

MINUTES
201st Session of the
Pacific Fishery Management Council
October 31-November 5, 2009
Hilton Orange County/Costa Mesa
3050 Bristol Street, Costa Mesa, California 92626

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A. Call to Order

A.1 Opening Remarks (10/31/09)

Mr. Dave Ortmann, Chair, called the 201st meeting of the Pacific Fishery Management Council (Council) to order on Saturday, October 31, 2009 at 1:40 p.m. A closed session was held from 11 a.m. to 1:25 p.m. to discuss litigation and personnel matters.

Mr. David Sones, Tribal Obligatory member was sworn in by Mr. Frank Lockhart (appointment effective today, with voting privileges effective 11/2/09).

A.3 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 Corrigan (US Coast Guard, non-voting, designee)
Ms. Michele Culver (Washington State Official, designee)
Mr. David Crabbe (California Obligatory)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region, designee)
Ms. Dorothy Lowman (Oregon Obligatory)
Mr. Jerry Mallet (State of Idaho Official, designee)
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, designee)
Mr. David Sones (Tribal Obligatory)
Mr. Gordon Williams (State of Alaska Official, non-voting designee)
Mr. Steve Williams (State of Oregon Official, designee)
Mr. Dan Wolford, Vice Chairman (At-Large)
Ms. Marci Yaremko (State of California Official, designee)

The following Council members were present for portions of the meeting:

Mr. David Hogan (US State Department, non-voting); present 11/01
Mr. Phil Anderson (Washington State Official), present from 11/1 through 11/5
Ms. Marija Vojkovich (State of California Official, designee), present 11/2 through 11/5

A.3 Report of the Executive Director

Dr. Don McIsaac briefed the Council on the three informational reports (Preseason Salmon Management Schedule for 2010; Status Report on 2009 Ocean Salmon Fisheries; and the Olympic Coast National Marine Sanctuary Activity Report).

A.4 November Council Meeting Agenda

Chairman Ortmann asked for approval of the meeting agenda.

A.4.a Council Action: Adopt Agenda

Mr. Rod Moore moved and Mr. Jerry Mallet seconded a motion (Motion 1) to approve the meeting agenda as shown in Agenda Item A.4, Proposed Council Meeting Agenda. Motion 1 passed unanimously. Dr. McIsaac noted that Agenda Item G.7 (National Catch Share Task Force Report) might not occur as the report had not yet been cleared by headquarters. However, it was not removed from the agenda in the event that it was cleared by the time of the agenda item. [Agenda Item G.7 did not occur]

B. Open Comment Period

B.1 Comments on Non-Agenda Items (10/31/09; 1:57 pm)

B.1.a Management Entity and Advisory Body Comments

None.

B.1.b Public Comments

Mr. Ralph Brown, Brookings, OR. Spoke about his participation in a Council Environmental Quality Task Force.

B.1.c Council Discussion of Comments as Appropriate

None.

C. Pacific Halibut Management

C.1 2010 Pacific Halibut Fishery Regulations

C.1.a Agenda Item Overview (10/31/09; 2:11 pm)

Mr. Chuck Tracy presented the agenda item overview.

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

Ms. Culver presented Agenda Item C.1.b, Supplemental WDFW Report.

Mr. Steve Williams presented Agenda Item C.1.b, Supplemental ODFW Report.

Mr. John Holloway reported the GAP supported the recommendations contained in the supplemental reports from ODFW and WDFW.

C.1.c Public Comment

None.

C.1.d Council Action: Adopt Final Changes to the 2010 Pacific Halibut Catch Sharing Plan and Annual Fishery Regulations

Ms. Michele Culver moved (Motion 2) to adopt the recommendations contained in Agenda Item C.1.b, Supplemental WDFW Report. Mr. Mark Cedergreen seconded the motion

Mr. Steve Williams noted concerned with the proposal for lingcod retention in the WDFW proposal and the potential effects on yelloweye rockfish impacts. Ms. Culver replied that WDFW would carefully monitor canary and yelloweye impacts and take appropriate inseason action if limits were approached.

Ms. Cooney noted that there would have to be inseason action to conform groundfish regulations allowing lingcod retention under limited circumstances.

Motion 2 passed unanimously.

Mr. Steve Williams moved (Motion 3) to adopt the recommendations contained in Agenda Item C.1.b, Supplemental ODFW Report. Mr. Rod Moore seconded the motion; Motion 3 passed unanimously.

D. Ecosystem Management

D.1 Ecosystem Based Fishery Management Plan (10/31/09; 2:35 pm)

D.1.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

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

Dr. Steve Ralston provided Agenda Item D.1.b, Supplemental SSC Report. Mr. Joel Kawahara presented Agenda Item D.1.b, Supplemental HC Report.

Mr. Lockhart briefly went over Agenda Item D.1.b, NMFS Report. Ms. Yvonne deReynier, NMFS, responded to questions. Mr. Moore asked if there was an existing plan in another region that could serve as good model for the Council to consider. Ms. deReynier said that it depended on the direction the Council was interested in taking. She continued to say that if the Council was interested in developing an ecosystem plan that had some level of regulatory authority, the NPFMC example is not a good fit. The WPFMC has taken perhaps the broadest regulatory approach with its geographically based FMPs and the SAFMC has centralized some of its regulatory issues (habitat, spatial management) under an ecosystem plan.

D.1.c Public Comment

Mr. Ralph Brown, trawler, Brookings, OR

Mr. Ben Enticknap, Oceana, Portland, OR

Ms. Pam Lyons Gromen, National Coalition for Marine Conservation, Leesburg, VA

D.1.d Council Action: Conduct Initial Scoping and Planning for the Fishery Management Plan

Mr. Burner reviewed the task at hand as well as Agenda Item D.1.a, Supplemental Attachment 2, a review of Council history on this matter and a list of potential topics for discussion.

Ms. Cooney clarified for the Council that agencies that continue to have a vacancy on the EPDT this meeting could still be given provisional approval for temporary representation between now and the March meeting when the Council takes up appointments later in this week.

Ms. Culver was appreciative of the Council staff summary of Council actions and highlighted previous Council recommendations. Ms. Culver noted that the reference materials and comments have posed several questions and opinions on issues and appropriate Council direction and that she envisions a process of identifying alternatives and tradeoffs as part of the Council's initial direction. In particular she is interested in the inclusion of State-managed fisheries, either those fisheries for which authority has been formally delegated to the States (Dungeness crab) or those fisheries that the State manages due to an absence of a Council FMP.

Ms. Cooney clarified that if the Council pursues management authority under an ecosystem plan, the requirements of the MSA will apply. It sounds like what is on the table may be a hybrid between an informational plan and species focused FMP where the existing FMPs continue under an overarching plan that may provide additional authorities. However, this new approach needs further development and review before it can be approved and implemented.

Mr. Lockhart spoke in support of further development of the plan and agreed with Chair Ortmann that it would not be wise at this early stage of the process to unduly limit the range of options the EPDT and EAS can explore. To start, we could focus on what we are currently doing well and where our management could be better informed. It is too early to tackle the last two bullets, preparation of a SAFE document or agreeing to a schedule. He felt that completing the following tasks contained in Agenda Item D.1.a, Supplemental Attachment 2 by March would be ambitious and he felt that June would be acceptable:

- Schedule presentations by scientists from the NMFS Northwest and Southwest Fisheries Science Centers on the state of the science in support of ecosystem-based fishery management.
- Review the Council record of dialogue on ecosystem-based fishery management including statements by the Council, its advisory bodies, and the public.
- Review the existing Council FMPs to identify existing approaches and commonalities regarding ecosystem approaches to management.
- Inventory ecosystem-related management tools for their applicability to the EFMP process.
- Review existing ecosystem-based management efforts of other regional fishery management councils.

Ms. Culver requested that the EPDT prepare a report to the Council that includes statement of purpose and need; a list of initial goals and objectives; a range of options on the geographic range of the EFMP, the regulatory scope of the EFMP, and the management unit species within the EFMP; and list miscellaneous issues to be addressed by an EFMP.

Dr. McIsaac stated that the development of this plan is currently funded and has the luxury of time relative to some of the more time sensitive management actions the Council is familiar with. The Council

will have an opportunity to review and provide comments on the results of today's tasks and guidance before a final direction is identified. He added that if agencies with vacancies on the EPDT nominate individuals between now and the March meeting that the Council could likely identify the required travel funding as an interim measure.

E. Habitat

E.1 Current Habitat Issues (10/31/09 4:14 pm)

E.1.a Agenda Item Overview

Dr. John Coon provided the agenda item overview. He noted Supplemental Revised Attachment 1 and Supplemental Revised Attachment 2.

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 Management Entities and Advisory Bodies

None.

E.1.d Public Comment

None.

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

Ms. Yaremko said California Department of Fish and Game (CDFG) can support the Council's decision to send a generic letter from the Council to the Board of Forestry (BOF) commending them for their recent regulatory actions to increase habitat protection, and encouraging them to move ahead with additional measures, but the Council hasn't heard a presentation on this issue or on the actions the BOF has or has not taken. Telling the BOF that additional work needs to be done without understanding this issue more deeply is meddling in unfamiliar territory. We would support having the HC redraft the letter more generically. The issue is not urgent; the BOF has taken action and will take additional actions over the next few years. CDFG did consult with them on this issue and cannot support the draft that's in front of us.

Mr. Steve Williams said that when the Council discussed this in September, no action had been taken by the BOF then. He asked Ms. Yaremko if she believed a letter would be more helpful or harmful in getting the BOF to continue moving forward.

Ms. Yaremko said that CDFG is engaged in discussions with the Dept of Forestry and others. In speaking with folks at the BOF, they would be happy to receive a letter of support to continue working ahead; but for us to weigh in on the specifics might go too far.

Ms. Culver noted that NMFS had submitted comment letters to the BOF. She agreed that the Council needed more background information, and noted that there were some deadlines for the rule adoption processes that the Council didn't meet. She said she thought it could be harmful to start a dialogue with

the BOF when the Council didn't have the background it needed. She wasn't sure a generic letter would be helpful, but a letter commending them for the action they've taken might encourage them to continue along that path. However, that seems counter to the flavor of the current draft.

Mr. Helvey said that NMFS did send a letter to the BOF on October 2, and complemented the BOF on moving forward, but noted that they could have gone further and that we have staff available to help them move forward. So the issue is not over. Perhaps a toned-down letter does keep the BOF aware that there are other players with concerns. Even if the Council decides not to move forward with the letter, I think we've made it clear that there is still work to be done.

Mr. Wolford said he was concerned about the timing. If we don't take some action today, then our next opportunity would be March/April. I'm hopeful that we can ask the State of California to suggest some specific language that we could use today to move forward instead of waiting for another meeting.

Ms. Yaremko said that in the discussion I had with the BOF, it sounds like there would not be any official regulatory action taken for probably a year. We are fine with sending no letter; if there was support here for a generic letter I would have the HC redraft this letter with an entirely different tone—one of support and encouragement. If the choice is to send no letter, that is equally palatable.

Mr. Jerry Mallet said it sounded like the need for this letter had diminished since we talked about it last time, and if we're just going to send a letter patting them on the back for what they've done, then I would suggest there's really not a need for the letter. And if, in the future, they fail to make progress, maybe that's when we should send a letter.

Mr. Helvey said maybe there is no need for the letter, but I think the discussion in September was very helpful. It certainly made it to the right sources at the State of California, and so there was an effective outcome just because the Council discussed this in September; maybe that's all the Council needs to do at this time.

Mr. Moore moved to defer further action on sending the BOF letter. Mr. Cedergreen seconded the motion. Motion 4 passed unanimously.

Mr. Ortmann asked Mr. Roth to speak to the merits of the proposed letter to the US Bureau of Reclamation (BOR).

Mr. Roth said, the HC was again trying to act upon the guidance of the Council in September to draft a letter to the BOR. This issue was brought to the HC by a NMFS representative, about the inaction of the BOR, as yet, in responding to their EFH recommendations. In September the Council discussed whether to forward a letter to them or not, and the decision was to take it up again in November. To our knowledge, no response has been forthcoming yet from BOR on EFH issues. The HC feels strongly that the recommendations for EFH are every important to Council-managed species of the Central Valley.

Ms. Yaremko said they agree, and support the content of this letter, and would support sending the letter on behalf of the Council urging BOR to continue their efforts and continue being at the table and moving ahead with EFH conservation recommendations. One suggestion would be to change the opening statement – rather than telling them they've failed to respond, encourage them to respond.

Ms. Culver said it would also be helpful to have some point of reference as to when the NMFS recommendations were provided. That would indicate the time that has lapsed between the recommendations and the NOAA action.

Mr. Roth suggested a way to restructure the letter so it doesn't start off with such a negative tone may be to move the first paragraph down below to the bottom of the page after the paragraph that starts "However." It changes the timeframe for when we say we're concerned they haven't responded yet, not putting it as the very first paragraph.

Dr. McIsaac said we've got a good feel for what the Council would like to do with this. He noted that on the second page there is a reference to something needing to be done in writing within 30 days. By the time the letter is turned around, maybe there will be something in writing, so if the Council is interested in sending this letter maybe we can track what exactly has been done by the time it's offered up for the Chairman's signature. We can do the wordsmithing to make it as courteous as possible and add the kind of specificity that was mentioned, and get this letter out reasonably quickly.

The Council concurred.

F. Highly Migratory Species Management

F.1 National Marine Fisheries Service Report (11/01/09; 9:40 am)

F.1.a Regulatory Activities

Mr. Mark Helvey provided a brief report.

F.1.b Fisheries Science Center Activities

None.

F.1.c North Pacific Albacore White Paper

Mike Laurs and Joe Powers provided a PPT presentation (on the Council's website at: http://www.pcouncil.org/bb/2009/1109/F1c_SUP_ALB_PPT_1109.pdf).

F.1.d Reports and Comments of Management Entities and Advisory Bodies (11/01/09; 11:26 am)

Dr. Steve Ralston provided Agenda Item F.1.d, Supplemental SSC Report. Mr. Wayne Heikkila provided Agenda Item F.1.d, Supplemental HMSAS Report.

F.1.e Public Comment

Mr. Wayne Heikkila, Western Fish Boat Owners Association, Redding, CA
Mr. Peter Flournoy, International Law Offices, San Diego, CA

F.1.f Council Discussion and Comments (11/01/09; 1:03 pm)

Mr. Helvey spoke about the context for albacore management in terms of stock status and international management and suggested that the Council take a proactive stance. He referenced the HMSAS Report and asked if Mr. David Hogan could provide the State Department perspective on where the two Pacific RFMOs are going with respect to albacore management.

Mr. Hogan said it is important for the U.S. to demonstrate it is in compliance with international measures. Establishing an effort control management framework would demonstrate affirmatively that we are complying with existing measures. There is also a possibility that the U.S. would have to respond with stronger measures in the future, depending on results of the next albacore stock assessment. He reviewed the current measures used by the IATTC for tropical tuna stocks (bigeye and yellowfin), which include time and area closures. The U.S. is pushing for the use of total allowable catches (TACs) as a more effective approach.

Ms. Culver asked Mr. Hogan if putting in effort control measures might disadvantage the U.S. from a strategic standpoint in negotiations at the international level. Mr. Hogan spoke to the advantages and disadvantages of implementing specific management measures before a comparable specific framework is in place at the international level. It can be an advantage because it would put the U.S. in a stronger negotiating position in swaying other countries to move in the same direction. The disadvantage is that if the RFMOs specify a different set of measures to address the concern, the U.S. would then have to make adjustments in response. On balance he thought it was advantageous to lead by example.

Mr. Moore asked what would be the process for updating the current control date (March 9, 2000). In response to his question Mr. Judson Feder said the Council could give notice at this meeting that they plan to take action and schedule consideration of a new control date at a future meeting, such as April 2010. Specifically, establishing a control date is considered advance notice of proposed rulemaking.

Ms. Yaremko, CDFG, said she supports the SSC recommendation of characterizing fishing effort in terms of “partial F,” or the U.S. portion of fishing mortality. She also supports additional analysis of the existing data and trends in catch and effort and to include this information in future SAFE documents. CDFG does not see an urgent need to evaluate alternatives to cap effort in this fishery. The Council should wait until the results of the next stock assessment are available in 2010 before taking action to develop measures to limit effort. Basing action on a projection of stock status several years in the future using a past stock assessment (stock overfished 2015 based on 2006 assessment) is inconsistent with how the Council uses stock assessments in other fisheries such as groundfish, which are assessed frequently. She also disagreed with the White Paper’s conclusion that there is a high risk of the stock becoming overfished by 2015 and that the U.S. limiting effort on their fisheries would have much effect on the status of the stock. Overall, while CDFG would like to see a change in the control date, given the Council’s other priorities, she felt that taking action on an effort limitation framework should be put on a slower track.

Ms. Culver, WDFW, said she didn’t want to wait until the 2011 stock assessment results are available before taking action, given the slow pace at which actions move in the Council process, especially establishing limited entry. The Council should be in a position to react quickly to the results of the 2011 stock assessment, should action be needed, for example if a catch limit is established at the international level. This would allow a better alignment of fleet capacity and available yield. This would involve developing a framework or mechanism for a limited entry program, not necessarily implementing a program. This would allow more rapid implementation if new information on stock status or international action necessitates it. She also felt the control date is stale at this time. She understands the HMSMT is planning a meeting in February 2010. The HMSMT should provide the Council with an up-to-date characterization of the U.S. fishery reflecting the recommendations contained in the HMSAS Report. (However, she thought it would not be possible to address the HMSAS’s recommendations to take projections out 6 years and to quantify illegal harvest.) She recommended they add to the agenda of their planned February 2010 meeting a review of the White Paper and the SSC Report recommendations,

at least as a starting point. Mr. Steve Williams concurred with this guidance. He also supported a re-evaluation and possible change to the control date at the next appropriate opportunity.

Mr. Moore said that he wanted to notify the Council and the public that under Agenda Item J.4 he will be requesting putting on the April 2010 agenda a consideration of the control date.

Mr. Helvey concurred with the recommendations made by Ms. Culver and supported by Mr. Steve Williams. He also mentioned that the international community is beginning to evaluate possible reference points for the stock, and this could affect the need for future action.

F.2 Recommendations to the Western and Central Pacific Fisheries Commission (WCPFC) (11/01/09; 1:32 pm)

F.2.a Agenda Item Overview

Dr. Kit Dahl provided the agenda item overview.

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

Dr. Steve Stohs provided Agenda Item F.2.b, Supplemental REVISED HMSMT Report. Mr. Moore and Ms. Culver asked Mr. Stohs whether the HMSMT had evaluated the fishing effort level during the 2002-2004 period (“current effort” period proposed in revised CMM 2005-03) versus the 1996-2005 period used in the HMSMT’s previous analysis of fishing effort. Mr. Stohs said they had not made a comparison and he could not say if the 2002-2004 period would show a lower effort level.

Mr. Wayne Heikkila provided Agenda Item F.2.b, Supplemental HMSAS Report.

F.2.c Public Comment

Ms. Kathy Fosmark, F/V Seeadler, Pebble Beach, CA
Mr. Chip Bissell, American Albacore Association, Bonita, CA
Mr. Bob Osborn, United Anglers of Southern California, Irvine, CA

F.2.d Council Action: Adopt Recommendations for the WCPFC Annual Meeting

Mr. Moore asked Mr. Helvey whether there could be a reconsideration of the 2002-2004 time period proposed in the revision to CMM 2005-03 at this time or when the new stock assessment becomes available. Mr. Helvey said that the revisions proposed by the Northern Committee cannot be changed at this point. He noted that in future conservation measures there is likely to be more specificity in defining effort levels or limits and this will likely mean a change in the dates with the next stock assessment. Mr. Moore expressed his concern that it often becomes impossible to get these types of dates contained in conservation measures changed. Mr. Helvey further noted that the IATTC is also considering the 2002-2004 period, underscoring the difficulty of changing them at this time.

Mr. Moore moved and Mr. Helvey seconded a motion (Motion 5) to adopt the recommendations made by the HMSAS (Agenda Item F.2.b, Supplemental HMSAS Report), with the exception of the recommendations shown as the last 3 bulleted items of that report. Mr. Moore said he would like to include the last recommendations, related characterization of albacore fishing effort, but the decision had already been effectively taken in the international arena based on the Northern Committee proposed revision to CMM 2005-03.

Mr. Helvey noted that the HMSMT cited recommendations for bluefin coming from the WCPFC while the HMSAS is using the IATTC scientific staff views (Supplemental Attachment 8). He was concerned about coordination of recommendations between the WCPFC and IATTC.

Ms. Culver moved and Mr. Cedergreen seconded, an amendment (Amendment #1 to Motion 5) to include the recommendation of the HMSMT (Agenda Item F.2.b, Supplemental REVISED HMSMT Report) that the Council urge the IATTC to adopt complementary conservation measures for the Eastern Pacific. Amendment #1 to Motion 5 passed unanimously.

Mr. Brizendine moved and Ms. Culver seconded an amendment (Amendment #2 to Motion 5) to include the recommendation of the HMSAS to have the Council recommend to the U.S. delegation their support for continued research and funding for that research on albacore stocks and support for a three-year stock assessment cycle noting that albacore is the most important HMS species to West Coast fisheries. Amendment #2 to Motion 5 passed unanimously.

Motion 5 passed unanimously.

F.3 Fishery Management Plan Amendment 2: Annual Catch Limits and Accountability Measures (11/01/09; 2:30 pm)

F.3.a Agenda Item Overview

Dr. Dahl provided the agenda item overview. Dr. McIsaac referred the Council to Agenda Item F.3.a, Supplemental Attachment 1.

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

Dr. Stohs provided Agenda Item F.3.b, Supplemental HMSMT Report. He also gave an overview of Agenda Item F.3.b, HMSMT Report, which was distributed in the advance briefing book. Mr. Heikkila provided Agenda Item F.3.b, Supplemental HMSAS Report.

F.3.c Public Comment

None.

F.3.d Council Action: Provide Guidance on Alternatives for Public Review Draft

Dr. Dahl reminded the Council that the HMSMT asked for guidance on the following items:

- Further refinement of the preliminary alternatives to be presented at the April 2010 Council meeting.
- Consider requesting the HMSMT to perform a vulnerability analysis on FMP MUS and monitored species for potential reclassification decisions under NS1.
- Consider writing a letter to the WPFMC requesting coordination with the PFMC in addressing the need for a consistent approach to addressing NS1 requirements.

Ms. Culver discussed the HMSMT Reports and provided the following guidance to the HMSMT:

- Comprehensively review the list of management unit and monitored species in the HMS FMP to consider re-classification. This would be consistent with the recommendation in the SSC Report.
- Conduct a vulnerability analysis on shortfin mako, common thresher, and blue shark.
- Revise the list of alternatives for applying the international exception by dropping alternative 3 in the HMSMT Report (apply the international exception only to tunas and billfish). The alternatives would then include applying the international exception to all HMS FMP MUS, or applying it to all MUS except for shortfin mako and common thresher shark.
- Pursue closer coordination with the WPFMC to gather more information on the need and appropriateness of designating a primary FMP for the HMS FMP management unit species that are also part of the WPFMC's Pelagics FMP. In particular, further investigation of swordfish and striped marlin is warranted with a view of designating the HMS FMP as the primary FMP for these stocks.

Ms. Culver said she was unsure about the HMSMT's recommendation that the Council write a letter to the WPFMC requesting coordination over compliance with National Standard 1 Guidelines. Further, Ms. Culver recommended getting an update on the status of coordination between the two Councils on HMS issues.

Mr. Steve Williams asked Dr. Dahl if applying the international exception would limit the Council's authority or responsibilities for managing these stocks. Dr. Dahl reviewed the HMSMT's discussion on this topic and said that the Council could still establish catch limits and other management measures for stocks under the international exception, so it would not affect the Council's authority.

Mr. Helvey asked Dr. Dahl to describe previous interchanges between the HMSMT and the WPFMC Pelagics FMP Plan Team. Dr. Dahl reviewed a previous video conference of the two management teams and a conference call between himself, Dr. Stohs, Mr. Paul Dalzell of the WPFMC staff, and Keith Bigelow, Chair of the Pelagics Plan Team. He noted there hasn't been much discussion of the question of designating a primary FMP.

Mr. Steve Williams sought clarification on whether the SSC's recommendation to resolve the application of the international exception had been addressed. Ms. Culver noted that her recommendation of dropping alternative 3 considerably limited the number of species for which the international exception would not be applied.

Dr. Dahl asked Ms. Culver about the recommendation to conduct a vulnerability analysis for blue shark and whether this meant that this species should not be subject to the international exception under alternative 2. She said it did not.

G. Groundfish Management

G.1 National Marine Fisheries Service Report (11/02/09; 8:05 am)

G.1.a Regulatory Activities

Mr. Frank Lockhart walked the Council through Agenda Item G.1.a, *Federal Register* notices published since the last Council meeting. A Notice of Intent for 2011 management measures will be sent to the FR office this week.

Mr. Lockhart spoke to the whiting EA (not finished), and said he would like to get it done within the following weeks.

Regarding tribal whiting issues, NOAA was notified by the Makah, Quinault, and Quilleute that they would like to have a whiting fishery. The Quinault notified that they would enter the fishery no later than the 2010 season. NOAA met with the tribes and states and data was refined through the NWFSC. No long-term solution has been achieved, so NOAA will meet with the tribes and states to come up with an interim allocation. There will be a proposed rulemaking in January spelling out the conclusions with a final rule following the March Council meeting. The goal would be to present a proposal for the long-term solution at the June Council meeting.

Mr. Lockhart spoke to the 2009 tribal whiting season. A preliminary indication was given from the Quilleute that they are not going to fish; the Makah would like to use their set-aside if they could. Mr. Lockhart said there are different interpretations in the ability to release the fish to the non-treaty sector.

Mr. Anderson asked if there is an ability to rollover the 8,000 mt from the Quilleute to the Makah or the Quilleute to the non-treaty? Ms. Cooney said it is a tribal set aside. The Makah have a right to take it. If the Makah stops fishing too, and it is not needed by the tribal fishery, then it could be rolled over to the non-tribal fishery.

Mr. Sones said the Makah has indicated they are interested in staying consistent with the 17.5% of the 8,000 mt should it be available. Does that prevent us from rolling this over to the nontribal share? We would like to see the TAC fully utilized by whoever is available to take it (either nontreaty or tribal). Mr. Lockhart said if the Quilleute confirm that they don't intend to fish this year, then Makah have access to that fish. If the Makah indicates they will only fish until a certain date, then the remaining would go to nontreaty. Mr. Sones asked how long would that take to give it to the nontreaty? Mr. Lockhart said quick, maybe a day or two.

Mr. Anderson asked Mr. Sones, if the Makah Tribe approach is that of the 8000 mt for Quilleute, the Makah tribe would have access to 17.5% of that (1,400 tons), and the balance of 6,600 mt could be made available for nontreaty?. Yes, said Mr. Sones, that is correct. Mr. Anderson said it would be helpful to solidify that as soon as possible since this is the first week of November; and we want to get the process started. Mr. Lockhart said we will be talking with the Quilleute during this meeting and try to confirm that course of action.

Mr. Myer asked if it was determined that there would be rollover, do you solicit input from the other participants? Yes, said Mr. Lockhart, we will poll each of the three nontreaty sectors to see if they want to fish. It would be distributed according to the normal formula.

G.1.b Fisheries Science Center Activities

Dr. Elizabeth Clarke summarized recent Science Center activities. Dr. Clarke's report noted that all the trawl surveys were completed and the NWFSC has completed a review of the IMPLAN model and also a review of the distribution of tribal usual and accustomed catches of Pacific Whiting. Dr. Clarke also called the Council's attention to Agenda Item G.1.b, Supplemental NMFS Report (Estimated Discard and Total Catch of Selected Groundfish Species in the 2008 West Coast Fisheries). She stated the reason the report was included is that it showed that the ABC for sablefish had been slightly exceeded. Mr. Merrick Burden reported that in September 2009 a revision was made in the procedure for inseason tracking of sablefish used for Oregon that should prevent any future errors of this sort. The err has not resulted in any problems which require further Council action.

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

None.

G.1.d Public Comment

None.

G.1.e Council Discussion

The Council discussed some potential changes to the stock assessment process with Dr. Clarke, especially some changes being made for the Pacific whiting assessment.

G.2 Stock Assessments and Rebuilding Analyses for 2011-2012 Groundfish Fisheries (11/02/09; 8:57 am)

G.2.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview.

The Council requested an overview of the eight rebuilding analyses considered for adoption and Mr. DeVore complied by explaining which tables in the respective analyses provided the most relevant information for making management decisions.

G.2.b Scientific and Statistical Committee Report (11/02/09; 9:55 am)

Dr. Steve Ralston provided Agenda Item G.2.b, Supplemental SSC Report.

Ms. Vojkovich noted that the target years to rebuild canary and POP need to be revised. She asked if the SSC recommended the status quo harvest rates in these two rebuilding plans and Dr. Ralston said yes. The SSC recommends a constant harvest rate strategy whenever possible.

Mr. Anderson asked about the yelloweye rebuilding analysis. He noted that maintaining the current harvest rate increases the time to rebuild by three years. However, reducing that harvest rate would project the current target year with at least a 50% probability. Given that, he asked if the SSC recommendation to maintain the harvest rate was against an approach to reduce the harvest rate for yelloweye and Dr. Ralston said no. This is clearly a policy decision for the Council and is a reasonable choice.

Mr. Moore asked if the SSC is recommending the proxy reference points for petrale and the other flatfish species and Dr. Ralston said yes.

Dr. McIsaac asked if the proxy biomass target reference point recommendation is precautionary with policy implications or a statistically risk-neutral recommendation. He asked if the recommendation is based on a statistical mid-point. Dr. Ralston referred to Figure 1 in the SSC statement and explained the recommendation is not a mid-point recommendation but the best view of the SSC collectively based on meta-analysis of flatfish and related species. The SSC recommendation for a proxy biomass target for petrale and other flatfish is neither risk-averse nor risk-prone. Dr. McIsaac asked about the west coast flatfish curve in Figure 1 and noted that the west coast flatfish curve was centered at a B_{MSY}/B_0 point less

than $B_{25\%}$. Dr. Ralston said other information, such as the Meyers meta-analysis, was more influential in convincing the SSC of the $B_{25\%}$ proxy for the flatfish B_{MSY} target.

Mr. Wolford also referred to Figure 1 and asked if the Meyers meta-analysis indicated the $B_{25\%}$ point as the most probable target and Dr. Ralston said yes. Mr. Wolford asked how this compares to the meta-analysis for west coast flatfish and Dr. Ralston said the Meyers analysis analyzed steepness and B_{MSY} estimates from more flatfish species while the west coast analysis had only two stock assessments with reliable estimates of steepness.

Dr. McIsaac noted the SSC recommended that the minimum stock size threshold (MSST or overfished threshold) decision was a policy call and the NS1 guidelines recommend an MSST of at least 50% of B_{MSY} and Dr. Ralston said that was correct. Mr. Moore asked if the SSC-recommended $B_{25\%}$ target for flatfish would replace the $B_{40\%}$ proxy target and $B_{12.5\%}$ (e.g., half the B_{MSY} target) would replace the proxy $B_{25\%}$ MSST and Dr. Ralston said the $B_{15\%}$ proxy MSST has the same ratio relative to the target as the old or current reference points. Mr. Moore asked if half the recommended target or $B_{12.5\%}$ was a viable MSST and Dr. Ralston said yes, that would comply with NS1 guidelines.

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

Mr. John Holloway provided Agenda Item G.2.b, Supplemental GAP Report.

Mr. Anderson asked if the GAP was recommending the estimated B_{MSY} in the petrale sole assessment and Mr. Holloway said yes.

G.2.d Public Comment

Mr. Ralph Brown, representing Fishermen's Marketing Association, Brookings, OR
Mr. Kenyon Hensel, Hensel's, Crescent City, CA
Ms. Laura Pagano, NRDC, San Francisco, CA
Mr. Ben Enticknap, Oceana, Portland, OR

G.2.e Council Action: Adopt Petrale Sole Reference Points and Overfished Species Rebuilding Plans (11/02/09);

Mr. Moore asked Mr. DeVore if adopting a rebuilding analysis only formalizes the eventual use of the analysis for decision-making and did not imply a preferred rebuilding plan for any of these species and Mr. DeVore said that was correct.

Dr. McIsaac said one of the implications of the new petrale sole assessment is the anticipation that the stock will be declared overfished. He asked Mr. DeVore about the process for developing a new rebuilding plan for this stock. Mr. DeVore said the Magnuson Stevens Act requires that the Council and NMFS develop a rebuilding plan within one year of the formal overfished declaration. This decision is directly connected to deciding 2011-2012 harvest specifications and management measures and the analysis would go forward in the 2011-2012 specifications EIS. Ms. Cooney added that this is just the first step in a three-meeting process to develop a new rebuilding plan and biennial specifications and management measures. The process will require notice and comment rulemaking, development of an EIS, and an FMP amendment for the rebuilding plan.

Mr. Wolford asked Mr. DeVore if the overfishing/overfished criteria in the FMP prescribe the target biomass (i.e., B_{MSY}) and the minimum stock size threshold (i.e., the MSST or the overfished threshold).

Mr. DeVore said the FMP has framework language regarding biomass reference points that is flexible. The FMP states that you can have either a proxy or estimated reference point for the B_{MSY} target and the overfished threshold needs to be at least half of that target. There is no need for an FMP amendment to change the proxies since it is frameworked and requires only a regulatory amendment with notice and comment rulemaking. Mr. Wolford asked Ms. Cooney if we have the ability to modify these reference points and Ms. Cooney said the estimated reference points can change with each stock assessment.

Mr. Moore moved and Ms. Lowman seconded a motion (Motion 8) that the Council adopt the rebuilding analyses for the seven rockfish species in attachments 1-7. Mr. Moore said these rebuilding analyses are straight forward and recommended by the SSC. He was specifically leaving the new petrale rebuilding analysis out of the motion since this analysis needs further discussion. The decisions for other related issues will be taken up under separate agenda items.

Motion 8 carried unanimously.

After lunch Dr. McIsaac provided the overview of decisions that are left to be made under this agenda item. The Council needs to decide the petrale reference points and, in the event that this decision results in the stock being declared overfished, the petrale rebuilding plan needs to be adopted. Further guidance on an inseason decision for the 2010 petrale OY and that for canary might help the GMT and the GAP organize their statements for those decisions under the inseason and 2011 and 2012 specifications agenda items later this week.

Mr. Wolford asked Dr. Ralston to explain Figure 1 on page 5 of the SSC statement. He wanted to know why the Myer's meta-analysis and the west coast flatfish curves should be the focus of the decision on petrale reference points. Dr. Ralston said the flatfish curves are more appropriate for deciding reference points for petrale sole and other flatfish species. The NS1 curve is for fish stocks in general and flatfish are relatively more productive than most marine fish species. The Myer's analysis is important because more flatfish stocks were incorporated in that meta-analysis. Mr. Wolford asked if Figure 1 is a quantitative output and Dr. Ralston said no, it is illustrative of meta-analysis results.

Dr. Ralston added that the flatfish B_{MSY} target should be decided, but also the F_{MSY} harvest rate.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 9) to adopt an F_{MSY} proxy of $F_{30\%}$, a B_{MSY} proxy of $B_{25\%}$, and an MSST of $B_{12.5\%}$ for west coast flatfish. Mr. Anderson explained that the motion follows the scientific advice of the SSC and is consistent with the NS1 guidelines. This will present a challenge to manage the west coast trawl fishery without causing too much economic harm to fishing communities.

Mr. Wolford referred to Figure 1 on page 5 of the SSC report. This figure does not suggest any particular reference points are better than others. There is a strong case to just look at west coast flatfish when deciding a B_{MSY} proxy for flatfish. He is prepared to decide a proxy biomass target, but he is not sure that $B_{25\%}$ is the appropriate target. He would prefer deciding a proxy based solely on west coast flatfish information and he believes this is a Council judgment call. He referred to the petrale figure on page 19 of Agenda Item G.5.b, Supplemental SSC Groundfish and CPS Subcommittees Report. He interpreted this figure to suggest a B_{MSY} proxy of $B_{10\%}$ to $B_{20\%}$ and would prefer a $B_{20\%}$ target and a $B_{10\%}$ MSST.

Mr. Wolford offered an amendment to the motion (Amendment 1 to Motion 9) that was seconded by Mr. Crabbe to establish a flatfish proxy biomass target of $B_{20\%}$ and an MSST of $B_{10\%}$.

Mr. Lockhart said he had a different interpretation of the cited data and would oppose the amendment. The Myer's meta-analysis supports the $B_{25\%}$ target. There is a significant amount of uncertainty associated with B_{MSY} estimates and a lower B_{MSY} target than $B_{25\%}$ is too risky. He therefore supports Mr. Anderson's original motion.

Ms. Vojkovich is having difficulty with either motion since she believes we are overly constraining ourselves with uncertain science. She really does not believe petrale sole is overfished. She is therefore perhaps more supportive of Mr. Wolford's motion.

Mr. Steve Williams shares Ms. Vojkovich's frustration, but making management decisions with assessment uncertainty is part of our chore. Dr. Ralston cautioned us to be careful in interpreting Figure 1 of the SSC statement and using the west coast flatfish assessment results using only two assessments alone to decide proxy biomass reference points is too risky.

Mr. Wolford said Figure 1 does indicate the relative potential productivity of west coast flatfish to other flatfish. This is why his amendment should be supported.

Mr. Anderson said that petrale sole, along with sablefish, are the two most important stocks for the west coast trawl fishery and deciding too low a target is too risky. The best available science indicates the current biomass of this important stock is 11.6% of virgin biomass. The more risky target and MSST under the amendment will still drive us to an overfished condition for petrale in 2011 without an interim measure to dramatically reduce catch in 2010.

Mr. Wolford said the petrale assessment provided interesting results, including the equilibrium yield curve shifted far to the left. This equilibrium yield curve supports a low relative biomass target. Mr. Anderson said the only reason the equilibrium yield curve is shifted to the left is the high estimated steepness.

Amendment 1 to Motion 9 failed on a roll call vote (Messrs. Cedergreen, Sones, Moore, Lockhart, Myer, Williams, Anderson, and Ms. Lowman voted no).

Main Motion 9 passed (Ms. Vojkovich voted no).

Mr. Moore moved and Mr. Anderson seconded a motion (Motion 10) to adopt the petrale sole rebuilding analysis in Attachment 8.

Motion 10 carried unanimously.

Mr. Moore noted that there is a cautionary message in the petrale rebuilding analysis that many of the rebuilding scenarios won't work with a winter petrale fishery.

Dr. McIsaac asked Mr. Lockhart or Ms. Cooney if lower petrale OYs than 1,200 mt could be considered and Mr. Lockhart said if the Council wants to consider lower OYs than 1,200 mt, additional NEPA analysis would be required. Mr. Anderson asked what additional analysis would be required and Ms. Cooney said a tiered EA analyzing the biological and socioeconomic effects would be required. This is unlikely to be done in time for the start of next year's fishery.

G.3 Council Recommendations for Exempted Fishing Permits (11/02/09; 1:48 pm)

G.3.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

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

GMT Report

Mr. Rob Jones provided Agenda Item G.3.b, Supplemental GMT Report.

Mr. Moore asked about the GMT recommendation for appropriate trip limits for the 2010 shoreside whiting fishery under the NMFS EFP. He would like to receive this eventual guidance from the GMT.

Mr. Moore asked about the TNC EFP proposal to test traps for targeting petrale sole. Mr. Jones said, if that is successful, they would like to see detailed results and analysis.

Mr. Moore asked how the GMT would account for petrale sole bycatch caps given that the stock will be declared overfished. Mr. Jones said the GMT noted the petrale cap requested in the TNC EFP was commensurate with a status quo 2010 petrale OY. Mr. Moore asked if the recommended process would be to decide the petrale cap under inseason when the Council deliberates a 2010 OY. Mr. Lockhart answered that a petrale cap could be decided here conditionally and proportioned relative to the 2010 petrale OY decision under the inseason agenda item.

Mr. Wolford asked if the GMT was proposing both modifications to the Fosmark EFP and Mr. Jones said yes.

Mr. Lockhart asked if the revised canary cap in the RFA-OR EFP was 1.9 mt as noted in the text or 1.5 mt as noted in the table and Mr. Jones said the 1.5 mt cap is the correct revision. Mr. Lockhart asked if the current proposed design to the RFA-OR EFP should be changed and Mr. Jones said the GMT was recommending a survey of participating anglers to determine if angler experience improves the bycatch reduction expected using this experimental gear.

Mr. Wolford asked about the GMT recommended design revision for using three different long leader configurations to be used on every trip. He asked if the shorter leader does not perform as well at reducing bycatch, could the proponents only use the longer leaders and Mr. Jones said yes.

Ms. Vojkovich asked about the randomized block design requested by the GMT for the RFA-CA EFP and Mr. Jones said this is what is recommended.

Ms. Vojkovich asked why the GMT is revising the EFP designs at this point when the EFPs are up for a final decision and whether the GMT discussed these revisions with EFP sponsors. Mr. Jones said these design changes were discussed with sponsors and these are suggested improvements to the EFP study. Ms. Vojkovich asked if failing to incorporate these design changes would cause the GMT to not recommend these EFPs and Mr. Jones said no.

Ms. Vojkovich asked if the EFP caps are for the full year and Mr. Jones said yes.

Mr. Moore asked if the GMT-recommended revisions to the Fosmark EFP were discussed with the sponsors and Mr. Jones said no.

Mr. Anderson asked if the GMT revisions to the Fosmark EFP are designed to test whether performance is due to skipper expertise and Mr. Jones said yes. Mr. Anderson asked if there would be an observer on the Fosmark EFP and Mr. Jones said yes. Mr. Anderson asked if that is an independently trained observer and Mr. Jones said he did not know. Dr. Clarke added that the NWFSC and PSMFC are working with Mr. Fosmark to provide a NMFS-trained observer.

Mr. Anderson asked whether the RFA_OR EFP sponsors are requesting 2.6 mt of canary as in the application or 1.5 mt of canary as in the GMT table. Mr. Jones said the applicants reduced their requested canary cap to 1.5 mt. Mr. Anderson noted that this is close to the impacts for the entire Washington recreational groundfish fishery. He asked how the 1.5 mt cap was derived and Ms. Kirchner explained the 1.5 mt cap was calculated by expanding the highest bycatch observed in the 2009 EFP to all trips made by the 10 vessels in the EFP.

Mr. Lockhart noted the GMT support for the ODFW EFP and asked whether the yelloweye impacts under this EFP are worth the biological data that would be gathered. Mr. Jones said yes, about 68% of those yelloweye would be discarded dead anyway, so the additional yelloweye impacts would be 32% of the animals kept.

Mr. Anderson asked about the size of the canary caught in the RFA-OR EFP and Ms. Kirchner said they averaged 1.1 lbs.

GAP Report

Mr. Gerry Richter and Mr. John Holloway provided Agenda Item G.3.b, Supplemental GAP Report.

Mr. Moore noted the GMT is recommending 0.7 mt of widow rockfish for the Fosmark EFP and the GAP is recommending 3.3 mt of widow. Mr. Richter said Mr. Fosmark is concerned about widow rockfish bycatch and the GAP thought more widow could and should be provided.

Ms. Vojkovich asked why the GAP is recommending reducing requested caps for the TNC EFP while increasing the widow cap for the Fosmark EFP. Mr. Richter said this is simply the GAP recommendation.

G.3.c Public Comment

Mr. Jim Martin, Recreational Fishing Alliance, Ft. Bragg, CA

Mr. Tom Ghio, Ghio Fish Company, Santa Cruz, CA

Morro Bay/Port San Luis Group, (Mike Bell, Roger Tellen, Rick Algert, Bill Blue), CA

Mr. John Holloway, Oregon Recreational Fishing Alliance, Portland, OR

G.3.d Council Action: Adopt Final Recommendations

Mr. Lockhart said the NWR staff will be very busy next year. Any new EFPs or revisions to continuing EFPs will stress their ability to do the necessary work and get everything else done. Mr. Myer asked if changing the bycatch caps was a significant change and Mr. Lockhart said no. When they have to look at the regulatory impacts associated with significant changes to recurring EFPs, that requires much more work.

Mr. Moore asked about the trip limits recommended by the GMT for the shoreside whiting EFP. Mr. Lockhart said he is not sure why those trip limits were not included in the 2008 and 2009 EFPs. Mr. Moore asked if there was a way for NMFS staff and the GMT to add in trip limits for bycatch species and Mr. Lockhart said that was possible. Additional analysis will be required, so the question is, is it worth the work. He was not sure.

Ms. Kirchner asked about the change to EFPs to endure beyond a calendar year and whether that was administratively possible and Mr. Lockhart said yes.

Ms. Vojkovich moved and Mr. Crabbe seconded a motion (Motion 11) to adopt the five EFPs using the bycatch caps in Table 2 in the GMT Report with the following exceptions: 1) increase the widow cap in the Fosmark EFP to 3.0 mt; 2) specify a proportional reduction to the 6 mt petrale cap requested by the sponsors based on any 2010 OY reduction that might be decided for petrale later this week or 2 mt, whichever is higher; 3) the motion does not include the design revisions recommended by the GMT for the Fosmark and CA RFA EFPs; and 4) those EFPs going beyond the calendar year will require an interim report to the Council provided in November.

Ms. Vojkovich said she was trying to keep these EFPs as simple as possible to ease their implementation by reducing NMFS workload. Otherwise, she supports these EFPs.

Mr. Wolford asked how many hooks would be required in the CA RFA EFP and why. Ms. Vojkovich is proposing the 2-hook design to ease the NMFS workload. She is not opposed to a 5-hook design if NMFS says this is not a significant change. Mr. Wolford asked Mr. Lockhart if this would be a big change and Mr. Lockhart said this does not seem to be a complicated revision.

Mr. Cedergreen moved and Mr. Myers seconded a motion to amend the main motion (Amendment 1 to Motion 11) to revise the OR RFA EFP canary bycatch cap to 1 mt. Mr. Cedergreen said Washington fisheries have been closed due to canary impacts and, given that the OY may be going down, we need to be careful with canary impacts.

Ms. Kirchner said she understands the concern with the higher canary bycatch cap of 1.5 mt and opposes the amendment. Going to a 1 mt canary cap will limit flexibility to expand the effort and area fished under this EFP.

Amendment 1 to Motion 11 passed (Messrs. Moore, Crabbe, Ms. Kirchner, Ms. Vojkovich, and Ms. Lowman voted no).

Mr. Wolford moved and Mr. Brizendine seconded a motion to amend the main motion (Amendment 2 to Motion 11) to allow a 5-hook design in the CA-RFA EFP.

Mr. Anderson asked where they are fishing and Mr. Wolford said outside 150 fm.

Mr. Wolford thought this was a good revision since it would attract fishermen. Also, NMFS did not believe this revision would be a significant workload.

Mr. Moore opposes the amendment because he is concerned with any additional workload and the GMT did not agree with the 5-hook design.

Mr. Myer asked if there is too much additional workload, would it delay all EFPs or only those associated with revisions. Mr. Lockhart said those EFPs requiring additional workload will delay implementation. Implementing trawl rationalization is a higher priority if there is competition for staff resources.

Mr. Myer moved and Mr. Cedergreen seconded an amendment to the amendment (Amendment to Amendment 2 to Motion 11) to give NMFS the discretion to not implement a 5-hook design if that is a complicated analysis.

The amendment to Amendment 2 to Motion 11 passed unanimously.

Amendment 2 to the Motion 11 passed unanimously.

Motion 11 as amended passed unanimously.

Mr. Moore asked if the Council needs to take action to recommend the shoreside whiting EFP. Mr. Lockhart said no, but it would be desirable.

Mr. Moore moved and Mr. Mallet seconded a motion (Motion 12) to adopt the NMFS shoreside whiting EFP with the understanding that NMFS will confer with the GMT to specify trip limits for incidental bycatch species other than widow and yellowtail.

Motion 12 passed unanimously.

Ms. Vojkovich commented that the next round of EFPs needs more collaboration with enforcement and the GMT. There needs to be a deliberative conversation on how positive EFP results can be effectively moved into regulations for directed fisheries.

G.4 Part 1 – Inseason Adjustments to 2009 and 2010 Groundfish Fisheries (11/02/09; 4:33 pm)

G.4.a Agenda Item Overview

Mr. Merrick Burden provided the agenda item overview.

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

Mr. Rob Jones provided Agenda Item G.4.b, Supplemental GMT Report.

Ms. Marija Vojkovich noted that the California scorpionfish closure mentioned on page 5 of the GMT report is not a spawning closure but a nearshore fishery season alignment. Relative to California scorpionfish trip limits (item #7), Ms. Vojkovich said that state regulations are more conservative than the trip limit proposal and as such she felt the Council should not consider the changes.

Mr. Tommy Ancona along with Mr. Gerry Richter provided Agenda Item G.4.b, Supplemental GAP Report.

The Council was on break until the next day.

11/03/09; 8:09 am

Mr. Jones provided Agenda Item G.4.b, Supplemental GMT Report 2.

Mr. Ancona, representing the GAP, said the GAP came into full agreement with the GMT on Agenda Item G.4.b, Supplemental GMT Report 2. On the petrale issue, by Thursday the GMT will bring forward different trip limits relative to the range of OYs. The GAP is concerned about maintaining petrale sole in the market and believes the way to accomplish this is with equal trip limits throughout the year. Mr. Ancona noted that Ms. Culver asked about the minimum amount of petrale that could be provided in order to run this fishery. Industry has thought about this in some detail and believes that when the OY falls below 1,000 mt it is problematic. The GAP notes that the rebuilding analysis indicates that catches above 1,000 mt will still result in an appropriate rebuilding timeline.

Mr. David Sones alerted the Council that the tribes would like to speak to this agenda item.

Mr. Russ Svec and Mr. Steve Joner from the Makah Tribe read Agenda Item G.4.b, Supplemental Tribal Comment. Mr. Moore asked how petrale sole is currently being managed by the tribes and if the tribes were asking for a cap. Mr. Svec said a bi-monthly cumulative limit of 50,000 lbs/vessel is in place and clarified that the tribes are not requesting a cap. Mr. Svec said he knows petrale is on a decline, but given the way the tribal fishery operates, they would like to manage the fishery around a certain level of harvest. The tribes have a limited entry program with only a few boats participating and total annual catch has been around 100,000 lbs. Mr. Joner said the Makah are not requesting a cap but using an estimated catch amount for the impact analysis. If catches look like they will exceed the amount used in the impact analysis then the co-managers would be in contact with the GMT and others. Mr. Joner noted that total tribal catches are estimated to be around 140,000 lbs this year, with the majority caught by one vessel.

Ms. Culver said WDFW met with the tribes this fall, relative to the proposed increase in the black rockfish harvest guideline north of Cape Alava and that she appreciated the communication with the tribes. Ms. Culver said that the department has concerns regarding potential localized depletion of black rockfish, if removals are too high in a given area. The agency did not identify a conservation concern with the 30,000 pound tribal proposal for 2010. However, WDFW notes that 30,000 pounds in the U&A north of Cape Alava is larger than the recreational removals in that same area last year; there is no non-treaty commercial fishery in that area. Ms. Culver said that if there are future proposals to increase black rockfish removals, then the department would like to have further dialogue with the tribes. Ms. Culver asked if there would be any additional canary rockfish impacts with the increase in black rockfish harvest. Mr. Svec said that at this time the tribes do not anticipate any increased canary rockfish impacts.

Mr. Mel Moon and Mr. Lonnie Foster, representing Quileute Tribe, provided comments relative to treaty harvest of Pacific whiting. Mr. Moon noted that the Quileute tribe is preparing to participate in the 2010 fishery and they have created a harvest management and bycatch plan along with methods for collecting and reporting data. Mr. Moon said that NOAA does not have the authority to implement allocation between the tribes. The distribution of the tribal allocation can only come about through agreement by all of the affected tribes and parties. Mr. Moon said that rollover from tribal to the non-tribal fisheries is unacceptable since there is no mechanism for that action; the federal jurisdiction is specific to the non-treaty sector. Mr. Moon said that the treaty share is intrinsically a treaty right and it is not appropriate to trade between treaty and non-treaty fisheries as treaty allocations are determined and managed through different processes. Mr. Moon said it was not appropriate for Makah to give away the tribal allocation without discussing and creating an agreement among the coastal tribes. The allocation decision occurs through a consensus of tribes, which has not occurred yet. The Quileute is willing to have that discussion with the attorneys and representatives of the coastal tribes.

Mr. Moon said that tribes must be treated with equity and afforded the same or sufficient resources that non-tribal fisheries have been provided. For example, the tribes should be afforded the same resources

provided in the trawl rationalization program development. Mr. Moon said that NMFS must enable the parties to work out their differences through experts, facilitation, and other tools. The method employed by NMFS thus far is a stop gap method that fails to lay the groundwork for meaningful negotiation. Mr. Moon said that NOAA has labeled the tribal whiting fishery as a racehorse fishery. He agrees with that characterization; the fleet communicates the location of the fish aggregates and the fleet moves to the location with the only limitations being bycatch and processing capacity. Mr. Moon said that this concern is without merit for setting quota for each tribe. The Quileute understand the concern coastwide and across sectors to reduce bycatch. Mr. Moon said that NOAA's description of bycatch concerns specific to the Quileute tribe's whiting fishery, or any new entry by Ho or Quinault tribes, fully lacks definition or credibility.

Mr. Moon said that the Makah has had the opportunity over the last ten years to improve its fishing fleet up to five vessels and with that experience they have benefitted in several ways. He said that a similar process is beginning for the Quileute nation; we too are preparing in many ways (financial, political, legal) to address the myriad of problems to successfully benefit from this treaty resource. Mr. Moon said that in 2009, when the tribes were assessing what levels of harvest would be economically viable to enter into the fishery, they quoted 8,000 mt per vessel to NOAA and the state. Unfortunately, that specific estimate has been taken out of context and used as an assignment of quotas. Mr. Moon said that the Quileute disagree with that process.

Mr. Moon said that the Quileute will continue with the 8,000 mt per vessel goal that is economically viable and will remain on that goal for the 2010 fishery. Mr. Moon said that the Council must understand that this estimate is for the needs of one boat and the Quileute could have more boats. The Quileute still need to have further discussions on how to not assign separate quotas with NOAA. The tribes will need to enter into discussions about how the fishery will be set fairly to make available a treaty share that is within the law and the treaty rights and principles of US vs. Washington. Mr. Foster noted that the Quileute want to start this fishery in the right way and they do not want to have bycatch problems. He said that the Quileute need help to get this fishery going.

Mr. Lockhart said NOAA would like to work with all the tribes over the coming weeks to resolve these issues, in particular for the 2010 Pacific whiting fishery.

Dr. McIsaac asked Mr. Jones about page 3 of Agenda Item G.4.b, Supplemental GMT Report where the team stated that the "minimum time to rebuild canary rockfish does not change regardless of the OY option for 2010." Dr. McIsaac asked Mr. Jones to comment further about how changes to the 2010 OY might impact the canary rebuilding timeline. Mr. Jones said the GMT's interpretation of the rebuilding analysis was that none of the OY reductions appreciably changed any of the parameters relative to the time to rebuild. As such, the GMT felt that it was a policy call by the Council; the Council could take other factors into consideration relative to changing the OY, however there were no clear reasons to change the OY based on the time to rebuild.

G.4.c Public Comment (11/03/09; 8:52 am)

Mr. Chris Kubiak, representing Morro Bay fishermen, Morro Bay, CA

Mr. Bill James, representing Port San Luis Commercial Fishing Association, Keizer, OR

Mr. Tom Capan, commercial fisherman, Port San Luis, CA

Mr. Ralph Brown, trawler, Brookings, OR

G.4.d Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2009 and 2010 Groundfish Fisheries (11/03/09; 9:26 am)

Ms. Vojkovich said that the one item that must be done under this agenda item is to give the GMT guidance on the petrale sole OY, in order for the team to move forward with the analysis and provide results on Thursday. Ms. Vojkovich said the other inseason items in the GMT report are not necessarily critical, considering the NMFS workload. Ms. Vojkovich said that she was under the impression that the Council adopted the biennial cycle in order to minimize inseason adjustments. She is hesitant to ask for any changes to trip limits that are not necessary for the 2010 year in order to reduce workload. She has very little support for most of the proposals.

Mr. Moore said he shares Ms. Vojkovich's concerns about NMFS workload, however, he noted that when the Council was considering biennial management, the GAP warned the Council that it would result in a greater number of inseason adjustments. Mr. Moore said that the Council has a mandate under MSA to prevent overfishing, but the Council also has the requirement to achieve the OY, which involves inseason adjustments. He understands the feelings by Ms. Vojkovich but cannot agree to just saying no to the inseason requests.

Mr. Moore moved to adopt the sablefish trip limit recommendations for the limited entry and open access daily trip limit fishery north of 36° N. latitude from Agenda Item G.4.b, Supplemental GMT Report and Report 2, which increases the limited entry daily trip limit sablefish limits north of 36° N. latitude from 300 lbs/day, 1,000 lbs/week and 5,000 lbs/2 months up to 1,750 lbs/week and 7,000 lbs/2 months beginning as soon as possible in 2010 (Report 1, item #5) and increases the open access daily trip limit sablefish limits north of 36° N. latitude from 800 lbs/week and 2,400 lbs/2 months to 1,000 lbs/week and 3,000 lbs/2 months (Report 2, item 8). Mr. Mallet seconded the motion (Motion 13).

Mr. Moore said he fully expects that when we achieve the sablefish harvest guideline in this area, the Council will have to close down the fishery. He believes that the GAP is trying to see how far they can get with these limits.

Mr. Steve Williams and Ms. Lowman asked whether the GMT was recommending these trip limits or if the limits were provided only for consideration. Mr. Burden said, regarding the open access fishery (item #8), the first GMT report (page 5), that there was no recommendation from the team, but the team highlighted for Council consideration that higher limits early in the year may force trip limit reductions later in the year.

Mr. Lockhart thanked Ms. Vojkovich for her statement about workload. Mr. Lockhart noted that the recommendation for open access does not include a timeline for implementation like the limited entry recommendation, which says "beginning as soon as possible in 2010". Mr. Moore said that his intent was to include "beginning as soon as possible in 2010" for the timeline for both trip limit adjustments.

Ms. Vojkovich said she would be voting against this motion because she disagrees with the open access increase. She understands the philosophy of getting the fish now and then shutting the fishery down later, however she heard comments from the fishermen about having a steady stream of fishing and access to the resource all year long. She said if there is a poor salmon season, there could be increased participation in the open access fishery which might cause faster than anticipated sablefish catches relative to the harvest guideline.

Ms. Culver appreciated the comments made on the motion thus far. Ms. Culver noted that the increases in the open access limits were significant and while she realizes that the Council does not have a hard and

fast policy, generally trip limit increases are not considered until the June Council meeting. She might be open to increased limits in March or April, but not at this meeting. Ms. Culver moved to amend the main motion to remove the open access trip limit adjustments (Agenda Item G.4.b Supplemental GMT 2, GMT recommendation #8) (Amendment #1 to Motion 13). The Amendment was seconded by Mr. Myer.

Amendment #1 to Motion 13 carried, with Mr. Moore voting no.

Mr. Lockhart asked if the main motion was preliminary consideration or if the action was final. He would like to consider the overfished species impacts of the action before making a final decision. Mr. Burden said the Council could make the motion preliminary or final.

Dr. Hanson recommended that the Council make the action preliminary and then confirm or modify the action on Thursday.

Mr. Lockhart moved to amend Motion 13 (Amendment #2 to Motion 13) to make this a preliminary preferred alternative for final consideration on Thursday. Ms. Culver seconded the amendment.

Amendment #2 to Motion 13 carried unanimously.

Main Motion 13 carried as amended unanimously.

Ms. Culver said that she would like to propose, as a house keeping measure, that the Council adopt measures consistent with the action taken earlier in the week in the Pacific halibut catch sharing plan with regard to the Washington recreational fisheries. WDFW had discussions with NMFS and NOAA General Counsel and the changes to the catch sharing plan would also need to be reflected in the groundfish regulations. Ms. Culver moved (Motion 14) to conform the halibut regulations with the groundfish regulations. Mr. Dale Myer seconded the motion.

Ms. Culver said that of the four changes to the Pacific halibut catch sharing plan, which were adopted by the Council earlier in the week, one deals with the groundfish regulations. Specifically, the Council adopted a regulation that would allow recreational halibut anglers fishing seaward of 30 fm off of Westport to retain lingcod. This motion would allow the regulations to be put in the correct place.

Motion 14 carried unanimously.

Mr. Burden said that the Council should also consider providing guidance to the GMT and GAP relative to petrale sole and canary rockfish.

Ms. Culver said the Council has reviewed the petrale sole rebuilding analysis, the analysis of the 1,200 mt option, and the potential impacts in 2011 and beyond. She heard the testimony of the GMT and GAP that the 1,000 to 1,200 mt range would be the minimum amount of petrale sole that would accommodate a directed opportunity in the summer and incidental catch in the winter. Ms. Culver said that she wants to do what we can in 2010 in order to ensure that for 2011 and beyond that we are able to adopt ACLs that achieve that minimum amount needed for a successful fishery. The GMT analyzed four different options (status quo of 2,000 mt, 1,800 mt, 1,500 mt, and 1,200 mt) and Ms. Culver's guidance is to focus on the 1,200 mt option and to work with the GAP to design appropriate trip limits.

Mr. Moore asked Ms. Culver if the guidance includes the possibility of equal trip limits across all months. Ms. Culver said yes, the GAP and GMT can design suitable trip limits.

Ms. Vojkovich asked if Ms. Culver's guidance included analyzing the 1,000 mt option. Ms. Culver said that the GMT should focus on a maximum of 1,200 mt and work with the GAP to design trip limits to accommodate the minimum amount needed for the prosecution of the fisheries. She said if, through that analysis and equal distribution of trip limits, the resulting petrale harvest is less than 1,200 mt then she would entertain that option. Her guidance set a maximum amount of 1,200 mt.

Ms. Culver asked the GMT to bring back a 2010 scorecard that would result from the guidance provided under this agenda item, so the Council can look at the overfished species impacts on Thursday.

Mr. Lockhart said that NMFS discussed the range of petrale sole OYs, including an option less than 1,200 mt, and believes that additional analysis could be included in the environment assessment.

Mr. Steve Williams asked Ms. Culver to clarify her guidance regarding canary. Ms. Culver said she was not proposing changes to the OY beyond the currently scheduled reduction, she was requesting that the GMT bring back an analysis of the impacts for 2010.

Mr. Wolford supported Ms. Culver's guidance and would like the GMT to include the canary rebuilding times. Mr. Wolford wants to make sure the Council understands the impacts of the removals.

Ms. Culver, with regard to Mr. Wolford's guidance, noted that in Agenda Item G.4.b, Supplemental GMT Report 1, the GMT noted that the minimum time to rebuild does not change regardless of the OY option chosen for 2010. She would like the GMT to focus on petrale as a priority and is not sure that the team should examine the canary issue further.

Mr. Wolford said he is not requesting a full blown analysis, just additional comments on the time to rebuild relative to the impacts.

Mr. Myer agrees with Ms. Culver but agreed with Mr. Wolford that if the impacts come in above what is in the statement then the GMT could comment.

Ms. Vojkovich moved (Motion 15) to include the GMT recommendation #6 from Agenda Item G.4.b, Supplemental GMT Report which retains the current minor nearshore limit of 7,000 lb/2 months, no more than 1,200 lb of which may be species other than black rockfish for 2010 beginning as soon as possible in 2010. Mr. Dan Wolford seconded the motion.

Ms. Vojkovich said that if the Council does not change this trip limit or retain the current trip limit that there would be concerns about exceeding the blue rockfish OY in California. She said that the trip limit in her motion is a much more restrictive trip limit than the trip limit that we would return to on January first.

Motion 15 carried unanimously.

Mr. Lockhart, using Agenda Item G.4.b, Supplemental Tribal Comment, moved (Motion 16) to increase the tribal black rockfish harvest guideline for the area north of Cape Alava from 20,000 lb to 30,000 lb and modify the tribal widow rockfish landing limit to no more than 10 percent of the cumulative weight of yellowtail rockfish for a given vessel throughout the year. Ms. Culver seconded the motion.

Motion 16 carried unanimously.

G.5 Fishery Management Plan Amendment 23: Annual Catch Limits and Accountability Measures (11/03/09; 4:54 pm)

G.5.a. Agenda Item Overview

Mr. DeVore provided the agenda item overview. In response to a question he stated the SSC is presenting an approach for deciding a P* level in consideration for setting the ABC, not the ACL.

Mr. Moore understands the proposal for considering ACTs is that we maintain the ability to use ACTs but not necessarily specify an ACT for every stock. He asked will there be a formulated approach for specifying an ACT and Mr. DeVore said that would be determined in the specifications process. The action under Amendment 23 is to get the tool into the FMP so there is an ability to use an ACT if desired.

Ms. Vojkovich asked Mr. DeVore about a schedule and the friction between trying to get this done and how it informs the 2011-12 specifications process. Mr. DeVore said this is a framework amendment which is not a major change to the FMP. The considerations under Amendment 23 are to add some new terms, redefine some terms, and more explicitly account for scientific uncertainty when deciding harvest specifications. Additionally, any species the Council wants to categorize as an ecosystem component species, which does not require an ACL specification, should be so categorized under A23. Mr. DeVore noted that the new National Standard 1 (NS1) guidelines used the groundfish FMP as a template.

Council broke at 5:31 pm

11/04/09; 8:07 am – Mr. DeVore continued the agenda item overview.

G.5.b Reports and Comments of Management Entities and Advisory Bodies (11/04/09; 8:17 am)

SSC Report

Dr. Steve Ralston provided Agenda Item G.5.b, Supplemental SSC Report.

Mr. Moore asked, given the need for the Council to decide the probability of overfishing for categories of stocks, could that lead to an April decision for ABCs. Dr. Ralston said the preference would be for the Council to decide the probabilities of overfishing in March, so that the SSC can compute the ABCs in April. Otherwise, there would be little time for the SSC to decide ABCs.

Mr. Moore referred to page 2 of Agenda Item G.5.b, Supplemental SSC Groundfish and CPS Subcommittees Report, and asked if a value of P* of 0.4 results in a scientific uncertainty buffer of 12% of the OFL. Dr. Ralston said that was the correct interpretation. Dr. Ralston displayed Figure 28 of the subcommittees report which shows the relationship between P* and the scientific uncertainty buffer based on the meta-analysis done to estimate interannual variation of biomass estimates for category 1 groundfish and CPS stocks. Dr. Ralston said this relationship could be used to decide a P* for individual species or all species within a category.

Mr. Wolford referred to Figure 28 and asked if the range of P* values represents the normal probability distribution shown in a well developed decision table in an assessment and Dr. Ralston said no. Decision tables characterize key uncertainties within an assessment but do not capture uncertainty in a series of assessments. The meta-analysis approach does take a retrospective look at a time series of a number of

assessments and estimates the interannual variation of biomass estimates to quantify scientific uncertainty. The meta-analysis approach is statistically more rigorous.

Ms. Culver referred to Figure 28 and asked how a ratio of OFL to ABC of 1.0 represents a P^* of 50 percent and Dr. Ralston explained that an OFL point estimate from an assessment is the median of a distribution of biomass estimates. Ms. Culver said she thinks of overfishing as exceeding the OFL and Dr. Ralston agreed. She said the inseason adjustment mechanism is used to manage with management uncertainty and Dr. Ralston agreed; however, the scientific uncertainty addresses the uncertainty about the biomass estimate and not management uncertainty.

Dr. McIsaac asked what the scientific uncertainty buffer would be with a P^* of 0 percent or the zero intercept in Figure 28. Dr. Ralston explained Figure 28 was truncated at a P^* of 25% but a probability of 0% would be an infinite solution. The Figure 28 relationship also depends on the standard deviation of the distribution of biomass estimates of the assessments analyzed. A broader distribution of P^* values in such a relationship can eventually be provided.

Mr. Lockhart noted that the current framework for deciding OYs takes scientific uncertainty into account and Dr. Ralston argued that many considerations beyond scientific uncertainty factor into an OY decision and scientific uncertainty is not considered as rigorously under the current framework.

Ms. Vojkovich asked about using a proxy scientific uncertainty buffer based on an estimated biomass variance (σ) for a category of stocks. Dr. Ralston said that the SSC recommends a proxy default σ for each category of stocks. The SSC recommended this approach since a meta-analytical approach entails less risk than attempting to use a stock-specific scientific uncertainty metric. Ms. Vojkovich asked, when the categorization of stocks has been decided, how does the Council choose a P^* . Dr. Ralston said if the Council is concerned about the categorization of stocks, he and the SSC would be open to suggestions on how that is done.

Ms. Culver asked about the proposal to adopt one P^* for a category and Dr. Ralston said that the Council is still free to choose a different P^* for individual stocks.

GMT Report

Mr. Rob Jones provided Agenda Item G.5.b, Supplemental GMT Report.

Mr. Moore noted the SSC recommended frameworking ACL control rules and frameworking the P^* decision. He asked for more information or suggested language for frameworking considerations of incorporating catch estimation error in deciding ACLs. Mr. Jones said specific frameworking language for this has yet to be developed but the GMT intends to develop this language over the winter.

Mr. Moore asked how the 10 percent carryover provision under Amendment 20 would be frameworked and Mr. Jones said the GMT intends to deliberate this issue over the winter.

Ms. Vojkovich asked whether catch estimation uncertainty is part of the scientific uncertainty buffer and whether there is double counting of this uncertainty. Mr. Jones deferred to Dr. Ralston who said some propagation of catch uncertainty is factored into biomass estimates in assessments. The catch uncertainty in the GMT report may be pertaining more to estimating catch inseason. He suggested the SSC and GMT confer on this over the winter.

Ms. Vojkovich asked about incorporating management uncertainty for deciding ACLs and what that means and Mr. Jones said the conceptual approaches for doing this would be frameworked but the process for specifically doing this may be more formulaic and done in the biennial specifications process.

Mr. Steve Williams asked about the concept of OY with respect to the new NS1 guidelines informing an ACL decision. Mr. Jones said the OY concept can be thought of as more of a strategic vision for defining benefits to the nation.

Dr. Jason Cope provided a PowerPoint overview of the productivity and susceptibility assessment (PSA) being developed by the GMT and introduced in the GMT statement. The PSA is a tool for deciding the vulnerability of managed stocks.

Ms. Vojkovich asked how this information may be used in deciding specifications. The PSA may be useful in deciding which stocks are in the fishery or not, for deciding ACLs, and deciding scientific uncertainty buffers. Dr. Cope said that the GMT does not have all these answers but they believe this may be a useful way to decide these types of questions. The PSA might also be useful for deciding indicator stocks that inform the relative vulnerability of related stocks with less information to inform harvest specifications. The PSA may also be useful in deciding a P* for a stock. The PSA is a uniquely flexible tool for deciding such questions.

Ms. Vojkovich said the SSC guidance for assessed stocks and the PSA might be useful for deciding specifications for unassessed stocks and Dr. Cope agreed. However, all stocks need to be scored to understand stock relationships.

G.5.c Public Comment 10:07 am

Mr. Chris Dorsett, Ocean Conservancy, TX
Ms. Laura Pagano, NRDC, San Francisco, CA
Mr. Ralph Brown, trawler, Brookings, OR
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR

G.5.d Council Action: Consider Preliminary Amendment Language for Public Review (11/04/09; 10:35 am)

Mr. Lockhart expressed concern about the draft amendatory language in Supplemental Attachment 2. There needs to be more specific language in the amendment and NMFS will provide specific comments and language for Amendment 23.

Mr. Lockhart moved and Mr. Sones seconded a motion (Motion 18) to adopt Agenda Item G.5.a, Supplemental Attachment 2 incorporating GMT and SSC concepts for public review. The motion includes a preliminary preferred decision in March 2010 and a final preferred alternative in April 2010 will be made for Amendment 23.

Mr. Lockhart said there is a lot of work that needs to be done to get to a final preferred alternative under Amendment 23 in March 2010. NMFS will provide additional specific amendatory language between now and March that will be presented to the Council in March.

Ms. Cooney asked if the motion included the latitude for Council staff to make revisions consistent with advice given at this meeting in the Amendment 23 language. Ms. Culver wanted to give additional

guidance to the GMT and SSC for Amendment 23 and wants that latitude. Mr. Lockhart agreed the motion did not prohibit that guidance.

Mr. Wolford was not prepared for a motion quite yet, so he opposes the motion. The draft amendatory language has too much detail in some sections such as section 4.4.1 that should not be in the FMP. How we make these decisions should not be incorporated in the FMP. He objects to anything in the FMP specific to how decisions incorporate catch estimation error (GMT recommendation #4). The FMP is the model for new NS1 guidelines and the draft language is too specific. The details should be internal in the process not in an FMP framework. Mr. Lockhart has some of the same concerns, but a specific document needs to be presented to the public to solicit more focused comments on the Amendment 23 framework. He understands and appreciates Mr. Wolford's concerns, but we need to make significant progress to implement this by 2011.

Mr. Moore noted the bolded language and questions within the draft Amendment 23 language. Is it Mr. Lockhart's intent to answer those questions today and Mr. Lockhart said no, not today, but these questions need to be addressed between today and March. Mr. Moore asked if he had specific ideas for addressing those questions and Mr. Lockhart said no.

Mr. Moore asked if the motion includes the SSC workshop recommendation this winter and Mr. Lockhart said the motion only includes deliberation between Council staff and NMFS.

Ms. Lowman asked if the public review would be just on the draft Amendment 23 language or on more of this deliberation. Ms. Cooney said the document gives the public something to deliberate and comment on, which solicits a better focus. In March, there may be one or more iterations of draft amendment language for the Council to consider.

Mr. Steve Williams is also concerned there is too much prescription in a draft framework FMP document. He would like to see draft language that is less prescriptive.

Ms. Culver moved and Mr. Moore seconded a substitute motion (Substitute to Motion 18) to adopt the concepts provided by the GMT and the SSC for a March version of draft Amendment 23 language for a preliminary preferred decision in March and a final decision in April.

Ms. Vojkovich said she can't support a final decision in April.

Dr. McIsaac noted the April briefing book deadline is during or immediately after the March Council meeting.

Ms. Vojkovich moved and Mr. Cedergreen seconded a motion to amend the substitute motion (Amendment 1 to the Substitute Motion) to decide a final alternative for Amendment 23 in June.

Mr. Moore said we are required by law to decide final ABCs and ACLs in April and final management measure in June. He does not believe the amendment would synchronize well with our biennial specifications process.

Dr. McIsaac noted the Amendment 23 schedule is awkward. The more complicated the action, the more the biennial specifications and Amendment 23 process is disconnected. The Groundfish FMP is the template for new NS1 guidelines, so Amendment 23 should be logically simple. Alternatively, we can go back to the current ABC/OY framework for 2011 and 2012. We are also considering an Amendment 16-5 petrale rebuilding plan in the specifications process.

Ms. Cooney said there are different levels of complexity in Amendment 23. For example, the concept of P* should be in the FMP, but not actual P* values.

Mr. Lockhart asked if the amendment or the substitute motion includes provision of a preliminary preferred alternative well in advance of the March meeting and Ms. Vojkovich did not have an answer. Ms. Culver said the intent is to get to a preliminary preferred alternative in March. The amendment could work if there are refinements to the preliminary preferred alternative in April and a final decision in June. Mr. Wolford said a final Amendment 23 decision in June is only problematic if the document is too prescriptive. For instance, do not specify prescriptive levels of precautionary reductions by category of species but simply address that ABC buffers will be decided or recommended by the SSC.

Mr. Moore is still struggling with a June final decision for the amendment. He thought if the next iteration of draft Amendment 23 language was a simpler conceptual framework without specific prescriptions, we should be able to get to a final amendment by April. He asked NOAA General Counsel if we can decide a simple framework before June and Ms. Cooney said that is the type of thing we will be working on between now and June. The final version may be somewhere in between without specific reduction amounts. It would be better to go final in April, but if a final decision cannot be made in April, then decide to finalize the amendment in June.

Mr. Wolford explained that, for instance, the FMP should not dictate a P* approach, but it is appropriate to say a scientific uncertainty buffer will be decided when specifying an ABC.

Amendment 1 to the Substitute Motion carried (Messrs. Lockhart and Sones voted no).

The Substitute Motion carried unanimously.

Mr. Moore offered guidance to consider Pacific whiting under the international exemption. Ms. Culver also asked the GMT to consider sector-specific ACLs in the whiting management framework. She said the categorization of Ecosystem Component species that are currently outside the FMP should be considered as a lesser priority. She thought it would be helpful to see in March a comparison of what we do now with how we would make decisions under an Amendment 23 framework. She would like to know the specific purpose for each analytical step and what type of uncertainty is being addressed. Ms. Vojkovich referred to the SSC and GMT reports and recommendations and asked if the recommendations not addressed are off the table. Mr. Moore asked if Ms. Culver's motion encompassed the workshop the SSC recommended and Ms. Culver said she did intend the GMT/SSC workshop would occur. Dr. McIsaac said there are no budgetary constraints to the workshop.

Ms. Vojkovich asked if the PSA evaluation is a priority for the GMT and Mr. Steve Williams said it was a tool to answer some of these questions. Mr. Steve Williams suggested we use PSA for its original purpose and not worry too much about using it beyond that.

Mr. Wolford said keep the framework simple and do not get overly elaborate on deciding new complexes, etc.

G.6 Part 1 – Management Recommendations for 2011-2012 Fisheries (11/04/09; 1:22 pm)

G.6.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

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

SSC Reports

Dr. Steve Ralston provided Agenda Item G.6.b, Supplemental SSC Report and Agenda Item G.9.b, Supplemental SSC Report.

Dr. Steve Ralston provided Agenda Item G.9.b, Supplemental SSC Report at this time due to his travel schedule.

GMT Report

Mr. Rob Jones provided Agenda Item G.6.b, Supplemental GMT Report.

Ms. Culver asked if any of the values in revised Table 2-3 were incorrect and Mr. DeVore explained the predicted median times to rebuild darkblotched under some of the alternatives were off by one year and one of the canary alternatives had a projected ACL that was off by one mt.

GAP Report

Mr. Tom Ancona provided Agenda Item G.6.b, Supplemental GAP Report.

Mr. DeVore explained Revised Table 2-3 in the GMT Report should indicate the current T_{TARGET} for darkblotched is 2028, not 2011.

G.6.c Public Comment

Mr. Bill James, representing Port San Luis Commercial Fishing Association, Keizer, OR

Mr. Kenyon Hensel, Hensel's, Crescent City, CA

Ms. Laura Pagano, NRDC, San Francisco, CA

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

G.6.d Council Action: Adopt a Range of Preliminary Overfishing Limits, Acceptable Biological Catches, and Annual Catch Limits; and, if Possible, Preferred OY's for some Stocks and Stock Complexes

Ms. Culver moved and Mr. Moore seconded a motion (Motion 19) to adopt the range of ACLs in the Supplemental GMT report found in revised Tables 2-1a and 2-1b with the following changes:

- include a 404,318 mt ACL alternative for Pacific whiting;
- include an ACL alternative for sablefish without the 50% reduction in the south;
- add a Dover sole ACL alternative that is equal to the projected ABC/OFL;
- add a petrale sole alternative with a 2012 ACL of 1,369 mt;
- remove ACL Alternative 6 for bocaccio;
- remove ACL Alternative 5 for POP;
- remove ACL Alternative 7 for canary;
- remove ACL Alternative 6 for yelloweye;
- add a yelloweye alternative with an SPR harvest rate of 72.8% with ACLs of 19.6 mt and 19.8 mt for 2011 and 2012, respectively and a median time to rebuild of 2084; and

- add a 3 mt ACL alternative for cowcod.

This motion includes alternatives for analysis recommended by the GMT with additional alternatives recommended by the GAP. The longspine alternative recommended by the GAP was not included because this was higher than any historical harvest. The high end alternatives for the overfished species were removed because they did not rebuild in the shortest time while considering the needs of fishing communities. The 3 mt alternative for cowcod is needed to understand how that intermediate alternative affects fishing communities.

Ms. Vojkovich asked for an explanation for striking the high yield ACL alternatives for some of the overfished species and Ms. Culver explained that she did not believe those alternatives were reasonable for analysis.

Mr. Lockhart said NMFS will work with Council staff to develop strategic rebuilding alternatives.

Ms. Vojkovich moved and Mr. Crabbe seconded an amendment to the motion (Amendment 1 to Motion 19) to analyze ACL alternatives that do not take a precautionary reduction, such as the 25% and 50% reductions for scientific uncertainty. Such species include sablefish and the thornyhead species.

Ms. Culver asked whether the stocks with the precautionary reduction for management uncertainty and not scientific uncertainty are included. For example, OY reductions for longnose skate, arrowtooth flounder, and unassessed stocks are examples where a precautionary reduction was taken for management uncertainty. Ms. Vojkovich explained that stocks like sablefish, shortspine thornyhead, longspine thornyhead, and starry flounder are included, but not arrowtooth or unassessed stocks. The eventual ABC buffer should address scientific uncertainty.

Amendment 1 to Motion 19 carried unanimously.

Motion 19 as amended carried unanimously.

G.7 National Catch Share Task Force Report

This agenda item was cancelled; no information was provided by NOAA Fisheries for the Council to discuss.

G.8 Fishery Management Plan Amendment 20: Trawl Rationalization (11/04/09; 3:13 pm)

G.8.a Agenda Item Overview

Mr. Jim Seger, Mr. Merrick Burden, and Dr. Kit Dahl provided the agenda item overview.

G.8.b NMFS Report

Mr. Frank Lockhart made a presentation which can be found at:
(http://www.pcouncil.org/bb/2009/1109/G8b_SUP_NMFS_PRS_1109.pdf)

Observer program slides were presented by Janell Majewski and Dr. Clarke.

Dr. Freese along with Dr. Clarke provided a powerpoint presentation:
http://www.pcouncil.org/bb/2009/1109/G8b_SUP_NMFS_PRS2_1109.pdf

G.8.c Reports and Comments of Management Entities and Advisory Bodies (11/04/09; 4:18 pm)

Mr. Tommy Ancona provided Agenda Item G.8.c, Supplemental GAP Report.

Deputy Chief Mike Cenci provided Agenda Item G.8.c, Supplemental EC Report. The EC report included the following expectations regarding the observer component of the trawl rationalization program: require full and real-time disclosure of information from the monitor for both state and Federal enforcement partners; training on documentation practices sufficient for law enforcement follow-up; ensure that biological collection does not detract from the mandate to monitor compliance; communication plan between vessel monitors and shore-side monitors; and operational support at all levels that embraces the compliance monitoring component of trawl rationalization.

On request from Chairman Ortmann, Dr. Clarke responded to the EC report noting two problems: communication and a misunderstanding of the council's direction. Someone from the Office of Law Enforcement is present at every observer training. The fundamental question has to do with the primary role the Council expects for observers. The NWFSC view is that data collection and catch monitoring, is the primary role. With respect to the flow of data from the observer program to enforcement and the states, this will always be a red tape problem created by the MSA and related to the confidentiality of observer data. The data can probably flow to the law enforcement community. Mr. Cenci noted that the law training for observers is different depending on their role and responsibility. Ms. Clark noted that a discussion of roles and responsibility for observers would occur within NOAA. There was further discussion on the differences and similarities between the Alaskan model for observer roles and that for the West Coast. Under that model the primary job is catch accounting. There is some enforcement role but an important dynamic on the West Coast is that the observers are often part of the same community as those who own and work on the vessels they are monitoring. Mr. Cenci indicated that it will be important for EC to lay out their visions for a compliance monitor – close to what Dr. Hanson described. That the observers and law enforcement are a team – he thinks this is important that point is understood; we can lay this out again in a set of expectations and feel that will be a fairly healthy discussion.

G.8.d Public Comment (11/04/09; 5:08 pm)

Mr. Brent Payne, United Catcher Boats Association, Seattle, WA
Mr. Barry Cohen, Olde Port Fisheries/Del Mar, Avila Beach, CA
Mr. Ralph Brown, trawler, Brookings, OR
Mr. Vincent Doyle, F/V Norma Jean, Fort Bragg, CA
Mr. Tom Estes, F/V Tara Dawn, Fort Bragg, CA
Mr. Svein Grant Erickson, Attorney, Fort Bragg, CA
Mr. Daniel Platt, STMA, Fort Bragg, CA
Mr. Tommy Ancona, Tommy's Marine Service, Fort Bragg, CA
Mr. Travis Hunter, trawler, Fields Landing, CA
Mr. Shems Judd, EDF, Lake Oswego, OR
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR
Mr. David Jinks, Midwater Trawlers Cooperative, Newport, OR
Mr. Jim Seavers, Midwater Trawlers Cooperative, Newport, OR
Ms. Erika Feller, The Nature Conservancy, San Francisco, CA
Mr. Mark Cooper, trawler, Newport, OR
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR

G.8.e Council Action: Consider Initial Individual Quota for Overfished Species, Regulatory Deeming, and Miscellaneous Implementation Matters (11/04/09; 6:13 pm)

Dr. Hanson noted that if the Council decides to take action on something such as the canary allocation issue, it would require a motion to amend something previously adopted. Since all voting Council members are present, then all that would be required is a simple majority, even if the Council does deviate from what was discussed in September.

Ms. Culver noted the tremendous difficulty of resolving allocation issues. She moved (Motion 20) that the Council amend the motion that has been previously adopted as follows: For the first 3 years of the trawl rationalization program, distribute the adaptive management quota pounds (QP) of canary rockfish in a manner that ensures each initial recipient of shoreside nonwhiting quota share (QS) receives a minimum of 100 pounds of canary rockfish. Only AMP quota pounds would be deposited into vessel accounts. AMP QS would remain held in reserve by the NMFS. The remaining AMP QP, if any, would be distributed to the rest of the fleet pro rata to the amount of canary they received through the initial allocation. After the first three years of the trawl rationalization program, the distribution of canary rockfish AMP QP would be evaluated by the Council and considered along with other proposals for the usage of AMP QP. The implementation criteria, would be such that initial recipients of nonwhiting QS that receive less than 100 pounds of canary rockfish through the Council adopted initial allocation methodology for overfished species would receive only the additional QP needed to meet the 100 pound minimum. If there are insufficient AMP QP of canary rockfish to bring each recipient of nonwhiting initial quota up to 100 pounds, the minimum poundage will be reduced to an amount that correlates with the AMP poundage available. QS holders should not assume that the distribution of AMP QP will continue in this manner beyond the first three years of the trawl rationalization program. And as a final addition, I want to clarify that under this proposal [it is estimated] that no permit holder would receive less than 100 pounds. Mr. Dale Myer seconded the motion.

Ms. Culver noted that this problem was first raised at the Council's September meeting and that at that time it was not made clear that the preliminary preferred alternative was an alternative to consider. As permit holders received notification of their QS and QP, it became apparent that there were several, if not most, of the permit holders that would be lacking some species or another, be it overfished or target species. Nevertheless, in response to their constituents, the state's position has been that the Council has already taken final action on initial allocation, the intent of the entire trawl rationalization program is directly dependent upon individual accountability, and that they should work the allocation issues out through the markets. The Council had considerable discussion that it did not want to use overfished species landings from a time period when overfished species were targeted by the vessels that were bought out through the buyback program. Relative to canary rockfish, approximately 43% of the canary were caught by the vessels bought out in the buyback program. With respect to Mr. Ancona's supplemental public comment, many of the points he cites as reasons that adaptive management is not the answer provide the reason she believes adaptive management is the answer. The approach in the motion uses the 10% of the canary QP available for adaptive management and distributes that to those who would be receiving less than 100 pounds. Every permit holder contributed to that adaptive management program by reducing their QP by 10% and thereby contributed to the solution to assist about 40 permit holders that need to get additional canary. Conversely, the preliminary preferred alternative would remove 43% of the QS from 55 permit holders. There are about 41 permit holders that would receive about the same under either alternative. She noted concern about how this meeting and issue was noticed; and that the Council is not hearing from the 55 permit holders that would be getting less quota under the preliminary preferred alternative.

Mr. Myer supported the motion. He noted that the minimum poundage an entity would receive would be about the same under this motion or the preliminary preferred alternative, the issue is that one approach is a permanent reallocation of QS and the other is from the QP available for adaptive management. He concurred with the concerns Ms. Culver expressed about the process.

Ms. Vojkovich moved a substitute to Motion 20 that the Council adopt the following trawl rationalization initial allocation alternative for canary rockfish: Equal division of canary shares from buyback permits. The remainder of QS for canary allocated based on fleet bycatch rates, the permit's recent fishing patterns, and its QS allocations of target species (the preliminary preferred alternative). Mr. Brizendine seconded the motion.

Ms. Vojkovich disagreed about the nature of the problem. The issue is not an unintended consequence of implementation, not the type of problem the adaptive management program QP set aside was created to address. The release of data on the estimated initial allocation for permit holders is not the same as implementation. The intent of the Council's adoption of all of the alternatives, especially the one dealing with allocation, is not being met. In all of the documents, where we talk about intent it is always about QS, not QP, and it talks about matching the need for overfished species QS with target species QS. A QP based remedy does not enter into the discussion about whether or not we've met the intent for QS allocation. There have been many Council meetings in which the universal importance of canary rockfish across the entire groundfish fleet has been discussed. Other overfished species are important only to particular segments of the fishery. Up until the moment the motion was made to change the preliminary preferred alternative, people had the expectation that they were going to get a little bit of everything from the buyback fish; they didn't have any data but the buyback fish was to be distributed equally. Then the Council did something different in the final preferred alternative. That is an unfair situation that develops when we make changes to the preliminary preferred alternative at the last minute and we don't have any real data in front of us to show us what the effect of that change is going to be. When the data became available, we saw the effect. There is an unfair effect on specific communities that was not the intent of the Council. The QP approach is a short term response. The intent is for the long term, not the short term, and we need to keep that uppermost in our minds.

Mr. Steve Williams said he would not support the substitute motion. He noted that the September motion to place this on the November agenda was narrow and specific on the adaptive management plan approach because the approach was designed just for these kinds of issues. While this solution is not permanent, it is a way to provide people an opportunity to try to address the problem. The preliminary preferred alternative approach affects a lot of people who may have begun to make decisions that affect their businesses based on their assessment of the amount of canary QS they may have. The adaptive management QP approach affects the fewest number of people throughout the program.

Mr. Sones stated his strong support for the adaptive management program and its use to address the canary issue. This is an unintended consequence because we didn't have the information in front of us. This may not be only a temporary solution. The adaptive management QP may be utilized over the longer term, until the resource recovers and allows more fish to be harvested. He spoke to the importance of this issue to communities.

Mr. Moore, reviewed the exact language pertaining to the intent of the adaptive management provision and stated his view that the proposed use of the adaptive management program QP was in line with that intent. He also favored providing QP because it allowed recipients to fish (which is the intent), while issuing QS provided something to sell.

Ms. Lowman noted the Council efforts to match overfished species QS allocation to target species QS allocations. The allocation of adaptive management QP will make it difficult to make business decisions and have the certainty needed for financing. In September, the Council heard public comment and came out with a possible solution to explore at this meeting. She had reviewed the notice for this meeting and did not see a notice problem with going back to the preliminary preferred alternative.

Ms. Culver noted that while the canary problem is a coastwide problem they are not uniformly distributed and that north of Cape Alava has been closed for almost 3 years because of high canary bycatch rates. With respect to the intent of matching canary QS allocation to needs based on target species, if the preliminary preferred alternative is adopted that intent will still not be met. Another problem will be created for those 55 permits that will lose 43% of their canary and as a result will not have their needs for incidental catches met.

Mr. Wolford supported the substitute motion. He found Mr. Ancona's public comment compelling. He also expressed concern about committing all the canary QP from the adaptive management program and not having it available for other needs that may arise.

Mr. Lockhart said since this is an allocation issue, he will be abstaining on this vote.

Ms. Vojkovich stated that she did not feel use of the adaptive management plan QP was fair to those in California who needed an allocation of canary QS to utilize their target species QS. She also noted operational concerns. The administration of the preliminary preferred alternative would be more cost-effective and less complicated for the Council and NMFS.

In response to the comments of Mr. Wolford, Ms. Culver, noted that under both motions, the total amount of AMP for all species would be passed through to all of the permit holders for the first years of the program. With regard to the fairness issue, she felt reducing the pass through allocation of the AMP canary quota pounds and redistributing it to those not receiving much of an initial allocation of canary QS was generous. The fairness question could be raised for many areas and communities.

Vote on substitute motion (roll call vote; 11/04/09; 7:05 pm): 7 yes, 6 no. Voting no: Mr. Moore, Mr. Myer, Mr. Williams, Ms. Culver, Mr. Cedergreen, and Mr. Sones; Mr. Lockhart abstained. Chairman Ortmann cast the deciding yes vote. In casting his vote, Mr. Ortmann noted the testimony in support of the preliminary preferred alternative and that there is no clear better solution. The substitute motion passed.

Mr. Steve Williams moved (Motion 21) that the Council adopt a recommendation to NMFS that the at-sea observer and shoreside compliance monitoring program instruct and train personnel to include as their highest priority the data collection necessary for implementation of the catch share program and as a second but important priority, the communication of program compliance problems to law enforcement personnel. Mr. Moore seconded the motion.

Mr. Steve Williams noted this issue was in the EC report and discussed at length. This is a standard approach and philosophy that is used by ODFW and many other observer programs. There is an expectation that observers will address an issue that is before them, working through the appropriate enforcement agency. Mr. Brizendine stated his support for the motion. He added that it is important that industry be allowed to provide input. Mr. Steve Williams said his motion envisions some additional communication by a number of different entities. Mr. Ortmann noted the strong plea made by Mr. Jinks to this end.

Motion 21 carried unanimously.

G.9 Part 2 – Management Recommendations for 2011-2012 Fisheries (11/05/09; 8:35 am)

G.9.a Agenda Item Overview

Ms. Kelly Ames provided the agenda item overview.

G.9.b Reports and Comments of Management Entities and Advisory Bodies

Mr. Dayna Matthews reviewed Agenda Item G.9.b, Ad Hoc Vessel Monitoring System Committee (VMSC) report. Deputy Chief Mike Cenci provided Agenda Item G.9.b, Supplemental Enforcement Committee (EC) Report. Mr. Rob Jones provided Agenda Item G.9.b, Supplemental Groundfish Management Team (GMT) report. Mr. Tom Ancona provided Agenda Item G.9.b, Supplemental Groundfish Advisory Subpanel (GAP) report. (The Scientific and Statistical Subcommittee supplemental statement was provided under Agenda Item G.6.b. on the previous day).

G.9.c Public Comment

None.

G.9.d Council Action: Adopt Concepts and Guidance for a Preliminary Range of Management Measures, Including Initial Allocations

Mr. Frank Lockhart outlined the process for modifying the amount of Pacific halibut available for calculating the individual bycatch quotas (IBQ) under Amendment 20 (Agenda Item G.9.b, Supplemental GMT Report, item 25). Mr. Lockhart noted that if the Council decides to move forward with this item through the 2011-2012 harvest specifications and management measures process, the analysis in the Amendment 21 (Intersector Allocation) draft environmental impact statement would need to be updated to reflect the change.

Mr. Moore asked for clarification regarding the process for addressing ownership and control in the limited entry fixed gear sablefish tier program (Agenda Item G.9.b, Supplemental GMT Report, item 23). Mr. Moore believes that an FMP amendment is required and asked if it would be analyzed as a management measure in the harvest specifications and management measures process or through a separate FMP amendment process. Ms. Cooney noted that the analysis requirements would be the same regardless of the process. The provisions for the sablefish stacking program are contained both in the regulations and in the FMP. Mr. Moore stated that the ownership and control sections are in the FMP. Ms. Culver concurred that the action would require an FMP amendment and said that the Region suggested that it would be appropriate to analyze the issue during the harvest specifications and management measures process. Mr. Lockhart noted that if this item were moved forward for analysis that coordination with the Alaska Region would be necessary.

Ms. Culver noted that the provisions for initial allocation of quota share in Amendment 20 (Trawl Rationalization) state that if a species becomes overfished then the initial allocation formula can be revisited. Ms. Culver asked Mr. Lockhart if this issue can be revisited in the harvest specifications and management measures process or if the analysis needs to be considered in a separate process. Mr. Lockhart and Ms. Cooney noted that the allocation should be addressed in the harvest specifications and management measures process because it is within this process where the petrale rebuilding plan is adopted and allocations are part of that consideration. Ms. Culver noted concerns regarding the timing of

Amendment 20 relative to the harvest specifications and management measures process, if a reallocation of petrale sole were made. Ms. Cooney said that NMFS is aware of the timing concerns and if a reallocation is included in the rebuilding plan then both Amendment 20 and the rebuilding plan amendment would be brought together.

Ms. Culver, referencing Agenda Item G.9.b, Supplemental GMT Report, recommended removing item 10, which would modify the groundfish regulations to allow lingcod retention in the recreational Pacific halibut fishery in the south coast Washington subarea. Ms. Culver noted that this item was addressed for the 2010 inseason and no change is needed for 2011-2012.

Ms. Culver recommended removing item 25, which is the analysis of Pacific halibut IBQ. Ms. Culver said that sufficient Council discussion and analysis occurred in the development of both Amendments 20 and 21 and she felt that there was no need to revisit the calculation until after the programs were implemented.

Ms. Culver recommended removing item 19, which is the analysis of allowing limited retention of canary rockfish in the recreational fisheries. She noted that this item has been analyzed in prior cycles and she does not see the 2011-2012 ACL for canary rockfish changing substantially in order to provide for this management measure. She noted that the current (2009) projected impacts for canary rockfish are fairly close to the optimum yield (OY) and allowing retention could result in canary targeting. Ms. Culver said that the Council's ability to take quick inseason action, if a problem arose, would be very difficult.

Ms. Culver recommended that item 9, regulatory definitions for Pacific halibut ice and slime, should be moved to a lower priority. Ms. Culver said that the GMT could discuss and document the different state regulations but that the GMT should not spend a lot of time on this topic.

Mr. Moore agreed with the guidance provided by Ms. Culver. Mr. Moore also requested that the analysis of mid-water Pacific whiting trip limits for the primary Pacific whiting fishery (item 2C) could be conducted, but that it should be a lower priority given that attainment of the early season quota and the length of the season is dependent upon the size of the Pacific whiting OY and fish availability. Mr. Moore said that early attainment is not dependent upon the size of the trip limits and thus he recommended either deleting this item or moving it to a lower priority.

Mr. Moore asked the GMT to review the current trawl gear regulations and compare the regulations with the gear specifications used in the various trawl bycatch reduction studies conducted by Pikitch and others. Mr. Moore asked for research summaries and any recommendations for potential changes to the gear regulations in April 2010 for review by the EC, GAP, and the public. Mr. Moore notes that under Amendment 20 with individual accountability, fishermen will be further constrained by bycatch and innovation is needed to stay within those bycatch levels. There are a number of research studies relative to gear selectivity and mesh size that lead to lower bycatch; however the current regulations may need to be modified in order to use such gears.

Mr. Wolford asked if the analysis should be constrained only to mesh size. Mr. Moore noted that there are other gear considerations and did not want to limit the scope of the analysis.

Mr. Cedergreen noted his support for Ms. Culver's recommendation to remove item 19, limited retention of canary rockfish in the recreational fisheries. Mr. Cedergreen noted that during the last ten years the canary rockfish restrictions have been very painful but successful. He noted misidentification issues between yelloweye rockfish and canary rockfish and said that canary retention under this proposed management measure could cause further problems.

Mr. Lockhart asked Mr. Moore to clarify his request for exploring the gear regulations. Mr. Moore said the GMT should look at the gear specifications in the bycatch reduction studies and see if the current regulations prohibit the use of that gear. If the research studies show that the gear is successful at reducing bycatch, then the regulations that prohibit that gear type should be flagged for potential modification and brought forward to the public and advisory bodies.

Ms. Vojkovich agrees with the removals and additions to the management measures list, including the low priority for the analysis of mid-water Pacific whiting trip limits for the primary Pacific whiting fishery (item 2C). Ms. Vojkovich noted that, if conducted, the analysis should be for the area south of 42° N. latitude, not 40°10' N. latitude, as incorrectly stated in the GMT report.

Ms. Vojkovich said that the issues brought forward in Agenda Item G.9.b, Ad Hoc Vessel Monitoring System Committee report should be low priority. After hearing the EC report (Agenda Item G.9.b, Supplemental EC Report), she recommends that the discussion be limited to only those items that the EC recommended, which is fixed gear stowage requirements while transiting the non-trawl RCA and an investigation of VMS technologies that could provide for operational flexibility.

Ms. Vojkovich expressed concern over item 6, the hot-spot and cold spot analyses for canary and yelloweye rockfish. Ms. Vojkovich noted that some work has been done to date and those results could inform the development of 2011-2012 management measures. However, there is a high workload associated with completing the analysis and there is uncertainty over whether the final results will be valuable compared to other management measure analysis.

Ms. Vojkovich agreed with Ms. Culver that item 9, regulatory definitions for Pacific halibut ice and slime, should be moved to a lower priority. Further, Ms. Vojkovich requested that items 13 (modify commercial fixed gear depth restriction and species retention in the Cowcod Conservation Areas) and 17 (analyze removal or modification of the period 2 closure for limited entry and open access non-trawl fisheries south of 34°27' N. latitude) be low priority.

Ms. Kirchner agreed with the previous prioritizations and further recommended that item 14, develop mandatory logbooks for recreational charter or for hire vessels, be moved to low priority. Ms. Kirchner noted that given the state of the economy there are no resources to implement a logbook program. Ms. Kirchner also recommended that analyzing additional management lines for the Oregon recreational fisheries (item 22) be a lower priority, compared to other management measure analysis.

Ms. Culver agreed with Ms. Kirchner and noted that for Washington it would be difficult to implement a logbook program given the current budget climate as well as the time needed to work with industry to develop a useful logbook. Ms. Culver noted that the re-authorized Magnuson-Stevens Act says that recreational logbooks should be considered and asked Mr. Lockhart if a full analysis is needed in the EIS. Mr. Lockhart says that the Council should consider and discuss the logbook provision, however, given the budget issues, listing the item as low priority seems appropriate.

Ms. Lowman asked for further clarification regarding the overfished declaration for petrale through the harvest specifications and management measures process and the implementation of Amendment 20. Ms. Lowman is concerned that the formula for the initial allocation of petrale may be changed as a result of the overfished declaration and is concerned about how that will effect Amendment 20 implementation. Mr. Lockhart said that NMFS will look at this issue very closely following the Council meeting and would welcome further guidance from the Council. The petrale sole overfished declaration relative to Amendment 20 will be addressed but there is no guidance from NMFS at this time.

Ms. Cooney notes that the petrale overfished declaration is a unique situation since the Amendment 20 initial allocation formula assumes all overfished species are similar to the rockfish stocks which are primarily caught as bycatch whereas petrale sole is a major target species. In drafting the rebuilding plan in the harvest specifications and management measures process, the Council needs to consider this unique situation. Further, compared to the rockfish stocks, petrale will be rebuilt much faster. In developing the rebuilding plan the Council may decide not to alter the allocation since it is managed differently compared to rockfish. Alternately, the Council may decide to alter the Amendment 20 initial allocation calculation, which would be done at the same time the rebuilding plan is implemented.

Ms. Culver asked Ms. Cooney if the petrale rebuilding plan is a plan amendment that would be completed as part of the biennial harvest specifications. Ms. Cooney said yes. The approach would be similar to what we have done in the past where the harvest specifications and management measures are a regulatory amendment while adopting a rebuilding plan is a plan amendment. Ms. Cooney said that in considering a range of OYs for the biennial period the Council must consider the time to rebuild, productivity of the stock, interaction in the marine ecosystem, and impact on the communities.

Mr. DeVore added that the petrale rebuilding plan would be Amendment 16-5 in connection with 2011-2012 harvest specifications. He noted that there were several ACL options and ranges presented under Agenda Item G.6 and the Council made a decision for the 2010 petrale sole ACL which forms the basis for developing the petrale rebuilding plan. Mr. DeVore said that the overall decision is not only deciding the harvest rates for petrale for the next few years, but for the entire duration of rebuilding. He noted that the ranges of ACLs presented under Agenda Item G.6 are legally viable according to the National Standard One Guidelines and that the different trade-offs will be analyzed and brought forward for Council decision on the rebuilding plan.

Ms. Culver referenced Table 7 in Agenda Item G.10.b, Supplemental GMT Report, which contains three alternative annual catch limits for petrale sole in 2011 and 2012 along with the median time to rebuild. Ms. Culver thought that the Council should not consider a ramp down strategy but instead a slow ramp up in order to provide for a faster rebuilding. Ms. Culver asked if this was the appropriate time to discuss this rebuilding strategy and make specific requests to the STAT to calculate the median time to rebuild. Mr. DeVore said yes it is appropriate at this point to ask for additional rebuilding runs in order to support the development of a rebuilding plan.

Ms. Cooney wanted to rephrase a point made earlier by Mr. DeVore that all petrale sole ACLs examined under Agenda Item G.6 were legally viable. A more appropriate characterization is that none of the ACLs are absolutely legally prohibited but that the Council would need to consider the detailed analysis relative to as short as possible while considering the proper factors before it can be determined what is legally viable.

Ms. Culver referenced the petrale rebuilding analysis (Agenda Item G.2, Attachment 8), which was adopted by the Council under Agenda Item G.2. Ms. Culver noted that under alternative 4 (Table 6b, column 1b) the ACLs are 1,021 mt (2011), 1,279 mt (2012), 1,507 mt (2013), and the ACLs continue upward thereafter. She would like to request that the STAT team explore smoothing out that ramp so we would not take a hit in one year (2011) and then climb back up again in the 3rd year and extend our rebuilding time by three or four years as a result. Ms. Culver would like to see the results if we went from 1,200 mt in 2010 to 1,000 mt in 2011 and 2012 and then in 2013 perhaps not going all the way to 1,507 mt. Ms. Culver asked if that approach would result in a faster rebuilding and would like to know the new median time to rebuild under that strategy. Further, Ms. Culver would like to know what the ACL would need to be in 2013 in order to rebuild by 2016. Mr. DeVore confirmed that the request is to explore the

harvest rate that would get you to a median time to rebuild of 2016, assuming 1,000 mt removals in 2011-2012 and then a constant harvest rate starting in 2013. Mr. DeVore said he would forward the request to the STAT for analysis.

Mr. Lockhart noted that with the action and guidance taken here, that he believes we have a range of petrale sole alternatives that shows that the Council is considering a broad range of options in response to the information received on petrale.

Mr. Jones provided Agenda Item G.9.b, Supplemental GMT Report 2 which contained the 2009 catch by sector of canary and yelloweye rockfish compared to the allocations made in the 2009-2010 harvest specifications and management measures process. Ms. Culver clarified that she requested the recreational fishery allocations that were both analyzed and implemented in the 2009-2010 process relative to the ACLs under consideration for 2011-2012. Ms. Ames displayed the information on the screen.

Dr. McIsaac noted that this was the time to adopt a range for analysis. He offered that the Council could provide general guidance based on the numbers displayed or that the agenda could be postponed until later in the day when written materials could be provided.

Ms. Vojkovich asked whether there were any issues with the way the allocations were done in 2009-2010. If there are none then perhaps, Ms. Vojkovich said, that would be the best place to start the analysis. Ms. Kirchner said relative to process since we are only giving the GMT a starting point for their analysis and not picking an exact range of alternatives for analysis then a starting point could be pre-season 2009 that was used for 2009 and 2010. Dr. McIsaac clarified that this is the time to pick the full range of alternatives for analysis, in April the Council will narrow that range, and in June will take final action.

Ms. Culver recommended that the primary focus be on the sharing percentages used in 2009-2010 but also include the results using the broader range of sharing agreements analyzed in 2009-2010. Ms. Culver requested that Council staff provide the range of allocation percentages and amounts under each of the alternatives to the states following the Council meeting in order to inform the state analysis and public meetings that are scheduled to occur over winter.

Mr. Wolford asked whether the guidance under this agenda item was sufficient or if a motion is needed. Dr. McIsaac said that no motion is necessary given the general consensus of the guidance and priorities by the Council members. Ms. Ames confirmed that there was sufficient guidance for conducting the analysis over winter.

Ms. Ames asked whether there should be a coastwide OY for ling cod or two OYs stratified at the Oregon and California border (42° N. latitude). Alternately, both options could be analyzed and brought forward in April 2010. Mr. DeVore clarified that the status quo OY is coastwide; however, the new assessment is stratified at the Oregon and California border (42° N. latitude). The new assessment results could be summed to derive a coastwide OY or the OYs could be stratified at the Oregon and California border (42° N. latitude).

Ms. Vojkovich asked for further clarification on the guidance needed. Mr. DeVore said there are management implications. Generally, there are no biological implications if splitting the management of the lingcod stock at the Oregon and California border; the stocks are considered healthy both north and south of 42° N. latitude. However, Mr. DeVore noted, there are management implications in this choice, relative to Amendment 20 and the initial allocation of quota share, since the initial allocations are based on the geographic divisions of the OYs at the time of implementation. Mr. DeVore said that the area

based assessment results could be further analyzed if the Council would like to set a harvest guideline in order to accomplish a geographic division, if that is what is desired.

Ms. Culver asked for clarification on the relationship between the harvest specifications and Amendment 20. Mr. DeVore said the stratification choice occurs during the biennial harvest specifications which affects Amendment 20 initial allocation. Ms. Culver said she would prefer the coastwide OY structure if status quo management remains in place. If Amendment 20 is implemented, then she recommends a coastwide ACL along with area stratifications at 42° N. latitude. Mr. DeVore confirmed that the guidance is for coastwide management for the trawl sector and a split at 42° N. latitude for non-trawl management.

Chairman Ortmann asked to revisit Agenda Item G.9.b, Ad Hoc Vessel Monitoring System Committee report and wanted confirmation on the items for further review. Mr. Wolford said that the Council moved forward, as a low priority, the two recommendations from the EC report (Agenda Item G.9.b, Supplemental EC Report), the analysis of fixed gear stowage requirements while transiting the non-trawl RCA and an investigation of VMS technologies that could provide for operational flexibility. Mr. Ortmann and Ms. Culver recommended, as suggest by Mr. Cedergreen earlier, that the Council also move forward the recommendation of the VMSC to reconvene and discuss VMS issues relative to the trawl rationalization program. Mr. Cedergreen also noted that in doing so the Council should reevaluate the constituency of the VMSC and include representatives from the trawl sector. Mr. Brian Chambers, noted that from a safety point of view, VMS is valuable tool for search and rescue and the USCG is in favor of VMS.

G.10 Part 2 – Inseason Adjustments to 2009 and 2010 Groundfish Fisheries (11/05/09; 8:05

G.10.a Agenda Item Overview

Before the Council began, the Makah Tribe congratulated Mr. Donald Hansen for his leadership on the Pacific Council.

Mr. Moore said that under Agenda Item G.8 the Council took action to modify the trawl rationalization initial allocation for canary rockfish. Additionally, the petrale sole stock status, which is the basis for the allocations, will be changing. Mr. Moore noted that the initial allocation for these two species will be substantially different than the amounts listed in the letters that were sent to permit holders this summer. Mr. Moore requested that NMFS send a letter to trawl permit holders notifying them that the amounts they saw in July will change substantially. The Council and NMFS agreed upon the letter.

Mr. Burden provided the agenda item overview (11/05/09; 8:11 am)

G.10.b Reports and Comments of Management Entities and Advisory Bodies

Mr. Jones provided Agenda Item G.10.b, Supplemental GMT Report. Mr. Tommy Ancona said the GAP agreed with the Supplemental GMT Report.

G.10.c Public Comment

No public comment.

G.10.d Council Action: Adopt or Confirm Final Adjustments to 2009 and 2010 Groundfish Fisheries

Mr. Moore moved (Motion 22) to reaffirm the Council's preliminary action under Agenda Item G.4 for inseason and adopt the limited entry trawl proposal on Table 1 and subsequent tables described in the Agenda Item G.10.b, Supplemental GMT Report as corrected by Mr. Rob Jones during his presentation. Ms. Culver seconded the motion.

Motion 22 passed unanimously.

Later in the day, Mr. Moore asked to revisit Agenda Item G.10 in order to further discuss the 2010 inseason impacts relative to canary rockfish. Mr. Moore stated that the information provided by the GMT indicated no increased impacts to canary rockfish as a result of the inseason adjustments. Accordingly, he said, his motion did not address changes to the canary OY. Mr. Moore said that the rebuilding analysis indicates that maintaining the current OY of 105 mt has a time to rebuild of 2026. A zero harvest strategy would result in a time to rebuild of 2024. He said that an OY of 85 mt has no change on the time to rebuild compared to a 105 mt removal, that is, both removals have a time to rebuild of 2026. Mr. Moore said that given the substantial testimony on the impact of zero harvest of canary rockfish to seafood communities under Agenda Item G.8, a two year difference in the time to rebuild is sufficient. Mr. Moore said that canary rockfish are broadly distributed and affect both the commercial and recreational sectors. Reducing the OY would not affect the time to rebuild but would cause coastwide disruption.

H. Salmon Management

H.1 2009 Salmon Methodology Review (11/01/09; 3:43 pm)

H.1.a Agenda Item Overview

Mr. Chuck Tracy presented the agenda item overview.

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

Mr. Tracy read Agenda Item H.1.b., STT Report, Agenda Item H.1.b, MEW Report, and Agenda Item H.1.b, Supplemental SAS Report.

Mr. Wolford asked if the Multiple Encounter Model (MEM) could replace the FRAM. Mr. Tracy replied no, that the MEM was created specifically for this exercise and was a single stock/single fishery model.

Mr. Bob Conrad presented Agenda Item H.1.b, Supplemental SSC Report.

Mr. Anderson asked if the SSC would approve of a Chinook mark-selective-fishery (MSF) proposal for 2010 with an exploitation rate of less than 10 percent in a time step. Mr. Conrad replied yes, provided the total exploitation rate in all time steps did not exceed 30 percent.

Mr. Wolford asked if there were any potential for further review of the fall impact rate analysis. Mr. Conrad replied the SSC felt there could be some additional analysis of the historical age-4 ocean harvest rate of Klamath River fall Chinook (KRFC) in fall fisheries.

Dr. McIsaac asked if the SSC discussed implications of harvesting immature KRFC after September 1 on the following year's return. Mr. Conrad replied no.

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

Mr. Tracy noted the intent of Agenda Item H.1.b, NMFS Report, was to provide an update on the Sacramento River winter Chinook consultation process.

Dr. McIsaac asked if the Center for Independent Experts (CIE) review was a public process that the STT and SSC could attend. Mr. Tracy replied no, the CIE review process was not a public process.

Mr. Steve Williams asked if the timing of the consultation process would integrate with the preseason planning process. Mr. Helvey replied that the intent was to complete the process prior to the March Council meeting.

H.1.c Public Comment

None.

H.1.d Council Action: Adopt Final Methodology Changes for 2010 (4:42 pm)

Mr. Anderson recommended approval of the MSF bias correction for the Coho FRAM should be contingent on additional model coding and review prior to the March Council meeting.

Mr. Anderson moved (Motion 6) to constrain Chinook MSF proposals in 2010 to exploitation rates of no more than 10 percent in a single time step and no more than 30 percent overall, as recommended by the SSC.

Mr. Cedergreen seconded the motion; Motion 6 passed unanimously.

Mr. Anderson noted the proposed Puget Sound coho conservation objectives had been used by the comanagers, and on an annually approved basis, by the Council since 2000, and by the Pacific Salmon Commission since 2002. Acknowledging the SSC position that additional materials were necessary for a thorough review, approval at this time would not affect 2010 management.

Mr. Tracy noted the only potential difference would be in how the status determination criteria were evaluated once they become formal Council conservation objectives, and how Puget Sound coho might be considered for an exception to the Annual Catch Limit requirements of the Magnuson Stevens Act by virtue of being managed under an international treaty.

Mr. Anderson moved (Motion 7) that the Council update the FMP conservation objectives for Puget Sound coho conservation objectives consistent with the recommendations in Agenda Item H.1.a, Attachment 4. Mr. Cedergreen seconded the motion.

Mr. Anderson committed to make every effort to have WDFW work with NWIFC and the affected Tribes to bring the necessary information for a more thorough review of the conservation objectives to the SSC over the course of the next 10 month, and allow the process to conclude during the 2010 salmon methodology review.

Ms. Cooney asked if the motion was to adopt the proposed conservation objectives for 2010 only or permanently. Mr. Anderson replied the motion was for a permanent modification of the conservation objectives. Ms. Cooney noted the FMP requires that the process be documented during the annual management process, and that General Council would coordinate that process with Council staff.

Mr. Tracy asked for clarification on the motion regarding the issue of changing the criteria for triggering an Overfishing Concern and Conservation Alert, as recommended in the last sentence of Agenda Item H.1.b, STT Report. For example, the threshold for an overfishing Concern could be the Spawning abundance associated with the low/critical break point, and the threshold for a Conservation Alert could be the annual allowable exploitation rate. Mr. Anderson replied that the overfishing thresholds would be based on the recommendations in the STT Report.

Motion 7 passed unanimously.

Mr. Wolford directed the STT to continue pursuit of data and analytical tools to provide additional insight, particularly regarding forecasting fall fishery impacts and the relevance of mature fish caught in the fall on allowable catch in the following year.

I. Coastal Pelagic Species Management

I.1 Pacific Sardine Stock Assessment and Management Measures (11/03/09; 10:05 am)

I.1.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

I.1.b Survey and Assessment Report

Mr. Tom Jagielo, Dr. Doyle Hanan, and Mr. Ryan Howe provided a Powerpoint presentation, available on the Council's website at:

http://www.pccouncil.org/bb/2009/1109/I1b_SUP_AERPPT_1109.pdf

Dr. Kevin Hill provided a PowerPoint presentation available on the Council's website at:

http://www.pccouncil.org/bb/2009/1109/I1b_SUP_SARPPT_1109.pdf

Council took a break.

Back at 12:45 pm; additional questions were asked of Dr. Hill regarding his presentation and report.

I.1.c Reports and Comments of Management Entities and Advisory Bodies (11/03/09; 1:04 pm)

Dr. Steve Ralston provided Agenda Item I.1.c, Supplemental SSC Report. Dr. Sam Herrick provided Agenda Item I.1.c, Supplemental CPSMT Report. Mr. Mike Okoniewski and Mr. John Royal provided Agenda Item I.1.c, Supplemental CPSAS Report.

I.1.d Public Comment

Mr. Jerry Thon, Northwest Sardine Survey, Bellingham, WA

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

Mr. Ryan Kapp, sardine fisherman, Bellingham, WA

Mr. Rob Zuanich, Purse Seine Vessels' Owners Association, Seattle, WA

Mr. Richard Carol, Ocean Gold Seafoods, Westport, WA
Mr. Mike Okoniewski, Pacific Seafood, Woodland, WA

I.1.e Council Action: Adopt Pacific Sardine Harvest Guideline and Management Measures for 2010 (11/03/09; 2:41 pm)

Ms. Vojkovich moved (Motion 17) to adopt the 2010 sardine ABC/HG of 72,039 mt; including a research set aside of 5,000 mt, the allocation scheme in Table 1 of Agenda Item I.1.c, Supplemental CPSMT Report, and an incidental landing allowance of no more than 30 percent Pacific sardine by weight. The motion also includes the inseason management actions on the bottom of page 1 and top of page 2 of Agenda Item I.1.c, Supplemental CPSAS Report. Ms. Culver seconded the motion.

Agenda Item I.1.c, Supplemental CPSMT Report, Table 1. Allocation scheme for 2010 P. Sardine HG.

HG = 72,039 mt Research set aside = 5,000 mt Adjusted HG = 67,039 mt				
	Jan 1- Jun 30	Jul 1- Sep 14	Sep 15 – Dec 31	Total
Seasonal Allocation (mt)	23,463	26,816	16,760	67,039
Incidental Set Aside (mt)	1,000	1,000	1,000	3,000
Management Uncertainty			4,000	4,000
Adjusted Allocation (mt)	22,463	25,816	11,760	60,039

Ms. Vojkovich said that the motion is in keeping with the recommendations of the Advisory Bodies and recent practices in the fishery. The motion provides adequate conservation and management buffers while allowing a fishery structure that preserves incidental fisheries and research opportunities.

Ms. Vojkovich confirmed for Mr. Moore that the intent of the motion is to leave the 5,000 mt research set-aside unencumbered at this time.

Ms. Culver supported the motion and the recommended ABC of 72,039 mt because it is in keeping with the advice of the STAR panel and the SSC, and due to the Council's harvest control rule it is a conservative measure. Although the aerial survey data substantially altered the assessment result, the model without this data has a substantial amount of uncertainty associated with it and results in values in the middle of the range of model runs. This motion and the combination of our peer-reviewed science and harvest control rule with its 150,000 mt cutoff value provide adequate conservation.

Motion 17 carried unanimously.

Mr. Burner asked for flexibility to make minor corrections to the values in the motion as appropriate and asked the Council for guidance on how to schedule future Pacific sardine assessments.

Mr. Moore stated and the Council concurred that it would be appropriate to complete an updated assessment in 2010, but to do the next full assessment in 2011 rather than 2012.

Ms. Culver noted that the CPSAS has requested a STAR process to review methodologies that may be beneficial to the Pacific sardine assessment and asked if NMFS has the ability to sponsor STAR panels in 2010. Dr. Sakagawa responded that this is not something that the SWFSC has planned for, but that if the

Council is pursuing a full assessment cycle in 2011 the SWFSC could work with the Council to develop a review process to look at new indices such as the CDFO trawl survey.

Chairman Ortmann thanked the participants in the aerial survey for their thorough and timely work. Mr. Burner added that the STAT and Advisory Bodies put in many hours in support of these Council proceedings and he thanked new Council staff member Mr. Kerry Griffin for his quick study and hard work.

I.2 Fishery Management Plan Amendment 13: Annual Catch Limits and Accountability Measures (11/03/09; 2:58 pm)

I.2.a Agenda Item Overview

Mr. Burner provided the agenda item overview, including [Agenda Item I.2.a, Supplemental Attachment 1](#) Amendment 13 to the Coastal Pelagic Species Fishery Management Plan: National Standard 1 Guidelines, Annual Catch Limits and Accountability Measures; Summary of Issues and Potential Alternatives.

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

Dr. Ralston provided Agenda Item I.2.b, Supplemental SSC Report. Dr. Herrick provided Agenda Item I.2.b, Supplemental CPSMT Report. Mr. Okoniewski provided Agenda Item I.2.b, Supplemental CPSAS Report.

I.2.c Public Comment

Ms. Pam Lyons Gromen, National Coalition for Marine Conservation, Leesburg, VA
Mr. Bruce Stedman, Marine Fish Conservation Network,
Ms. Karen Carlson, Friends of Moss Landing Marine Laboratories, Moss Landing, CA
Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, CA
Mr. Ben Enticknap, Oceana, Portland, OR

I.2.d Council Action: Provide Guidance for Preparation of Public Review Draft

Ms. Culver commended Mr. Burner for putting together Agenda Item I.2.d, Supplemental Attachment 1 and provided the following options as preliminary Council guidance:

- Actively managed and monitored would remain in the fishery,
- Preserve for analysis the option of considering krill as an ecosystem component species,
- The CPSMT should consider adding additional forage species to the plan, but as secondary priority being mindful of the workload for this amendment and for future FMP implementation,
- Preserve for analysis all of the proposed options on federal vs. state management, but keep market squid and jack mackerel in the FMP as a preliminary preference,
- Keep the northern subpopulation of Northern Anchovy in the monitored category and begin developing the required management benchmarks,
- Continue to explore the use of a tiered system within the point of concern frameworks,
- Analyze an alternative that mirrors Council action under Agenda Item I.1 where the ACL is essentially equal to the ABC and items such as research and incidental set-asides and management buffers are used in the development of ACTs, and

- Continue to pursue improvements to the management framework or additional accountability measures (e.g. moving the start date of the Pacific sardine fishery or streamlining inseason monitoring), but make it a lesser priority and keep their highest priority on specifying the required benchmarks for actively managed stocks.

Mr. Moore agreed with Ms. Culver's comments and noted that there have been many opinions expressed about the cutoff value in the harvest control rule. Mr. Moore requested an examination of the harvest control rule and the cutoff value.

Ms. Vojkovich agreed with 99 percent of the comments including Mr. Moore's addition. She asked Ms. Culver if her comments on sector-specific ACLs were intended as a mechanism to split the ACL geographically or between the live bait and the directed fishery. Ms. Culver replied that no, she was thinking more along the lines of sector-specific ACLs for research or EFPs.

Ms. Vojkovich recommended that the CPSMT stay within the range of alternatives provided today and recommended removing the alternatives that remove market squid and jack mackerel from Federal management. She is also supportive of CPSMT efforts to analyze and describe the harvest control rule and its components and added the environmental parameter (temperature) as a focus topic in the analysis.

Council concurred with the recommendations.

Ms. Culver clarified for Mr. Burner that she is not currently in favor of developing sector-specific ACLs for the live bait fishery.

Mr. Moore recommended that the review of CPS harvest control rules dovetail with the SSC effort to characterize scientific uncertainty (P*) to explore its applicability to CPS. Mr. Burner said that the CPSMT and the SSC are planning to collaborate on this issue and will report back to the Council in March 2010.

J. Administrative Matters

J.1 Fiscal Matters

J.1.a Agenda Item Overview (11/05/09; 11:31 am)

Dr. Coon provided the agenda item overview.

J.1.b Budget Committee Report

Mr. Jerry Mallet provided Agenda Item J.1.b, Supplemental BC Report. The Budget Committee made recommendations for a provisional calendar year (CY) 2010 Council base budget and increases in liaison contracts contingent on the actual level of funding received in CY 2010.

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

None.

J.1.d Public Comment

None.

J.1.e Council Action: Consider Budget Committee Recommendations

Mr. Cedergreen moved and Ms. Culver seconded a motion (Motion 23) to adopt the report of the Budget Committee as shown in Agenda Item J.1.b, Supplemental BC Report. Mr. Moore asked if it includes all of the recommendations? Mr. Cedergreen answered affirmatively. Motion 23 carried unanimously.

J.2 Approval of Council Meeting Minutes

J.2.a Council Member Review and Comments

None.

J.2.b Council Action: Approve April 2009 Council Meeting Minutes

Mr. Moore moved and Mr. Cedergreen seconded a motion (Motion 24) to adopt Agenda Item J.2.b, Supplemental April 2009 Council Meeting Minutes as shown. Motion 24 carried unanimously.

J.3 Membership Appointments and Council Operating Procedures (11/05/09; 11:42 am)

J.3.a Agenda Item Overview

Dr. Coon provided the agenda item overview.

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

None.

J.3.c Public Comment

None.

J.3.d Council Action: Appoint New Advisory Body Members and Consider Changes to Council Operating Procedures as Needed

Ms. Culver moved and Mr. Cedergreen seconded a motion (Motion 25) to appoint Ms. Lorna Wargo to the WDFW position on the HMSMT. Motion 25 carried unanimously.

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 26) to appoint Ms. Melodie Palmer-Zwahlen to the California Department of Fish and Game position on the Model Evaluation Workgroup. Motion 26 carried unanimously.

Mr. Lockhart moved and Mr. Moore seconded a motion (Motion 27) to appoint Mr. Eric Chavez to the National Marine Fisheries Service position on the Habitat Committee, replacing Mr. Bryant Chesney. Motion 27 carried unanimously.

Mr. Lockhart moved and Mr. Moore seconded a motion (Motion 28) to amend COP 3 to add a fifth NMFS Science Center member to take advantage of the needed expertise in the development of an ecosystem management plan. This increases the total EPDT membership to 13. Motion 28 carried unanimously.

Mr. Lockhart moved and Mr. Steve Williams seconded a motion (Motion 29) to appoint the following members to the EPDT:

Oregon Department of Fish and Wildlife: Ms. Cyreis Schmitt
WDFW: Mr. Corey Niles
NMFS NW Region: Ms. Yvonne DeReynier
NMFS SW Region: Mr. Joshua Lindsay
NMFS NW and SW Science Centers (5 mbrs): Drs. John Field, Melissa Haltuch,
Sam Herrick, Andrew Leising,
& Mary Ruckelshaus
National Ocean Service: Dr. Lisa Wooninck (alt. Mr. Dan Howard)

Motion 29 carried unanimously.

Mr. Lockhart moved and Mr. Moore seconded a motion (Motion 30) to instruct Council staff follow up to determine when or if nominations will be made for the currently vacant positions representing:

California Department of Fish and Game,
Idaho Department of Fish and Game, and
Tribal Government

Motion 30 carried unanimously.

Ms. Lowman moved and Mr. Myer seconded a motion (Motion 31) to make the following appointments to the 11 positions on the Ecosystem Advisory Subpanel for the 2010-2012 term:

California: Ms. Kathy Fosmark, Mr. Steven Fukuto, Mr. Don Maruska
Idaho: Council staff to seek nominations
Oregon: Mr. Ben Enticknap, Mr. Scott McMullen, Mr. Frank Warrens
Washington: Mr. Geoff Lebon, Mr. Merrick Burden, Mr. Daniel Waldeck
Tribal: Council staff to seek nominations

Motion 31 carried unanimously.

Ms. Vojkovich moved and Mr. Steve Williams seconded a motion (Motion 32) to make the following appointments to the 10 positions on the Coastal Pelagic Species Advisory Subpanel for the 2010-2012 term:

California Commercial: Mr. David Haworth, Ms. Terry Hoinsky, Mr. John Royal
Oregon Commercial: Mr. Eugene Law
Washington Commercial: Mr. Robert Zuanich
California Processor: Ms. Diane Pleshner-Steele
Oregon Processor: Mr. Mike Okoniewski
Washington Processor: Mr. Pierre Marchand
California Sport/Charter: CPT. Paul Strasser

Conservation: Mr. Ben Enticknap

Motion 32 carried unanimously.

Mr. Moore moved and Mr. Myer seconded a motion (Motion 33) to make the following appointments to the 20 positions on the Groundfish Advisory Subpanel for the 2010-2012 term:

Fixed Gear: Mr. Robert Alverson, Mr. Tom Ghio, Mr. Gerry Richter
California Trawl: Mr. Tommy Ancona
Oregon Trawl: Mr. Kelly Smotherman
Washington Trawl: Mr. Marion Larkin
Open Access S. of Cape Mendocino: Mr. Daniel Platt
Open Access N. of Cape Mendocino: Mr. Kenyon Hensel
Processors (At-Large): Mr. Barry Cohen, Mr. Tom Libby
At-Sea Processor: Mr. Daniel Waldeck
California Charter S. of Pt. Conception: Mr. Joe Villareal
California Charter N. of Pt. Conception: Mr. Robert Ingles
Oregon Charter: Mr. Wayne Butler
Washington Charter: Mr. Larry Giese
Sport Fisheries (At-Large): Mr. John Holloway, Mr. David Seiler, Mr. Tom Marking
Conservation: Mr. Shems Jud
Active Tribal Fisher: Mr. Roger Bain

Motion 33 carried unanimously.

Ms. Culver moved and Mr. Moore seconded a motion (Motion 34) to make the following appointments to the 13 positions on the Highly Migratory Species Advisory Subpanel for the 2010-2012 term:

Commercial Troll: Mr. Wayne Heikkila
Commercial Purse Seine: Mr. August Felando
Commercial Gillnet: Mr. Steve Fosmark
Commercial Fisheries (At-Large): Mr. Pete Dupuy, Mr. Douglas Fricke, Mr. William Sutton
Processor S. of Cape Mendocino: Mr. Steve Foltz
Processor N. of Cape Mendocino: Mr. Pierre Marchand
California Charter Boat: Mr. Mike Thompson
Washington/Oregon Charter Boat: Ms. Linda Buell
Private Sport: Mr. Bob Osborne
Conservation: Council Staff to Seek Nominations
Public At-Large: Ms. Pamela Tom

Motion 34 carried unanimously.

Mr. Cedergreen moved and Mr. Myer seconded a motion (Motion 35) to make the following appointments to the 15 positions on the Salmon Advisory Subpanel for the 2010-2012 term:

California Troller: Mr. Duncan MacLean
Oregon Troller: Mr. Paul Heikkila
Washington Troller: Mr. Jim Olson
Commercial Gillnet Fishery: Mr. Kent Martin
Processor: Mr. Gerald Reinholdt

California Charter Boat: Mr. Craig Stone
Oregon Charter Boat: Mr. Mike Sorenson
Washington Charter Boat: Mr. Butch Smith
California Sport Fisher: Mr. Paul Pierce
Oregon Sport Fisher: Mr. Richard Heap
Washington Sport Fisher: Mr. Steve Watrous
Idaho Sport Fisher: Mr. Thomas Welsh
Washington Active Tribal Fisher: Mr. Francis Rosander
California Tribal: Mr. Mike Orcutt
Conservation: Mr. Jim Hie

Motion 35 carried unanimously.

Mr. Steve Williams moved and Mr. Moore seconded a motion (Motion 36) to make the following appointments to the 6 non-agency positions on the Habitat Committee for the 2010-2012 term:

Commercial Fishing Industry: Mr. Joel Kawahara
Sport Fishing Industry: Ms. Liz Hamilton
Conservation: Mr. Jim Hie
NW or Columbia River Tribal Rep: Mr. Jeremy Gillman
California Tribal: Mr. David Hillemeier
Public At-Large: Mr. Stephen Scheiblauber

Motion 36 carried unanimously.

Ms. Culver moved and Mr. Moore seconded a motion (Motion 37) to make the following appointments to the 7 at-large positions on the Scientific and Statistical Committee for the 2010-2012 term:

Dr. Louis W. Botsford
Dr. John Carlos Garza
Dr. Vladlena Gertseva
Dr. Selina Heppell
Dr. Stuart Todd Lee
Dr. Andre E. Punt
Dr. Vidar Wespestad

Motion 37 carried unanimously.

J.4 Future Council Meeting Agenda and Workload Planning (11/05/09; noon)

J.4.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview, including a letter from and response to Dr. Churchill Grimes concerning science research presentations to the Council. Dr. McIsaac also reviewed the changes in the supplemental attachments for the year-at-a-glance and the March agenda (J.4.a, Supplemental Attachment 4 and J.4.a, Supplemental Attachment 5).

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

Dr. McIsaac referred the Council to Agenda Item J.4.b, Supplemental SAS Report and Agenda Item J.4.b, Supplemental HC Report.

J.4.c Public Comment

Ms. Erika Feller, TNC, San Francisco, CA: Spoke to confusion about control limits for the catch shares program and the role of coastal fishing associations (CFA).

J.4.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning

Council members worked with the Executive Director and Deputy Director on future agenda planning. Among other issues discussed, the Council agreed to delete the CFA agenda item from the March agenda and expressed concern about how to handle the deeming of regulations for the trawl individual quota amendment at the March and April meetings. It was suggested to consider the Pacific halibut allocation changes beginning in June.

Council adjourned on Thursday, November 5, 2009 at 1 pm.



David W. Ortmann
Council Chairman

November 9, 2010

Date