Item I.2.a, Attachment 2 and moved a motion (Motion 34 seconded by Mr. Myer) to adopt the following darkblotched rockfish ACL alternatives for more detailed analysis: a PPA ACL for darkblotched of 332 mt in 2011 and 329 mt in 2012, and an ACL alternative of 222 mt in 2011 and 2012.

Mr. Anderson said the preferred alternative rebuilds one year earlier than the current T_{TARGET} of 2028 and is consistent with the adopted rebuilding plan. The GMT indicated harvest levels less than 240 mt would have drastically reduced fishing opportunities and the second alternative will more thoroughly explore that. Mr. DeVore asked if the motion changes the T_{TARGET} in the rebuilding plan from 2028 to 2027 and Mr. Anderson said no, the motion would simply increase the probability of rebuilding by the current T_{TARGET} .

Motion 34 carried unanimously.

Mr. Anderson referred to page 12 in Agenda Item I.2.a, Attachment 2 and moved and Mr. Myer seconded a motion (Motion 35) to adopt the following POP ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 180 mt and 183 mt for 2011 and 2012, respectively; and a second alternative of 80 mt for 2011 and 2012.

Motion 35 carried unanimously.

Mr. Anderson referred to page 13 in Agenda Item I.2.a, Attachment 2 and moved and Mr. Myer seconded a motion (Motion 36) to adopt the following widow rockfish ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 400 mt for 2011 and 2012; and a second alternative of 200 mt for 2011 and 2012.

Mr. Anderson said he was aware there was industry desire for a higher widow ACL than 400 mt. However, the level of harvest under the PPA is within the current projected mortality of 375 mt in the 2010 fishery as indicated in the GMT scorecard.

Ms. Vojkovich voiced concern with using the scorecard as an indicator of the needs of fishing communities. The current OY is significantly higher than the projected mortality in the scorecard. She is concerned that we may not get an adequate analysis for a final decision by analyzing such a limited range of ACLs (i.e., 200-400 mt).

Ms. Vojkovich moved and Mr. Crabbe seconded a substitute motion (Motion 37) to adopt a PPA widow ACL of 600 mt for 2011 and 2012.

Ms. Vojkovich would like to see the results of having some catch limit that approximates our current fishery since there is no difference in the median time to rebuild across the range of all the initial ACL alternatives since the stock is predicted to be rebuilt in 2010.

Mr. Myer asked Ms. Vojkovich if the second alternative for detailed analysis would remain at 200 mt and Ms. Vojkovich said yes.

Motion 37 carried unanimously.

Mr. Anderson referred to page 13 in Agenda Item I.2.a, Attachment 2 and moved and Mr. Myer seconded a motion (Motion 38) to adopt the following yelloweye rockfish ACL alternatives for more detailed analysis: a preliminary preferred ACL alternative of 20 mt for 2011 and 2012; and a second alternative of 13 mt for 2011 and 2012.

Mr. Anderson said the PPA would maintain the current T_{TARGET} of 2084 at a slightly lower harvest rate than that specified in the current rebuilding plan. Maintaining the current SPR harvest rate predicts a median time to rebuild of 2087.

Motion 38 carried unanimously.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 39) to adopt the following ACL alternatives for more detailed analysis for bocaccio south of 40°10' N. latitude: an ACL alternative of 263 mt for 2011 and 274 mt for 2012; and a second alternative of 53 mt in 2011 and 56 mt in 2012. No preferred alternative was provided.

Ms. Vojkovich said the 263 mt ACL maintains the current harvest rate in our rebuilding plan. The analysis should address the rebuilding paradox and how management might be affected when a strong episodic recruitment event occurs. The first alternative provides some management flexibility in that case. The second alternative is more in line with the most recent catches. This appears to be a good range of ACL alternatives for detailed analysis. Both alternatives are predicted to rebuild the stock faster than the current T_{TARGET} .

Motion 39 carried unanimously.

Mr. DeVore asked for clarification that there is no PPA specified in the motion and Ms. Vojkovich said that was correct.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 40) to adopt the following ACL alternatives for more detailed analysis for cowcod south of 40°10' N. latitude: a preliminary preferred ACL alternative of 4 mt in 2011 and 2012, and a second ACL alternative of 2 mt in 2011 and 2012.

Ms. Vojkovich thought this was a reasonable range of ACL alternatives for detailed analysis.

Motion 40 carried unanimously.

Ms. Vojkovich requested that the analysis of these ACL alternatives consider the implications and management measures associated with a delay in implementing the trawl rationalization program.

Ms. Ames directed the Council to the GMT-recommended yield set-asides for overfished species in Table 8 on page 9 of Agenda Item I.4.b, Supplemental GMT Report. There is a need to adopt set-asides to enable more detailed analysis under this agenda item.

The Council discussed the basis for the GMT-recommended set-asides and especially explored the canary rockfish set-aside for the tribal whiting fishery and how that associates with the whiting yields set-aside for 2011 and 2012.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 41) to adopt the set-asides for overfished species to be used in the 2011-2012 specifications analysis as shown in Table 8 of Agenda Item I.4.b, Supplemental GMT Report.

Mr. Moore moved to amend Motion 41 (Amendment 1 to Motion 41) to substitute a research set-aside of 4.5 mt for canary rockfish and adjust the totals accordingly. Mr. Anderson seconded the motion to amend for discussion purposes.

Mr. Moore said the 7.2 mt research set-aside for canary in Table 8 reflects a lightning strike incident that occurred in 2006. The 4.5 mt research set-aside is about the average amount taken in research fisheries since 2006. He was confident we can stay within the 4.5 mt research set-aside as we have every year since 2006. Mr. Anderson asked when do we get the results of the impacts in research fisheries and Ms. Ames said we get the final update of research take in the trawl survey at the November meeting.

Amendment 1 to Motion 41 carried. Mr. Anderson, Ms. Vojkovich, and Ms. Kirchner voted no. Motion 41 as amended carried unanimously.

Ms. Ames directed the Council to the GMT-recommended management measures for more detailed analysis in Agenda Item I.4.b, Supplemental GMT Report 2.

Ms. Vojkovich referred to page 13 of Supplemental GMT Report 2 and moved and Mr. Crabbe seconded a motion (Motion 42) to remove items 1 thru 12 from further analysis.

Ms. Vojkovich said she agreed with the GMT to remove these management measures from detailed analysis. She is concerned with GMT workload between now and the June Council meeting. Further, these items were identified as a low priority at the November 2009 Council meeting.

Motion 42 carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 43) to include the following management measures for detailed analysis: recommendation # 21 in Supplemental GMT Report 2; the additional option on page 2 in Agenda Item I.4.b, Supplemental CDFG Report I.4.b, "elimination of the 10 fathom depth closure around Farallon Islands and Noon Day Rock"; item #24 in Supplemental GMT Report 2 (also recommended by the EC); item #28 in Supplemental GMT Report, which is the contingency plan of analyzing management measures if trawl rationalization is not implemented; item #29 in Supplemental GMT Report 2; and item #31 in Supplemental GMT Report 2.

Mr. Lockhart said that workload has been mentioned a lot and he appreciates the vote on the prior motion. At this point in time we are voting for items to go forward for analysis. Our ability to move forward in the regulatory process will be constrained by efforts to implement trawl rationalization and the other amendments contemplated to go through the system. He will not vote against this motion, but NMFS intends to prioritize the adoption of biennial harvest specifications and implementation of trawl rationalization above all else.

Mr. Anderson agreed with Mr. Lockhart's priorities and added that one part of the analysis of management measure alternatives needs to be the ability to enforce current regulations. State agency staff should do the analysis of recreational management measures. Ms. Vojkovich agreed and said she would be directing her staff accordingly.

Motion 43 carried unanimously.

Ms. Kirchner referred to Supplemental GMT Report 2 and moved a motion (Motion 44 seconded by Mr. Moore) to remove items #13, #14, and #32 from detailed analysis. She added that the item #25 will be done under a state of Oregon process. She recommended items #16 and #30 as high priorities. The final part of the motion is to adopt the range of management measures for the Oregon recreational fishery outlined in ODFW Report 1.

Mr. Lockhart thought analyzing item #16 would be a huge workload and Ms. Kirchner said ODFW staff has done a lot of work on this item. Mr. Lockhart asked if the intent is to change elements of the trawl rationalization program in June and whether this analysis can be delayed. Ms. Kirchner said any new elements can be implemented when trawl rationalization is implemented.

Mr. Lockhart moved and Mr. Ortmann seconded a motion to amend Motion 44 (Amendment 1 to Motion 44) to remove item #16.

Mr. Lockhart said this analysis has the potential to take up a lot of the GMT's time and will involve Northwest Region staff and NOAA GC when addressing regulations. He did not see how we can get this done and have a meaningful conversation in June.

Amendment 1 to Motion 44 carried. Mr. Crabbe, Mr. Myer, Mr. Moore, and Ms. Kirchner voted no. Motion 44 carried unanimously.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 45) to analyze the following four items outlined in Supplemental GMT Report 2: high priority items #15, #17, #23, and #26.

Mr. Moore said the EC recommended these analyses. Ms. Kirchner said the analysis of item #23 will need to address whether changes to landing requirements will work with the coastal states. Mr. Moore said the intent of the motion is to look at existing state regulations. Ms. Vojkovich addressed the issue of ice and slime and thought it did not seem likely the GMT would be able to adequately work on this. Deputy Chief Cenci said the EC would address that item.

Motion 45 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 46) to include the items in Agenda Item I.4.b, Supplemental WDFW Report for analysis. The motion includes an investigation of separate harvest guidelines for Oregon and Washington recreational fisheries.

Ms. Vojkovich moved and Mr. Anderson seconded an amendment to Motion 46 (Amendment 1 to Motion 46) to include the items recommended for analysis in Agenda Item I.4.b, Supplemental CDFG Report.

Amendment 1 to Motion 46 carried unanimously. Motion 46 carried unanimously.

Mr. Sones moved and Mr. Anderson seconded a motion (Motion 47) to include for analysis the items listed in Agenda Item I.4.b, Supplemental Tribal Report.

Motion 47 carried unanimously.

Ms. Kirchner asked Mr. Anderson for clarification on whether Motion 46 pertained to the recommendation in the WDFW report to investigate separate recreational harvest guidelines for canary and yelloweye and Mr. Anderson said yes.

[Agenda Item I.4 closed at 11:56 a.m.]

I.5 Consideration of Inseason Adjustments (04/14/10; 4:03 p.m.—done ahead of I.4)

I.5.a Agenda Item Overview

Ms. Kelly Ames provided the agenda item overview.

I.5.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Robert Jones presented Agenda Item I.5.b, Supplemental GMT Report. Mr. Ancona said the GAP agreed with the GMT.

I.5.c Public Comment

None.

I.5.d Council Action: Adopt Final Recommendations for Adjustments to 2010 Groundfish Fisheries

Mr. Rod Moore moved and Ms. Kirchner seconded a motion (Motion 30) to reduce the LE non-whiting trawl fishery north of 40°10' N. latitude trip limit for minor slope and darkblotched rockfish from 6,000 pounds/2 months to 2,000 pounds/2 months, starting May 1, 2010 through the rest of the year (i.e., Periods 3-6) as shown in Agenda Item I.5.b, Supplemental GMT Report. Motion 30 carried unanimously.

Mr. Lockhart announced that NMFS has hired Mr. Sean Matson to work with the GMT and inseason management. He will start April 26.

The Council then went to the agenda item overview for Agenda Item I.4.

I.6 Part II of Management Measures for 2011-2012 Fisheries

I.6.a Agenda Item Overview (04/15/10; 5:58 p.m.)

Ms. Ames walked the Council through the situation summary and Agenda Item I.6.a, Supplemental PowerPoint. Ms. Vojkovich and Mr. David Crabbe were absent during this agenda item.

I.6.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Jones summarized Agenda Item I.6.b, Supplemental GMT Report. The GAP reported that, due to scheduling changes, it did not have time to review the GMT report and discuss this matter.

I.6.c Public Comment

Mr. Tommy Ancona, Tommy's Marine Service, Fort Bragg, CA

I.6.d Council Action: Adopt Revised Rebuilding Plans for Overfished Species and a Preliminary Range of Alternatives including Overfished Species Annual Catch Limits and Management Measures

Mr. Anderson moved, and Mr. Myer seconded, a motion (Motion 67) to adopt the petrale set-aside of 104.6 metric tons to be used for the 2011-2012 specifications. Mr. Anderson explained that he used a maximum catch of 10 mt, instead of the 17 mt which was seen in 2007, when estimating the research set-aside (Agenda Item I.6.b, Supplemental GMT Report, Table 1). The remaining values in Table 2 were used in calculating the total impacts for the petrale sole set-asides.

Motion 67 carried unanimously.

Mr. Anderson said he was struggling with the T_{TARGET} and the SPR harvest rate for petrale sole. He had ACLs contemplated based on Table 7 in Agenda Item I.4.b, Supplemental GMT Report 3. He asked where he could find the associated $T_{TARGETS}$ and SPR harvest rates.

Mr. DeVore directed Mr. Anderson's attention to Agenda Item I.2.a, Attachment 2; Table 2-4.

Mr. Anderson asked about GMT Supplemental Report 3. On page 2 of that document, the top of the page lists the four alternatives. Alternative 3 has harvesting at the MSY proxy harvest rate with a 25-5 precautionary adjustment. Is the proxy harvest rate 0.30?

Mr. DeVore said there was no proxy harvest rate associated with that alternative; it is an analog to the 40-10 harvest control rule; it's a variable harvest rate strategy. Each year, the harvest rate changes. Mr. Anderson said he wanted to understand the T_{TARGET} and SPR harvest rate under that alternative. Mr. Anderson said, looking at Agenda Item I.2.a, Attachment 2, Table 2-4; toward the bottom, "petrale with a winter fishery" – under Alternative 3, the median time to rebuild is 2016, and the SPR rate is pursuant to the rules, and needs to be calculated. Mr. DeVore said, under the 25-5 rule, which was adopted under Amendment 23, with a winter fishery, the 25-5 rule would give you a 2011 ACL of 776 mt; a 2012 ACL of 1,160 mt; and a median time to rebuild of 2015.

Mr. Anderson said he was thinking of the following phase-in of Alternative 3 (using the 25-5 rule) in a manner that would in 2011 set the ACL equal with the ABC (976 mt); and in the second year, in 2012, transition to full implementation of the 25-5 rule of Alternative 3, so the ACL would be 1,160 mt. He assumes the SPR harvest rate could be calculated; when he looked at supplemental GMT Report 3, page 4 of that report, there are two graphs there, and you can see that Alternative 3 and Alternative 4 essentially rebuild at the same rate for the first three years or so. He felt that the Council could phase in to the full implementation of Alternative 3. He felt it was a fairly draconian approach under Alternative 3 to set the ACL at 776 mt. That is the rationale. However, before he put it in motion form, he wanted to know if it would affect the T_{TARGET} of 2015. Mr. DeVore said it might; the Stock Assessment Team could easily run this. He speculated that if it did change the T_{TARGET} , it might go to 2016 or something like that.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 68) to develop a petrale sole rebuilding plan with a preliminary T_{TARGET} of 2015 and a phase in of Alternative 3 (25-5 rule) in a manner that the 2011 ACL would be equal to the ABC (976 mt); for 2012, transition to full implementation of the 25-5 rule under Alternative 3 which would set an ACL of 1,160 mt.

In speaking to his motion, Mr. Anderson said he considered the rate of rebuilding and implications to industry in Table 7 of the GMT report (Agenda Item I.4.b, Supplemental GMT Report 3). Mr. Anderson felt that having a year-round fishery was important to the fishery and processing sector in order to sustain and maintain a market.

Mr. Moore noted that according to the PacFin database, the total exvessel value of petrale in 2009 was over \$3 million. The ACL value chosen by Mr. Anderson would be between 28 and 37 percent of that. It is a significant reduction in value, and appeared to be the minimum necessary to provide for local communities while allowing rebuilding.

Mr. DeVore said that given the 25-5 harvest rule scenario, you will get year-specific SPR rates; that is part of the output you will see in June.

Motion 68 carried unanimously.

Ms. Ames asked, what sectors should be affected, and how should the non-treaty trawl fishery be structured? Your motion aims at a year-round fishery, but the first question about whether both trawl and non-trawl sectors should be restricted needs to be clarified.

Mr. Moore asked for clarification on the trawl and non-trawl allocations under Amendment 21, also noting that those allocations could be modified since petrale is overfished. Ms. Ames said it was 95 percent trawl and 5 percent non-trawl fisheries.

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 69) to affect the sectors proportionate to the allocation percentages that are provided in Amendment 21.

Mr. Moore said we went through a thorough allocation analysis when developing Amendment 21. I don't see any reason to move away from that allocation percentage, even though petrale is overfished. It is primarily a trawl species.

Motion 69 carried unanimously.

Mr. Anderson asked if two alternatives were needed for analysis. Ms. Cooney said yes. Mr. DeVore said he could analyze the next lower number in Alternative 2.

Mr. Anderson moved (Motion 70) regarding ACLs for petrale, as a second alternative for analysis, the ACLs associated with Alternative 2 be analyzed; understanding that the previous motion, with the phase in of Alternative 3, is the Council's preferred alternative. Mr. Moore seconded the motion.

Motion 70 carried unanimously.

Mr. Anderson asked Ms. Ames to explain what is needed for the buffers, harvest guidelines, and ACTs. Ms. Ames directed Mr. Anderson's attention to Supplemental GMT Report, Agenda Item I.6.b, pages 4-5. She explained the GMT's report. Mr. Meyer asked if, in this particular report, we are looking for buffers, harvest guidelines, and ACTs for all species, for overfished species, or just petrale? How broad? Ms. Ames said she believed the GMT was trying to draw the Council's attention to the species where an ACT might be considered – those where we have had issues staying below the OY in some years. Mr. Meyer asked another clarifying issue about buffers. Ms. Ames explained that ACTs are generally used by east coast fishery managers who do not have the ability to track in-season. Ms. Ames said it might be sufficient to ask the GMT to come back with recommendations.

Mr. Lockhart said he believes the NS1 guidelines do require action if the ACT is projected to be attained. He reminded the Council of presentations given by NOAA Fisheries headquarters staff relative to the ACT. He said the ACT concept was generally for the management style of the east coast fisheries, where there is no ability to track fisheries inseason. The use of an ACT gives them a buffer since they cannot take inseason action.

Mr. Anderson noted that many of the overages displayed in Table 3 (Agenda Item I.6.b, Supplemental GMT Report) were over ten years ago. Mr. Anderson asked the GMT to take a closer look at this, and look at how to use buffers to ensure that we stay within our overfished species ACLs as one approach; and provide specific recommendations for ACTs and/or buffers based on performance during recent years. The Council concurred.

Ms. Ames noted that on the issue of two-year allocations for yelloweye, canary, bocaccio, and cowcod, the Council should see Agenda Item I.6.b, pages 14 through 17 (GMT report). For yelloweye and canary, the Council's PPA was to use the March 2009 scorecard. We do not have a PPA for bocaccio and cowcod; we are seeking guidance on that for preliminary analysis.

Mr. Myer asked about how to use the scorecard. Ms. Ames explained, walking the Council through the example of yelloweye.

Ms. Kirchner asked a process question about setting a range of alternatives. Ms. Ames explained that the Council would be setting a preliminary preferred allocation scheme for more detailed analysis; the remaining alternatives will be considered but rejected.

Mr. Anderson moved (Motion 71) to use the 2009/2010 specifications EIS alternatives as our PPA for yelloweye, bocaccio, and cowcod. The motion did not include canary. Mr. Myer seconded Motion 71.

Mr. Anderson noted that the March 2009 scorecard is currently being used as guidance. He said it was clear that, when matched up with the ACLs we've identified, it doesn't work in several cases. Given that our 2009/2010 specifications process involved the full public process and represents our most recent action related to allocation, that seems to be the most current, and it seems to work in all cases, except for canary.

Mr. Wolford said that using the 2009/2010 specifications EIS for cowcod does not work well for California recreational, so he would not like to use it there. California would prefer to use the March 2009 scorecard or the 2008 total mortality report. Mr. Wolford moved to amend Motion 71 to specify that for cowcod, we analyze two of these alternatives; one being the 2008 total mortality report, and the other being the March 2009 scorecard. Mr. Anderson seconded the amendment.

Mr. Wolford said these numbers would work best for the California recreational arena.

The amendment to Motion 71 carried unanimously. Motion 71 as amended carried unanimously.

Mr. Anderson asked, regarding canary, in looking at 2009/2010 specifications on page 15, second table, for the 102 mt under Alternative 4, the 102/107 mt piece, do the values in the recreational rows reflect recent harvest mortalities for canary in the three states?

Ms. Ames said the values in the status quo column are the harvest guidelines, not the projected impacts. She directed the Council to look at Agenda item I.4., Attachment 3; Table 3, page 11. That shows you the 2005-2009 estimated total mortality of overfished species in the recreational fisheries, compared to the harvest guidelines.

Mr. Anderson said, when he looks at canary, the mortalities in the recreational fisheries are in some cases substantially less than the values on page 15. In looking at LE non-trawl, April 2010, the value assigned to nonwhiting is 21.3 mt, and the values are 15.7 and 16.7 respectively. It appears to him that there is room to move some fish from the recreational sector to the LE trawl sector, so none of the rows would be shaded.

Ms. Kirchner said the tables are missing some shading for open access (OA), directed, and LE fixed gear. Looking at Alternative 4, for the March 2009 scorecard, neither OA directed or LE fixed gear is accommodated with this allocation scheme; nor under the 2009-10 specifications scorecard. Under the 2007-08 specifications, Alternative 4, it looks like LE fixed gear is almost accommodated, but not quite; for 2005-06, OA directed and LE fixed gear is not accommodated; and the mortality reports are also missing some shading.

Mr. Moore asked Ms. Ames, at one time we had a commercial/recreational allocation on canary, going back several years; I cannot recall what was adopted recently in the specifications. Do we still have any allocation? Can we explore Mr. Anderson's idea of moving fish around based on mortality rates?

Ms. Ames said sufficient guidance might be to ask how much fish from the recreational sector might be moved; the GMT could tell you how that would change opportunities in the fisheries that would have the shaded cells. As Ms. Kirchner pointed out, that would now be LE nonwhiting trawl, OA directed, and LE fixed gear if you're working off the March 2009 scorecard.

Mr. Anderson said it also looks like that under LE trawl whiting. If he looks at the values under Alternative 4 under the 2009-10 specifications, vs. what we have as status quo, that he's not sure we've got enough. He's interested in finding a combination to accommodate the fisheries that we've identified relative to recreational fisheries, and then looking at distributing the commercial piece, if we can, in a way that doesn't end up "shaded gray" – although he knows he can't do that now.

Ms. Ames suggested that the Council instruct the GMT to start with the April 2010 scorecard percentages. Under that scenario, all fisheries appear to be accommodated, and there is a balance in the scorecard (Agenda Item I.5.b, Supplemental GMT Report).

Mr. Anderson moved (Motion 72) that we preliminarily adopt for canary the distribution of the ACL between sectors consistent with our April 2010 scorecard. Ms. Kirchner seconded motion 72.

Motion 72 carried unanimously.

Ms. Ames directed the Council's attention to Agenda Item Report I.6.b, Supplemental GMT Report; page 12, tables 9-11.

Mr. Moore moved (Motion 73) a preliminary allocation for minor shelf rockfish north and south. The allocations would be based on the average mortality percentages by sector from 2005-2008 as seen in Table 11. Ms. Kirchner seconded Motion 73.

Mr. Moore said he had thought about using the years from the intersector allocation framework (2003-2007), as was done previously, but those appeared to use catch numbers based on earlier years, and he felt we should use more recent years' total mortality numbers (2005-2008). Since the GMT provided that to us, that seemed a reasonable place to start.

Motion 73 carried unanimously.

Mr. Anderson moved (Motion 74) for longnose skate, to use the 95 percent trawl/5 percent non-trawl as the allocation between the sectors. Mr. Moore seconded motion 74.

Mr. Anderson said this is consistent under the allocations we made under Amendment 21; longnose skate is mainly a trawl species.

Motion 74 carried unanimously.

Mr. Moore moved (Motion 75) a preliminary preferred allocation of longnose skate to the whiting fishery of one percent of the trawl allocation, Mr. Myer seconded Motion 75. Mr. Moore noted some trace skate bycatch in the whiting fishery.

Mr. Myer asked if we could analyze a range between one and five percent as an alternative. Mr. Anderson moved to amend Motion 75 to provide a second alternative of 95 percent non-whiting and 5 percent whiting. Ms. Lowman seconded the amendment to Motion 75.

Mr. Anderson said that having an analysis of a wider range of options would improve opportunities for public input.

Amendment to Motion 75 carried unanimously. Motion 75 carried unanimously.

[I.6 done at 7:31 p.m.]

J. Pacific Halibut Management

J.1 Incidental 2010 Catch Regulations in the Salmon Troll Fishery (04/14/10; 1:53 p.m.)

J.1.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview.

J.1.b Reports and Comments of Management Entities and Advisory Bodies

Dr. McIsaac read Agenda Item J.1.b, Supplemental SAS Report.

J.1.c Public Comment

None.

J.1.d Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions for the Salmon Troll Fishery

Ms. Culver moved and Mr. Cedergreen seconded a motion (Motion 29) to adopt the following Pacific halibut landing restrictions:

Option 2: Beginning May 1, license holders may land no more than one halibut per each **three** Chinook, except one halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must be no less than 32 inches in total length (with head on).

Motion 29 carried unanimously.

K. Administrative Matters

K.1 Legislative Matters (04/15/10; 3:33 p.m.)

K.1.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

K.1.b Legislative Committee Report

Mr. Mike Burner read Agenda Item K.1.b, Supplemental Legislative Committee Report.

K.1.c Reports and Comments of Advisory Bodies and Management Entities

None.

K.1.d Public Comment

None.

K.1.e Council Action: Consider Legislative Committee Recommendations

Mr. Moore moved and Ms. Kirchner seconded a motion (Motion 53) to adopt the Legislative Committee report (Agenda Item K.1.b, Supplemental Legislative Committee Report). Motion 53 carried. Mr. Lockhart abstained.

K.2 Membership Appointments and Council Operating Procedures

K.2.a Agenda Item Overview (04/14/10; 3:48 p.m.)

Dr. Coon provided the agenda item overview.

K.2.b Reports and Comments of Management Entities and Advisory Bodies

None.

K.2.c Public Comment

None.

K.2.d Council Action: Consider Changes to Council Operating Procedures and Advisory Body Appointments as Needed

Ms. Vojkovich moved and Mr. David Crabbe seconded a motion (Motion 54) to appoint Ms. Meisha Key to the CDFG position on the SSC (replacing Mr. Tom Barnes). Motion 54 carried unanimously.

LT Brian Chambers moved and Mr. Lockhart seconded a motion (Motion 55) to confirm LT Steve Arnwine as the 11th Coast Guard District representative on the EC (replacing LT Brittany Steward). Motion 55 carried unanimously.

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 56) to appoint Ms. Suzanne Kohin to the NMFS Southwest Fishery Science Center position on the Highly Migratory Species Management Team (replacing Dr. Kevin Piner). Motion 56 carried unanimously.

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 57) to appoint Mr. Merrick Burden to the conservation position on the Highly Migratory Species Advisory Subpanel. Motion 57 carried unanimously.

Mr. Lockhart moved and Mr. Wolford seconded a motion (Motion 58) to establish the following ad hoc committees as described in Agenda Item K.2.a, Supplemental Attachment 1: Groundfish Regulatory Workgroup and the Tule Chinook Abundance-Based Management Workgroup.

Mr. Anderson, regarding the tule Chinook abundance-based workgroup, noted he did not understand why the Council was establishing that ad hoc committee. He thought that the states and NMFS would be meeting to deal with that issue. If those discussions lead to identifying the need for a Council committee that could be dealt with at the June Council meeting. He will be voting no.

Mr. Moore moved to amend the motion (Motion 58) to remove the ad hoc Tule Chinook Abundance Based Management Workgroup. Mr. Steve Williams seconded the amendment.

Dr. McIsaac agreed that the Council could deal with the tule Chinook committee issue in June. Amendment to Motion 58 carried unanimously. Motion 58 as amended passed unanimously.

Chairman Ortmann appointed the following people to the ad hoc committee for the Groundfish Regulatory Workgroup: Dr. Dave Hanson, (Chair), Mr. Merrick Burden, Mr. Joe Sullivan, Mr. Corey Niles, Mr. Craig Urness, Mr. Dayna Matthews, Mr. Robert Alverson, Mr. Pete Leipzig, AC Tony Warrington, Mr. Brent Paine, Mr. Michael Lake, Ms. Donna Parker, and Mr. Dan Waldeck (Mr. David Jincks was later added to the committee).

Mr. Mallet moved and Mr. Moore seconded a motion (Motion 59) to eliminate the Idaho at-large position on the Ecosystem Advisory Subpanel. Motion 59 carried unanimously.

The Council then moved on to Agenda Item I.2.d (for the fourth time).

K.3 Future Council Meeting Agenda and Workload Planning

K.3.a Agenda Item Overview (04/15/10; 7:37 p.m.)

Dr. Don McIsaac reviewed the proposed changes in the Year-at-a-Glance Summary (K.3.a, Supplemental Attachment 3) and Proposed June Agenda (K.3.a, Supplemental Attachment 4). The changes were primarily aimed at eliminating nonessential agenda items to ensure room for the groundfish biennial specification process, the deeming of Groundfish Amendments 20 and 21, and necessary items for highly migratory species, coastal pelagic species, and salmon. The agenda is projected to take a full six days.

K.3.b Reports and Comments of Management Entities and Advisory Bodies

Agenda Item K.3.b, Supplemental HMSAS Report was referenced by Council staff.

K.3.c Public Comment

Mr. Joe Sullivan, The Nature Conservancy, San Francisco, CA
Mr. Shems Jud, Environmental Defense Fund, Portland, OR

K.3.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning

Council members suggested inseason changes in groundfish management only be considered if the issues were significant and that the deeming item be started on Tuesday afternoon to ensure adequate time.

Dr. McIsaac noted that Council staff suggested the Groundfish Allocation Committee meeting in mid-May be canceled to allow more time for the GMT to work on management alternatives. The Council concurred.

Dr. McIsaac spoke about trailing amendments for the trawl rationalization program and workshops as proposed by the public. He stated that workload pointed toward September as the earliest the workshops could be held. He did not see how it would be possible to participate over the summer.

Ms. Lowman suggested adding the trailing amendment item to the March meeting to make it a three-meeting process.

Council adjourned at 8:02 p.m., Thursday, April 15, 2010.



Mark Cedergreen
Council Chairman

April 13, 2011

Date