

MINUTES
205th Session of the
Pacific Fishery Management Council
September 11-16, 2010
 Doubletree Hotel Boise - Riverside
 2900 Chinden Boulevard, Boise, Idaho 83714

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A. Call to Order

A.1 Opening Remarks

Mr. Mark Cedergreen, Chairman, called the 205th meeting of the Pacific Fishery Management Council to order at 9:00 a.m., Saturday, September 11, 2010. There was a closed session held from 8 a.m. to 8:45 a.m. to discuss litigation and personnel matters. A moment of silence was held to commemorate the anniversary of 9/11/2001 fallen heroes.

A.2 Council Member Appointments

Mr. Frank Lockhart swore in newly-appointed Council member Mr. Herb Pollard and recognized the reappointment of Mr. Dan Wolford. Mr. Dave Ortmann was noted as an additional designee representing the State of Idaho. Mr. Barry Ross was also recognized (former Idaho Council member in attendance).

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, 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, Vice Chair (Oregon Obligatory)
Mr. Jerry Mallet (State of Idaho Official, designee)
Mr. Rod Moore (At-Large)
Mr. Dale Myer (At-Large)
Mr. Herb Pollard, (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)
Mr. Dan Wolford, Vice Chair (At-Large)
Ms. Marija Vojkovich (State of California Official, designee)

The following Council member was absent for the entire meeting: Mr. David Hogan (US State Department, non-voting)

A.4 Executive Director's Report

Dr. McIsaac provided the Executive Director's report which included noting the two informational reports in the briefing book, advising the Council that Agenda Items I.4-I.6 will be broadcast via the web as a test of our capabilities and the benefits of such broadcasts, and he also discussed the need to plan a review of the groundfish biennial specifications process to determine better ways of completing the process.

A.5 Agenda

A.5.a Council Action: Approve Agenda

Mr. Rod Moore moved and Mr. Steve Williams seconded Motion 1 to adopt the proposed agenda (Agenda Item A.5) with the removal of Agenda Item G.2, Legislative Matters, as suggested by the Legislative Committee. The motion passed unanimously.

B. Open Comment Period

B.1 Comments on Non-Agenda Items

None.

C. Salmon Management

C.1 2010 Salmon Methodology Review (09/11/10; 9:19 a.m.)

C.1.a Agenda Item Overview

Mr. Chuck Tracy presented the agenda item overview.

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

Dr. Robert Kope presented Agenda Item C.1.b, Supplemental STT Report.

Mr. Tracy read Agenda Item C.1.b, Supplemental MEW Report into the record.

Dr. Peter Lawson presented Agenda Item C.1.b, Supplemental SSC Report.

Mr. David Sones presented Agenda Item C.1.b, Supplemental Tribal Comment.

Dr. Dygert presented Agenda Item C.1.b, NMFS Report.

C.1.c Public Comment

None.

C.1.d Council Action: Adopt Final Review Priorities

Mr. Steve Williams moved (Motion 2) to set the priorities as indicated by the two bulleted items on the bottom of page 1, and the one bulleted item on the top of page two of Agenda Item C.1.b, Supplemental SSC Report. Mr. Moore seconded the motion.

Motion 2 carried unanimously.

Mr. Steve Williams directed the Salmon Technical Team (STT) to provide a prospective report on mark selective fisheries.

Mr. Pat Pattillo directed the STT to include recommendations for the improvements in monitoring and reporting of mark selective fisheries.

C.2 Fishery Management Plan Amendment 16, Annual Catch Limits and Accountability Measures

C.2.a Agenda Item Overview (09/11/10; 10:25 a.m.)

Mr. Tracy presented the agenda item overview.

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

Mr. Tracy presented Agenda Item C.2.b, Supplemental SAC PowerPoint.

Mr. Robert Conrad presented Agenda Item C.2.b, Supplemental SSC Report.

Mr. Butch Smith presented Agenda Item C.2.b, Supplemental SAS Report.

Mr. Mike Orcutt presented Agenda Item C.2.b, Supplemental Hoopa Valley Report.

Mr. Dave Hillemeier, Yurok Tribe, recommended the Council adopt 40,700 as the best estimate of maximum sustainable yield spawning escapement (S_{MSY}) and the annual management objective for Klamath River fall Chinook (KRFC), and revisit that value as restoration efforts improve and expand available habitat; minimum stock size threshold (MSST) should be greater than 50 percent of S_{MSY} to protect Klamath basin sub-stocks and genetic integrity of the aggregate stock; tier 2 stocks are components of the Southern Oregon/Northern California Chinook complex, so a 10 percent buffer on F_{ABC} would be appropriate; the Salmon Amendment Committee (SAC) should develop a *de minimis* alternative similar to Alternative 3, but with the inflection point at $0.75 * S_{MSY}$, and zero out at 22,000 spawners or $0.5 * S_{MSY}$ to more closely reflect National Marine Fisheries Service (NMFS) guidance on implementing Amendment 15.

C.2.c Public Comment

Mr. Duncan MacLean, troller, El Granada, CA

C.2.d Council Action: Adopt Proposed Alternatives for Public Review

Mr. Dan Wolford recommended the Council use an arithmetic mean for setting status determination criteria (SDC) alternatives rather than the geometric mean, and to use the 35,000 spawner floor for KRFC until an economic analysis is conducted to see the impacts of adopting 40,700 as S_{MSY} .

Mr. Wolford moved (Motion 3) to adopt the alternatives in Agenda Item C.2.b, SAC Report for public comment and adopt the following as preliminary preferred alternatives (PPA):

- From Table ES-1, Stock Classification Alternative 3 relative to individual stocks in the fishery, stock complexes, ESA listed stocks, hatchery stocks, and exploitation rate exceptions; and to further note that the northern range of KRFC and Sacramento River fall Chinook (SRFC) does not extend North of Cape Falcon.

- From Table 2-7 SDC Alternative 2 for Overfishing and Rebuilt and Alternative 3 for Overfished and Approaching an Overfished Condition, except that Alternative 3 would be defined in terms of an arithmetic mean rather than a geometric mean.
- From Table 2-8 and 2-9 Reference Points for individual stocks for S_{MSY} , maximum fishing mortality threshold (MFMT), and MSST associated with Alternative 3 SDC except that for KRFC, S_{MSY} should be 35,000 spawners.
- From Table 2-10 Annual Catch Limit (ACL) Alternative 3, including the 5 percent buffer for tier 1 stocks and 10 percent buffer for tier 2 stocks.
- For Accountability Measures (AMs) Alternative 2 on page 65 and replace the term “overfishing concern” with “abundance alert” and the term “overfished” with “depleted.”
- A new alternative *de minimis* control rule applied to KRFC and SRFC similar to those on page 74 except that F would not fall below 25 percent, but would become undefined at abundance levels less than the midpoint between S_{MSY} and MSST; this would not include a prescriptive approach but require the Council to consider a measured approach should the stock be in that situation, which will allow the Council to consider community impacts as well as stock status.
- Another *de minimis* alternative for KRFC using 86 percent of S_{MSY} as MSST.

Ms. Vojkovich seconded the motion.

Mr. Pattillo moved to amend Motion 3 (Amendment 1 to Motion 3) to include in the description of *de minimis* fishing alternatives that only fishing impacts south of Cape Falcon would be included when considering implementation of *de minimis* fishing rates. Mr. Moore seconded Amendment 1 to Motion 3.

Amendment 1 to Motion 3 carried. Mr. Lockhart abstained.

Mr. Steve Williams moved to amend Motion 3 (Amendment 2 to Motion 3) to include the 14 Chinook, 11 coho, and two pink salmon stocks shown on Table ES-1, Stock Classification Alternative 2 as in the fishery and designate them as international exceptions to the ACL and AM requirements. Mr. Moore seconded Amendment 2 to Motion 3.

Mr. Tracy asked if ecosystem components were included in either Motion 3 or Amendment 2 to Motion 3. Mr. Moore replied no.

Amendment 2 to Motion 3 carried unanimously.

Ms. Vojkovich moved to amend Motion 3 (Amendment 3 to Motion 3) to include new *de minimis* alternatives for each current alternative that specifies 35,000 as S_{MSY} for KRFC, to provide analysis and comment opportunity for S_{MSY} of both 40,700 and 35,000. Mr. Brizendine seconded Amendment 3 to Motion 3.

Mr. Lockhart stated that S_{MSY} is not a policy decision but a scientific decision, and the SSC has provided their recommendation for 40,700; however, having both values in the Environmental Assessment (EA) for comparison is acceptable.

Amendment 3 to Motion 3 carried unanimously.

Ms. Lowman moved to amend Motion 3 (Amendment 4 to Motion 3) to also include the 3-year geometric mean alternatives for public review. Mr. Lockhart seconded Amendment 4 to Motion 3.

Mr. Lockhart noted the Scientific and Statistical Committee (SSC) recommended that the SDC be based on a 3-year geometric mean; however, having both geometric and arithmetic means in the EA for comparison is acceptable.

Amendment 4 to Motion 3 carried unanimously.

Mr. Lockhart requested Motion 3, as amended, be presented in writing prior to a vote. Dr. McIsaac replied that could be done by tabling the Motion while staff prepared a presentation.

Mr. Myer asked if Motion 3 replaced “overfished” with “depleted” throughout the Fishery Management Plan (FMP). Mr. Wolford replied yes.

Mr. Lockhart noted that the term overfished is a requirement of the FMP.

Mr. Lockhart moved to amend Motion 3 (Amendment 5 to Motion 3) to strike the replacement of the term “overfished” with “depleted.” Ms. Vojkovich seconded Amendment 5 to Motion 3.

Amendment 5 to Motion 3 carried; Mr. Ortmann and Mr. Wolford voted no.

Mr. Lockhart moved (Motion 4) to table action on Motion 3 until staff can present the motion in writing. Mr. Brizendine seconded Motion 4.

Main Motion 3 was tabled.

09/12/10; 10:39 a.m.

Mr. Moore moved (Motion 7) to bring Motion 3, as amended, on Agenda Item C.2. back to the table. Mr. Brizendine seconded the motion. Motion 7 carried unanimously.

Mr. Tracy presented Agenda Item C.2.d, Supplemental Motion in Writing.

Ms. Vojkovich asked if the far-north migrating spring-summer Chinook complex was not included in the stock classification PPA, what would be required. Mr. Tracy replied that in addition to SDC, each individual stock would need an ACL.

Dr. Dygert stated that S_{MSY} is a biological parameter, not a policy option, and it would be difficult for NMFS to support something other than 40,700 for KRFC, which is based on an analysis reviewed by the SSC and approved by the Council. NMFS would also need to consider all sources of mortality for determining whether a stock was overfished, including impacts to KRFC and SRFC north of Cape Falcon.

Mr. Mohr noted all *de minimis* fishing alternatives presented assume $MSST = 0.5 * S_{MSY}$, but it is possible to have other MSST alternatives, which would affect the abundance levels specified for the *de minimis* alternatives.

Mr. Mohr asked if the *de minimis* alternatives were defined by the stock abundance levels or the description relative to the reference points. Mr. Tracy replied the latter, the former are examples of application to specific stocks.

Mr. Lockhart moved to amend Motion 3 (Amendment 6 to Motion 3) to remove insertion of 35,000 for KRFC as S_{MSY} . Ms. Vojkovich seconded Amendment 6 to Motion 3.

Mr. Lockhart stated S_{MSY} is a biological parameter, the SSC is the appropriate body to recommend that parameter, and the Council should take their recommendation, which is based on an extensive record. It would be confusing to have two estimates of S_{MSY} in the EA. In doing so, *de minimis* Alternatives 2b and 3b would be eliminated.

Mr. Wolford stated his intent in Motion 3 was to establish a conservation objective of 35,000, not to replace S_{MSY} .

Mr. Moore asked if there was latitude in the FMP to change estimates of S_{MSY} if new information was available. Mr. Tracy replied the *de minimis* control rules are tied to the reference points, not hard numbers; therefore, as new information became available and the Council accepts new estimates, the control rules would reflect that difference.

Ms. Vojkovich asked if the terms S_{MSY} and conservation objective were equivalent. Mr. Lockhart replied no, and the Council would have to manage for a conservation objective that was no lower than S_{MSY} .

Ms. Vojkovich asked if 40,700 would become the new KRFC spawning escapement floor.

Mr. Mohr replied that under the alternatives in the EA, yes, until abundance fell to *de minimis* levels.

Mr. Moore moved to amend Amendment 6 to Motion 3 (Amendment 1 to Amendment 6 to Motion 3) to establish a conservation objective in Alternatives 2b and 3b of 35,000 for KRFC. Mr. Crabbe seconded Amendment 1 to Amendment 6 to Motion 3.

Mr. Wolford felt it was appropriate to add language to the PPA as well as Alternatives 2b and 3b.

Mr. Moore withdrew his amendment, Mr. Crabbe concurred.

Amendment 1 to Amendment 6 to Motion 3 was withdrawn.

Mr. Moore moved to amend Amendment 6 to Motion 3 (Amendment 2 to Amendment 6 to Motion 3) to establish a conservation objective in Alternatives 2b and 3b and the PPA of 35,000 for KRFC. Mr. Crabbe seconded Amendment 2 to Amendment 6 to Motion 3.

Amendment 2 to Amendment 6 to Motion 3 carried unanimously.

Amendment 6 to Motion 3, as amended by Amendment 2 to Amendment 6 to Motion 3, carried unanimously.

Mr. Lockhart moved (Amendment 7 to Motion 3) to eliminate from Agenda Item C.2.d, Supplemental Motion in Writing, under the SDC and *De Minimis* Fishing Provisions sections defining Cape Falcon as the northern limit for impacts contributing to Overfishing SDC, ACL compliance and *de minimis* provisions; and add to the *De Minimis* Fishing Provisions section the statement that “for the purpose of implementing *de minimis* fishing provisions, Cape Falcon will be defined as the northern limit for impacts counted toward KRFC and SRFC.” Ms. Vojkovich seconded Amendment 7 to Motion 3.

Mr. Lockhart stated that the Magnuson-Stevens Act and National Standard 1 Guidelines require all impacts to count towards SDC, but allows fishery implementation to consider stock distribution.

Amendment 7 to Motion 3 carried unanimously.

Mr. Roth moved (Amendment 8 to Motion 3) to remove the reference of $0.86 * S_{MSY}$ as MSST for KRFC under the new *de minimis* fishing Alternative, and to insert it as Alternatives 3a and 5a for KRFC only under the SDC Section Alternatives 3 and 5, respectively. Mr. Sones seconded Amendment 8 to Motion 3.

Amendment 8 to Motion 3 carried unanimously.

Motion 3 as amended (Amendments 1, 2, 3, 4, 5, 6 [as amended], 7, and 8) carried unanimously.

(1:38 p.m.)

C.3 Mitchell Act Hatchery Draft Environmental Impact Statement (DEIS)

C.3.a Agenda Item Overview (09/11/10; 4:20 p.m.)

Mr. Tracy presented the agenda item overview.

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

Mr. Bob Turner presented Agenda Item C.3.b, Supplemental NMFS PowerPoint. Mr. Butch Smith and Mr. Steve Watrous presented Agenda Item C.3.b, Supplemental SAS Report.

C.3.c Public Comment

Mr. Butch Smith, Ilwaco Charterboat Association, Ilwaco, WA
Mr. Kent Martin, gillnetter, Skamokawa, WA
Mr. Jim Olson, Washington Trollers Association, Auburn, WA
Mr. Duncan MacLean, troller, El Granada, CA

C.3.d Council Action: Provide Comments on the DEIS (09/12/10; 8:05 a.m.)

Mr. Cedergreen moved (Motion 5) to establish a committee made up of five Council members - one each from Washington, Oregon, Idaho, Tribes, and the Council Chairman. The committee will meet before the November Council meeting in Costa Mesa; task is to put together a draft Council statement on the Mitchell Act (MA) DEIS to be adopted by the full Council and forwarded to NMFS prior to the public comment deadline. In addition, Council staff is directed to develop a list of specific questions regarding the DEIS and to whom they should be assigned, which would be finalized as an additional agenda item later at this meeting. Mr. Steve Williams seconded the motion.

Mr. Moore moved to amend Motion 5 (Amendment 1 to Motion 5) to include one member from US Fish and Wildlife Service and one from Alaska Department of Fish and Game. Ms. Lowman seconded the amendment. Amendment 1 to Motion 5 carried unanimously.

Motion 5 as amended carried. Mr. Lockhart abstained.

09/13/10; 10:45 a.m.

Dr. McIsaac presented Agenda Item C.3.d, Supplemental Council Staff Report, a list of questions and proposed entities to respond to each question.

Ms. Culver asked if the intent was to bring the answers back to the full Council. Dr. McIsaac replied yes, that it would be available in the November 2010 briefing materials.

Council members and advisory bodies were assigned to answer the list of questions.

C.4 National Marine Fisheries Service Report (09/12/10; 8:27 a.m.)

C.4.a Fisheries Science Center Activities

Mr. Steve Lindley and Dr. Pete Lawson presented Agenda Item C.4.a, Supplemental FSC Report.

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

None.

C.4.c Public Comment

None.

C.4.d Council Discussion

None.

C.5 Salmon Essential Fish Habitat (EFH) Review (09/12/10; 9:18 a.m.)

C.5.a Agenda Item Overview

Mr. Kerry Griffin provided the agenda item overview.

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

Mr. Eric Chavez provided Agenda Item C.5.b, Supplemental HC Report. Dr. Martin Dorn provided Agenda Item C.5.b, Supplemental SSC Report.

C.5.c Public Comment

None.

C.5.d Council Action: Approve the Salmon EFH Report for Public Review

Mr. Griffin stated the comments from the Habitat Committee (HC) and SSC will be considered in the final report which right now is scheduled to come back to the Council as a final report in March 2011.

Mr. Lockhart said he was concerned about how each of the considerations in the advisory body comments will or will not be incorporated in the report and would like that information at the March 2011 meeting. Vice Chair Wolford concurred, but felt it might double the document in size.

Mr. Roth asked about the timeline/timeframe. Mr. Griffin replied NMFS essential fish habitat (EFH) regulatory guidance said that EFH descriptions should be reviewed periodically, at least every five years. We are at five years now. This is not the first or last time that an EFH review has taken more than five years to complete.

Mr. Lockhart said Mr. Griffin is right and that taking a bit more time to get it right is more important than meeting the five-year review deadline.

Dr. Coon reminded Council members that this is really not the Council's document. It is a NMFS report to the Council completed on a contract with the purpose of the report to help develop and guide the Council process in the review of EFH. The point is to get this out for public comment so the Oversight Panel (Panel) can take the comment into account in its final report to help the Council decide what they want to do about updating salmon EFH in the fishery management plan.

Mr. Griffin said the function of the Panel report is to review the science and available tools to see if EFH descriptions are more or less accurate as intended. If new information comes to light, or if the Council chooses to adopt habitat areas of particular concern (HAPCs), then that is the next step. The Panel's first step was to conduct the review and present the information to the Council and public.

Dr. Coon recommended the Council invite Dr. John Stadler up to the podium as he is the chairman of the Panel.

Dr. Stadler, NMFS Northwest Region EFH Coordinator, spoke about the content of the report, particularly to the water quality and quantity issues. He stated the report was not intended to contain that type of information. That information is already in Salmon Amendment 14. The intent of the report is to find and pull together new information to supplement and update what is in Amendment 14.

Mr. Lockhart said it seems that the Council staff wants to go out with something for public review, but Council members are saying that might give the wrong impression if it is viewed as not complete. He thought that if the linkage between the report and Amendment 14 was made clear and viewed as a whole package that this might bely Council concerns. Mr. Steve Williams concurred with this thought.

Dr. Stadler agreed that beefing up and making clear the connection between the report with updated information and the already existing description of EFH in Amendment 14 would help the process and respond to the Council's concerns. He also noted that the annotated bibliography will include any new information brought forward.

Mr. Roth suggested that if there was some summation of the new information, so people don't have to dig so much, it would be helpful. Dr. Stadler said they would do that in the final document.

Dr. Coon said again that the Panel is trying to provide a service to the Council to assist in its required review of salmon EFH and potential need to amend the salmon plan. When the Panel provides its final report, it is up to the Council to decide how to use the information in completing its EFH review.

Mr. Moore moved (Motion 6) to adopt for public review Agenda Item C.5.a, Attachment 1: *Pacific Coast Salmon Essential Fish Habitat Review Draft Report* and Agenda Item C.5.a, Attachment 2: *Appendix A – Annotated Bibliography for 2010 Essential Fish Habitat Update*, with the expectation that this would be returned to the Council showing linkage to Amendment 14, and consider the comments of the Council (verbally today), the SSC, and HC and describe why their comments were or were not included. Ms. Lowman seconded the motion.

Ms. Vojkovich expressed concern about some of the information in the report and Amendment 14, e.g., the hagg fish fishery and the range of Chinook habitat, and asked that those be looked at and any nonfactual information be noted or removed.

Dr. Stadler said those items were all taken from Amendment 14 and we can do a better job of reviewing that material to answer the concerns voiced here today.

Motion 6 carried unanimously.

Break at 10:24 a.m.; then to Agenda Item C.2. Council Action.

D. Pacific Halibut Management

D.1 2011 Pacific Halibut Regulations (09/12/10; 1:45 p.m.)

D.1.a Agenda Item Overview

Mr. Chuck Tracy presented the agenda item overview.

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

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

Mr. Lockhart presented Agenda Item D.1.b, Supplemental NMFS Report.

Mr. John Holloway presented Agenda Item D.1.b, Supplemental GAP Report.

D.1.c Public Comment

None.

D.1.d Council Action: Adopt for Public Review Proposed Changes to the 2011 Pacific Halibut Catch Sharing Plan and Annual Fishery Regulations

Mr. Steve Williams moved (Motion 8) to adopt for public review, Agenda Item D.1.b, ODFW Report, under Central Coast Subarea, items 1, 2, and 3; and remove item 1 under South of Humbug Mountain Subarea. Mr. Moore seconded the motion.

Motion 8 carried unanimously.

Mr. Lockhart moved (Motion 9) to adopt for public review, the proposal provided under Agenda Item D.1.b, Supplemental NMFS Report; and note that NMFS will provide the specific changes to the Council during public review. Ms. Vojkovich seconded the motion.

Motion 9 carried unanimously.

D.2 Proposed Procedures for Estimating Pacific Halibut Bycatch in the Groundfish Fisheries

D.2.a Agenda Item Overview (09/12/10; 2:17 p.m.)

Mr. Tracy presented the agenda item overview.

D.2.b Northwest Fisheries Science Center Report

Ms. Eliza Heery and Ms. Janell Majewski presented Agenda Item D.2.b, Supplemental NWFSC PowerPoint, which summarized Agenda Item D.2.b, NMFS Report.

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

Dr. Dorn presented Agenda Item D.2.c, Supplemental SSC Report.

Ms. Lynn Mattes presented Agenda Item D.2.c, Supplemental GMT Report.

Mr. John Holloway presented Agenda Item D.2.c, Supplemental GAP Report.

Ms. Culver presented Agenda Item D.2.c, WDFW Report.

D.2.d Public Comment

None.

D.2.e Council Action: Review and Provide Guidance on Appropriate Bycatch Estimation Procedures

Ms. Culver requested Oregon Department of Fish and Wildlife (ODFW) forward a more recent report of halibut bycatch in the pink shrimp trawl fishery, which should be essentially eliminated due to use of excluders. Mr. Steve Williams agreed to forward that report.

Ms. Culver moved (Motion 10) to approve Agenda item D.2.b, NMFS Report and transmit it to the International Pacific Halibut Commission (IPHC), representing the best available science for West Coast trawl and fixed gear fisheries, including legal and sublegal mortality information, and to forward the latest pink shrimp trawl bycatch report from ODFW. Mr. Myer seconded the motion.

Motion 10 carried unanimously.

D.3 Initial Consideration of Proposed Changes to Pacific Halibut Allocation for Bycatch and Catch Sharing in the Groundfish Fisheries (09/12/10; 3:07 p.m.)

D.3.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

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

Ms. Lynn Mattes presented Agenda Item D.3.b, Supplemental ODFW PowerPoint, which summarized Agenda Item D.3.b, ODFW Report and Agenda Item D.3.b, Supplemental ODFW Report 2.

Ms. Culver presented Agenda Item D.3.b, WDFW Report.

Mr. Gregg Williams presented Agenda Item D.3.b, Supplemental IPHC Report.

Mr. John Holloway presented Agenda Item D.3.b, Supplemental GAP Report.

D.3.c Public Comment

Mr. Ralph Brown, trawler, Brookings, OR

Mr. Bill James, fisherman, Salem, OR

Ms. Leesa Cobb, Port Orford Ocean Resource Team, Port Orford, OR

D.3.d Council Action: Consider the Proposed Changes and Plan Further Actions as Appropriate

Mr. Steve Williams moved (Motion 11) to develop an analysis of the biological, socioeconomic, and fishery management costs and benefits of modifying the Area 2A Pacific Halibut Catch Sharing Plan to the allow incidental halibut catch retention in the sablefish fixed gear fishery; which may include limited entry, daily trip limit and open access sectors. Mr. Moore seconded the motion.

Mr. Steve Williams stated that a ten hour directed halibut fishery is hard to manage and may not be the best economic use of available fish, and while allocation will be an issue at some point, the motion has a narrow scope to explore changes to make the fishery manageable, sustainable, and economically viable. ODFW will do the work necessary to bring the issue back to the Council.

Mr. Wolford asked what the geographic extent of the proposal was. Mr. Steve Williams replied south of Pt. Chehalis.

Mr. Mallet asked what the timeframe for the proposal was. Mr. Steve Williams replied the intent was to complete the process in time for 2012 fisheries.

Dr. McIsaac asked if the necessary allocation of halibut would come from the directed halibut fishery only. Mr. Steve Williams replied yes.

Ms. Culver concurred that the proposal was timely, but was concerned about consistency with halibut bycatch retention north of Pt. Chehalis; for example, north of Pt. Chehalis fisheries are closed out to 100 fm to reduce bycatch of yelloweye rockfish, and the proposal may increase yelloweye impacts south of Pt. Chehalis.

Ms. Vojkovich concurred with Ms. Culver's comments about yelloweye impacts and was concerned that incidental catches could become targets. A long-term strategy for halibut allocation should be investigated rather than pursuing a narrowly-focused proposal.

Mr. Lockhart stated the first step is to provide more information to the Council, although the 2012 implementation may be ambitious.

Mr. Dale Myer was concerned with allocation issues between the directed halibut fishery and bycatch retention.

Motion 11 carried 9 to 4; Mr. Crabbe, Ms. Vojkovich, Mr. Myer, and Ms. Culver voted no.

E. Habitat

E.1 Current Habitat Issues (09/13/10; 8:05 a.m.)

E.1.a Agenda Item Overview

Ms. Jennifer Gilden provided the agenda item overview.

E.1.b Report of the Habitat Committee

Ms. Fran Recht provided the Habitat Committee report.

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

None.

E.1.d Public Comment

None.

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

No Council action was taken.

E.2 National Marine Fisheries Service National Habitat Assessment Plan Briefing

E.2.a Agenda Item Overview

Ms. Gilden provided the agenda item overview.

E.2.b Fisheries Science Center Report

Ms. Mary Yoklavich and Dr. Waldo Wakefield provided Agenda Item E.2.b, Supplemental SWFSC PowerPoint.

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

None.

E.2.d Public Comment

No public comment.

E.2.e Council Discussion

Mr. Tim Roth said he strongly supported endorsing the Habitat Assessment Improvement Plan (HAIP). He felt that Council habitat actions have lined up well with the actions described in the HAIP. He

supported writing a letter of endorsement to National Oceanic and Atmospheric Administration (NOAA) about the HAIP, and discussed several points of agreement between the Council and the HAIP.

Ms. Culver agreed that the Council has many habitat science needs, especially with regard to stock assessments and EFH. If the Council agrees to send a letter of endorsement for the HAIP, she supports including comments to the effect that we do not want to detract from funding our other priorities or unfunded mandates, but support new funding. She would also include supporting projects such as the Washington Department of Fish and Wildlife (WDFW) research on yelloweye stock abundance and density.

Mr. Wolford supported writing a letter, and said he would like to include something about not pursuing public/private partnerships – those come with lots of strings and attachments. He asked that be included in the Council letter.

Ms. Vojkovich also supported the letter and the work of the HAIP. She agreed with Ms. Culver's recommendation to focus on the Council's key issues. She asked that we focus on what will have the biggest payoffs for the Council first. She supports work that is readily transferable and understandable. Also, states need resources in order to engage in processes like this.

Mr. Moore concurred, but noted that the Council cannot lobby for NMFS funding. He did not want to detract from current funding, but wanted to look at amalgamating existing data; the highest priority would be yelloweye.

Mr. Sones agreed with Mr. Roth's and Ms. Vojkovich's comments. He noted that the Olympic Coast Sanctuary plays an important role in his area, and can coordinate a lot of this data. Much valuable data can be combined at a lower cost.

Mr. Steve Williams endorsed the plan, and believed that comments about the Council's priorities were important. He warned against attempting to meet everyone's needs, which could dilute the effort. Prioritizing is critical. Data coordination by a broad range of users was important to him.

Mr. Wolford said, in addition to yelloweye, inland habitat for anadromous salmon is important.

Dr. McIsaac said a motion is not needed; he had not heard any negative comments. Absent any other discussion, staff would proceed with a letter along the lines of this discussion.

F. Marine Protected Areas

F.1 Update and Further Review of the National System of Marine Protected Areas (09/13/10; 9:24 a.m.)

F.1.a Agenda Item Overview

Mr. Kerry Griffin provided the agenda item overview. Ms. Wenzel provided Agenda Item F.1.a, Supplemental National MPA Center PowerPoint. In her presentation, Ms. Wenzel summarized the genesis and structure of the national System of Marine Protected Areas (MPAs), established under Executive Order (E.O.) 13158. Mr. Mallet asked whether the E.O. provides authority to establish new MPAs, and Ms. Wenzel replied that the National System only considers already-existing MPAs but does not create any new ones. Dr. McIsaac asked about the process for removing a site, and whether the

“avoid harm” provision would apply in that case. Ms. Wenzel stated that the “avoid harm” provision would not be a consideration in the decision of whether to remove a site from the system.

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

Dr. Martin Dorn provided Agenda Item F.1.b, Supplemental SSC Report. Ms. Fran Recht provided Agenda Item F.1.b, Supplemental HC Report.

F.1.c Public Comment

Dr. Geoff Shester, Oceana, San Francisco, CA

F.1.d Council Action: Consider Updated Information and Plan Further Actions as Appropriate

Mr. Griffin walked the Council through the rest of the white paper.

Ms. Culver asked about the 52 sites proposed for nomination in a letter from Barry Thom, and the difference between the MPA Inventory and the MPA Registry. Mr. Griffin and Ms. Wenzel explained that the inventory is merely a list resulting from researching all those MPAs that fit the criteria. The registry is those MPAs that have been nominated for inclusion in the national system of MPAs. Ms. Culver also asked about the “avoid harm” language in the E.O., and Ms Wenzel clarified that the mandate to avoid harm to MPA resources applies only to those in the national system; not necessarily those in the inventory. NOAA anticipates issuing guidance on the “avoid harm” clause in the near future. Ms. Wenzel and Mr. Griffin further clarified that for any federally-managed MPA, all Federal agencies are already obligated to avoid harm to those MPA resources for which the MPA exists.

Dr. McIsaac asked why some salmon MPAs were not included in the list of 52 nominated sites, while the groundfish closed areas were. Ms Wenzel said that there was no particular reason, and that those on the list simply represent those that appeared to fit the MPA criteria.

Mr. Moore asked whether the “avoid harm” criteria would apply to a decision about whether to remove an MPA from the registry. Ms. Wenzel said that no, it would not apply to those cases.

In response to further concerns expressed from the Council, Mr. Sam Rauch came to the podium and said that in all of these scenarios (with respect to adding or removing an MPA to/from the list), NMFS intends to give deference to the Council’s wishes.

Dr. McIsaac suggested the Council could pause and consider the question of looking at a more comprehensive list a little further. We will just look for scheduling this again next year in the fall when the legal definition becomes available to us.

Ms. Lowman said she would like to see the legal definition in writing. Even though this issue is not much of a workload, we have a public process involved and it would be good to get and review the guidance fairly soon.

G. Administrative Matters

G.1 Briefing on Marine Spatial Planning (09/13/10; 10:49 a.m.)

G.1.a Agenda Item Overview

Mr. Griffin provided the agenda item overview.

G.1.b Marine Spatial Planning from the National Perspective

Mr. Sam Rauch, Deputy Director, NMFS, provided Agenda Item G.1.b, Supplemental NOAA PowerPoint.

G.1.c Marine Spatial Planning on the West Coast

Dr. Usha Varanasi, NWFSC, and Ms. Jessica Keys (Oregon Governors office) provided a west coast perspective on CMSP.

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

None.

G.1.e Public Comment

Mr. Ralph Brown, Fishermen's Marketing Association, Brookings, OR

G.1.f Council Discussion on Marine Spatial Planning

Mr. Dave Ortmann said he supported the strongest possible involvement of this Council in any effort that regards marine spatial planning. He mentioned he just attended an international forum, and that included a presentation on coastal marine spatial planning (CMSP). The main message was with any planning body addressing CMSP, we have to be at the table. If you are not at the table, you will probably have the risk of losing out.

Ms. Culver noted that this topic is scheduled for discussion only, but there was a request from the Council to designate a staff person who could coordinate. She appreciated the inclusion of a Council person should the West Coast Governors' Agreement become the regional planning body for the WC, and suggested that the Council should write a letter supporting the WCGA as the future Regional Planning Body. Ms. Culver also suggested that as this develops further, the Council should work closely with the regional planning body to ensure we get Council input through that stakeholder process.

Ms. Steve Williams agreed with Ms. Culver's and Mr. Ortmann's comments about participation but voiced concerns about the workload issues.

Dr. McIsaac offered to be the primary policy-level contact for CMSP issues, and supported the next step of drafting a letter prior to the December 10 comment deadline.

G.2 Legislative Matters

This agenda item was cancelled on the recommendation of the Legislative Committee.

G.3 Approval of Council Meeting Minutes

G.3.a Council Member Review and Comments (09/16/10; 2:36 p.m.)

Mr. Mark Cedergreen called the Council members attention to the Situation Summary for the Draft September 2009 Council Meeting Minutes and Attachment 1.

G.3.b Council Action: Approve September 2009 Council Meeting Minutes

Mr. Moore moved and Mr. Wolford seconded Motion 34 to approve the September 2009 Council Meeting minutes (Agenda Item G.1.a, Supplemental Attachment 1, June 2010) with the correction provided in Attachment 1 (correction and spelling-out of the term “coefficient of variation”). Motion 34 carried unanimously.

G.4 Fiscal Matters

G.4.a Agenda Item Overview (09/16/10; 2:37 p.m.)

Chairman Cedergreen called upon the Budget Committee Chairman to provide the Budget Committee Report.

G.4.b Budget Committee Report

Mr. Jerry Mallet summarized the Budget Committee report and recommendations (Supplemental Budget Committee Report).

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

None.

G.4.d Public Comment

None.

G.4.e Council Action: Consider Budget Committee Recommendations

Ms. Vojkovich moved and Ms. Lowman seconded Motion 35 to approve the Budget Committee Report recommendations found on page 2 of that report, concerning adjustments of the CY 2010 operational budget. Motion 35 carried unanimously.

G.5 Membership Appointments and Council Operating Procedures

G.5.a Agenda Item Overview (09/16/10; 2:44 p.m.)

Dr. Coon provided the agenda item overview.

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

None.

G.5.c Public Comment

None.

G.5.d Council Action: Consider Changes to Council Operating Procedures and Advisory Body Appointments

Mr. Lockhart moved and Mr. Pollard seconded Motion 36 to appoint Dr. Phil Levin to the NMFS Northwest Fisheries Science Center position on the Ecosystem Plan Development Team (replacing Dr. Mary Ruckelshaus). Motion 36 carried unanimously.

Ms. Culver moved and Mr. Myer seconded Motion 37 to appoint Ms. Heather Reed to the vacant WDFW position on the GMT. Motion 37 carried unanimously.

Mr. Moore moved and Mr. Steve Williams seconded a Motion 38 to approve staff's proposed change to Council Operating Procedures 2 through 8 as shown on pages 2 through 3 of Agenda Item G.5, Situation Summary. The change basically requires a two-week notice to the Executive Director for approving an alternate for an advisory body member. Mr. Moore emphasized that the Executive Director was granted discretion to waive the two-week notice requirement in special cases. Motion 38 carried. Ms. Vojkovich voted no.

Council concurred to have staff advertise the vacant conservation community position on the Highly Migratory Species Advisory Subpanel.

G.6 Future Council Meeting Agenda and Workload Planning

G.6.a Agenda Item Overview (09/16/10; 2:57 p.m.)

Dr. McIsaac provided the agenda item overview by reviewing proposed future agendas and the changes provided in Supplemental Attachments 3 and 4. In particular he emphasized the proposed review of the groundfish biennial management process, the catch shares trailing amendments, the potential delay of final action on the salmon annual catch limit amendment, and a follow-up on marine spatial planning.

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

Dr. Coon read Agenda Item G.6.b, Supplemental GMT Report into the record.

G.6.c Public Comment

None.

G.6.d Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning

Mr. Steve Williams stated that ODFW would likely use a contractor to develop its proposal on allocation and retention of halibut bycatch in the fixed-gear fisheries and will not have a camera-ready proposal for the March Council meeting. The development and approval process would most likely fit a 2013 implementation schedule rather than 2012.

Council members worked with the Executive Director and staff in making some minor revisions to the November 2010 proposed agenda.

H. Ecosystem Based Management

H.1 Ecosystem Fishery Management Plan (FMP) (09/13/10; 1:35 p.m.)

H.1.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview; including Agenda Item H.1.a, Supplemental EFMP History PowerPoint.

H.1.b Report and Recommendations of the Ecosystem Plan Development Team (EPDT)

Ms. Yvonne deReynier walked the Council through Agenda Item H.1.b, EPDT Report; and Agenda Item H.1.b, Supplemental EPDT PowerPoint.

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

Mr. Dan Waldeck provided Agenda Item H.1.c, Supplemental EAS Report. Dr. Dorn provided Agenda Item H.1.c, Supplemental SSC Report. Ms. Recht provided Agenda Item H.1.c, Supplemental HC Report. Mr. Waldeck provided Agenda Item H.1.c, Supplemental GAP Report. Mr. Sones provided Agenda Item H.1.c, Supplemental Tribal Report.

H.1.d Public Comment

Mr. Don Maruska, Marine Interest Group of San Luis Obispo County, Morro Bay, CA
Mr. Geoff Shester, Oceana, San Francisco, CA
Mr. Whit Sheard, Oceana, Portland, OR

H.1.e Council Action: Review Recommendations of the EPDT and Provide Guidance for Further Development of the Ecosystem FMP (09/13/10; 3:42 p.m.)

Mr. Burner reiterated the requested Council guidance from the situation summary and highlighted advisory body and public comments. Mr. Burner concluded by reviewing the tentative “year-at-a-glance” Council calendar (Agenda Item G.6.a, Attachment 1) where the Ecosystem FMP (EFMP) matter is scheduled for March 2011 and June 2011 Council sessions. He requested Council input on those plans either under this Agenda Item or under Agenda Item G.6.

Ms. Culver felt the best way to proceed with Council guidance was to first focus on what the Council does and does not want the EFMP to address rather than trying to determine the most appropriate format the EFMP could take within the option presented. She suggested that once the Council has given direction on the desired outcomes of the EFMP, the advisory bodies can then make recommendations on the pros and cons of various formats and approaches.

Working from the recommendations on the second page of Agenda Item H.1.b, Supplemental EPDT Report, Ms. Culver offered the following as Council guidance. She recommended taking Ms. deReynier’s advice and task the EPDT with reviewing the Council’s four existing FMPs for existing approaches and common needs rather than assigning this task to the various advisory bodies as suggested

in the Supplemental EPDT report. Ms. Culver noted that she had not yet determined the best format for the EFMP from the suite of options provided in Agenda Item H.2.b, Attachment 1, but as she reviewed the descriptions of the options she leaned against the “omnibus” FMP option and in favor of retaining the four separate FMPs. She spoke in favor of the Ecosystem Advisory Subpanel (EAS) recommendation for an overarching or programmatic framework, but she would like to maintain an option that has some regulator authority. This approach could eventually lead to Council consideration of a purely advisory FMP as well as a hybrid that is advisory yet contains some regulatory authority. Ms. Culver felt that after the EPDT completes its review of the four FMPs, the Council would be in a better position to decide what management decisions, if any, would be made under the new EFMP. She agreed with the suggestion to improve the way we address cumulative effects analyses and felt that future work may shed light regarding the implementation of potential improvements within or outside the EFMP. Ms. Culver agreed with the EPDT recommendation to consider a coastwide geographic range and to focus on the marine component (i.e., the Exclusive Economic Zone). Regarding a schedule of regular briefings to the Council on the California Current Large Marine Ecosystem, Ms. Culver suggested that an annual presentation may be adequate with interim updates provided as written informational reports, as available.

Ms. Vojkovich agreed there could be benefits from regular briefings on the ecosystem status, but she is not clear on what the Council might be expected to do with the information. Ms. Culver said she shares Ms. Vojkovich’s question and she referenced the SSC suggestion to couple the ecosystem briefing with stock assessment efforts so that the Council has a full component of information when reviewing assessment projections and setting harvest specifications. Ms. Culver clarified that this is just an illustrative example and that here, guidance is not intended to prescribe any use of the information. She was simply suggesting that an annual briefing would be appropriate.

Ms. Vojkovich supports the concept of an annual briefing, and noted that it is her understanding that there may be considerable data available, but what is lacking is the linkage to what it means and how it may fit into our management decisions. Therefore, an important part of the briefing will be to help the Council determine the best way to apply the most useful information.

Mr. Lockhart said he agrees that an annual report is eventually the best fit for the Council process, but the content of the report will need significant discussion. The Council could ask the Science Centers to review the large amount of biological and socioeconomic information on the California current ecosystem and prioritize items that may be of particular Council interest. He would recommend creating an informational Agenda Item that involves no Council action and is not lengthy (limited to 30 minutes with 15 minutes of clarifying questions). Ms. Culver concurred with Mr. Lockhart’s suggestion.

Ms. Culver clarified for Mr. Williams that her guidance relative to cumulative effects was intended to task the EPDT and the EAS to think about ways an EFMP could improve our understanding of the cumulative effects of our multiple Council actions across multiple FMPs and their effects on the ecosystem or ecosystem components. She referenced the groundfish harvest specification process as an example of an action that may benefit from such an analysis.

Mr. Moore spoke in favor of incorporating ecological science into our stock assessment and management process. He provided some hypothetical situations whereby ecosystem consideration could improve decision-making and expressed his support for the guidance proposed by Ms. Culver.

Mr. Mallet understands this process will be evolutionary and will be built and modified over the years, but he also believes the Council should define the scope of the plan before determining the content of an annual report or the models to be used in assessing ecosystem health. He spoke in favor of starting with

the U.S. Exclusive Economic Zone (EEZ) as the geographic scope and felt that the Council should strive to be specific at this session in its guidance to the EPDT.

Mr. Burner thanked Ms. Culver for her lead in this discussion and ask for clarification on the plan's potential regulatory authority, specifically its role in non-FMP forage or predator species and "no take" marine areas. Ms. Culver said that her intent was not to limit the range of alternatives at this point. She stated that as she considers the list of management unit species (MUS) contained in an EFMP, it is difficult to envision where such a list might stop. Forage species have been discussed, but we are not proposing a forage species FMP, rather an EFMP. She would like to hear back from the EPDT on the range of regulatory options available and to narrow the Council's intent under this plan before removing any regulatory authority options from consideration.

Mr. Sones stated that the tribes feel it is important to improve our understanding of the ecosystem, including climate change and ocean acidification, and the potential effects that ecological changes may have on fisheries. There will likely be both positive and negative effects, and more information regarding these relationships will improve our understanding of ecological trends and, thereby, our domestic management as well as our participation in international forums.

Mr. Lockhart agreed with most of the comments that have been shared and felt the EPDT presentation really helped people understand the complexities of an ecosystem approach from both biological and socioeconomic standpoints. He felt the EPDT report did a good job characterizing the management tools provided by the Federal management framework to protect the ecosystem, but he would like to hear more about the state frameworks and what state tools are available. He liked Ms. Culver's suggestion of asking the various advisory bodies to review the existing FMPs for common needs and successful approaches. He also agreed that an omnibus plan would not be the place to start and he suggested the Council could start with an informational plan that may evolve to a regulatory plan as necessary. On the geographic scope, he supported looking at the full EEZ, but he would also be interested in looking into a regional approach in the future. Overall he expressed support for the direction things are going and recommended the Council receive its first report on ecosystem science under a 30-minute session early in the November Council meeting.

Mr. Dan Wolford felt that it is too early to narrow the scope of the plan and spoke strongly in favor of bringing more science into the process and for maintaining regulatory authority under the plan. He felt that keeping the document as merely advisory would not best serve the Council and its management efforts.

Ms. Culver suggested that the Council ask Ms. deReynier to come back to the table to see if she has any questions or needs clarification.

Ms. deReynier said she understands that the Council is interested in removing the omnibus approach from consideration at this time. She also heard a Council desire to not rearrange the existing FMPs, but to explore the concept of smaller management areas or regional approaches. She understands one task to the EPDT is to review existing ecosystem approaches and identify management gaps within and across our existing FMPs. She also heard the Council request more information on spatial management or closed areas and whether or not the current FMPs or an EFMP could be helpful with matters like the marine protected area issues within the Channel Island National Marine Sanctuary. She also felt there are issues that cross FMPs such as bycatch or EFH that the EPDT could focus on for their next report.

Mr. Steve Williams felt that the Council has given specific guidance on the plan's regulatory authority and he characterized it as a Council desire to maintain a regulatory option at this time, but to first focus on the informational aspects of the plan until a regulatory need is identified.

Ms. Culver said Ms. deReynier summed up Council guidance well and she generally agreed with Mr. William's clarification. The intent is certainly to preserve the option for regulatory authority and to look to the EPDT to identify and contrast the different vehicles available to the Council. Ms. Lowman concurred and spoke in favor of the guidance presented including the "gap" analysis, the review of state management, and the proposal for an ecosystem report to the Council.

Regarding the next steps, Dr. McIsaac appreciated the thoughtful Council guidance and noted that the current draft November agenda has a placeholder for a 30-minute informational report on ecosystem science. The ecosystem question is next on the Council meeting scheduled in March 2011 and June 2011. The question of regulatory authority seems to be of interest, and perhaps the Council could look to NOAA General Council for further guidance. He closed by suggesting the Council hear from the North Pacific Fishery Management Council on their annual ecosystem report and how it is used in management.

I. Groundfish Management

I.1 Groundfish Essential Fish Habitat Review (09/14/10; 8:04 a.m.)

I.1.a Agenda Item Overview

Mr. Tracy provided the agenda item overview.

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

Dr. Waldo Wakefield provided Agenda Item I.1.b, Supplemental HC Report. Mr. Holloway provided Agenda Item I.1.b, Supplemental GAP Report.

I.1.c Public Comment

Mr. Geoff Shester, Oceana, San Francisco, CA

I.1.d Council Action: Discuss and Initiate Planning for the Five-Year Review

Mr. Lockhart referred to several comments that talked about getting data into the system, and he noted that this would largely be NOAA's task. He then asked Dr. Waldo Wakefield and Ms. Yoklavich to comment.

Dr. Wakefield and Ms. Yoklavich came to the podium. Mr. Lockhart asked them what resources are available to the science centers to gather new information since the last EFH review. Dr. Wakefield and Ms. Yoklavich summarized some of the research currently underway, including coral and sponge mapping, geological seafloor mapping, and NMFS trawl surveys and observer information. They noted that to conduct a major review of data would take enormous time and money, but that a reasonable effort might take about six months, to compile information.

Ms. Culver remarked that the GAP made a good point in terms of reviewing the goals/objectives for the HAPCs already in place. Given the questions asked by Mr. Lockhart, she said that there were many

different goals/objectives/criteria used for each of those different HAPCs identified and that there was no single set of criteria. The evaluation of whether or not they are achieving those particular goals is going to be on a regional basis. As a Council, we should probably make sure we are on the same page of the role of the review committee. On the timeline issue, Ms. Culver wondered why the newly-available data and information had not been gathered already, knowing that the 5-year EFH review was approaching.

Members of the Council were concerned about the process and scope, and also about the issue of staffing time and money.

Mr. Lockhart said he thinks the answer is mostly about gathering the data for use by the EFHRC. He then asked Dr. John Ferguson, NWFSC Acting director of Fishery Regulation Assessment Model (FRAM), to comment. Dr. Ferguson said Ms. Yoklavich and Dr. Wakefield were talking about the habitat data collected since 2006. He appreciates everyone's concerns about being able to see this data, he also heard requests for observer data. On the observer side, he said we are in a massive ramp-up of data collection for the catch shares program. He did not think March 2011 was realistic to complete the EFH review.

Mr. Moore asked Dr. Ferguson whether at some point in time there will be some data available to the public. At that point, we could solicit nominations for new HAPC areas, changes, whatever. He suggested having an appropriate amount of time for those things to come in, then start going down the path.

Mr. Tracy reminded the Council that the EFHRC can meet between now and final Council action to further develop the scope, schedule, and information needs. Ms. Vojkovich agreed.

Mr. Lockhart said that given the discussion today and the comments of the Groundfish Advisory Subpanel (GAP), HC, and public, it seems the role of the EFHRC is potentially two-fold. There is the current role on the proposals brought forth today. Then, they need to see if there are other things out there to consider (removals/additions of HAPCs, etc). He suggested the EFHRC should meet roughly in the January timeframe and would like to extend the deadline of submitting proposals from November 19 to the late spring with a report to the Council in June. There could be one EFHRC meeting in January and one in June to prepare for the June Council meeting.

Mr. Moore responded that he was trying to lay out the general path, not the specific dates of the process. Whether it starts in March or June or whatever, it is more a matter of do we have these time chunks properly laid out. In terms of the role of the EFHRC, it seems that the reason we set up this committee was to review potential changes – whether they be new or modifications of existing HAPCs. At whatever time we start the process, information given to public, solicitation of changes, and whatever cutoff dates and sideboards, at that point the EFHRC gets to start to review and follows up with the Council deciding what to do with their recommendations. It would be helpful to get input from the EFHRC first before we go to final action.

Mr. Tracy said Mr. Moore's description of the role of the committee is accurate, and asked whether there are other items the EFHRC should do? What is their role in the new information – are they to gather it or what? What additional work should they be charged with as we are involved in a larger coastwide review process?

Mr. Moore said that when we set up the EFHRC, it was only to review information. If we are now asking them to gather the data and other things, that is going way beyond what we initially set up.

Mr. Roth felt we are struggling with the role we now have in place for the EFHRC and wondered if the charge should be expanded. He said maybe the EFHRC needs to have more of a role to create the questions and create the call for data. He asked Council staff whether we have a specific deadline for completion of the EFH review. Mr. Tracy said there are two potential timeframes, but no requirement for a particular deadline.

Mr. Dale Myer noted that one of the points made in public comment was that a full review should include economic and socio-economic data to determine if there was harm by the closed areas. He was curious if that type of information was being collected and if collected, can it be teased out.

Mr. Tracy replied that those sorts of impacts more appropriate in a National Environmental Policy Act context when going through a process of being considered for adoption in the fishery management plan, but not for proposal development.

Ms. Culver asked whether the Council should formally accept the changes proposed in COP 22. Mr. Tracy said no. It might be better to let the Council provide feedback and guidance on COP 22 and finalize it in April, 2011.

Ms. Culver moved and Mr. Moore seconded a motion (Motion 12) to have the EFHRC meet this winter to review and identify the scope/workload for reviewing/recommending potential changes; make comments on COP 22; have the Council identify data sets, including habitat, trawl survey, and other data that the EFHRC might want to consider in their process; and ask the EFHRC to identify other data sets. The EFHRC would meet again potentially in the spring, or when data is available for them to consider; they would also review the description of the goals/objectives of existing HAPCs -- why they were developed (from Amendment 19). The Council would then solicit proposals from the public and outside entities after the data is available for them to review; no specific timeline, but at least a month (scheduled for as early as the next Council meeting following the month of review period). The role of the EFHRC is described in COP 22, with no new changes at this time.

Motion 12 carried unanimously.

Mr. Lockhart noted that he thought the language in item #1 of COP 22 could be improved.

I.2 Consideration of Inseason Adjustments - Part I

I.2.a Agenda Item Overview (09/14/10; 1 p.m.)

Ms. Kelly Ames provided the agenda item overview.

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

Mr. Rob Jones provided Agenda Item I.2.b, Supplemental GMT Report. Mr. Tommy Ancona provided Agenda Item I.2.b, Supplemental GAP Report. Deputy Chief Jeff Samuels provided Agenda Item I.2.b, Supplemental EC Report.

Mr. Jones made one correction to the GMT statement, it should be 800 lbs per week.

I.2.c Public Comment

Mr. Daniel Platt, STMA, Fort Bragg, CA

Mr. Gerry Richter, Pt. Conception Groundfish Fishermen's Marketing Association, Santa Barbara, CA

I.2.d Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2010 Groundfish Fisheries (Part II on Thursday if necessary)

Ms. Marija Vojkovich asked if the 2010 trip limits will be carried over to 2011, if there is a delay in the 2011-12 harvest specifications and management measures. She asked if it was appropriate to talk about 2011 trip limits under this agenda item. Mr. Frank Lockhart said he believes the 2010 limits would rollover to 2011. He said it is appropriate to discuss 2011 limits under this agenda item; however, he recommended that the Council revisit the 2011 trip limits in November when inseason adjustments to the 2011 fisheries are publically noticed. That is a more appropriate time for Council action. Ms. Vojkovich asked if the proposed rule for the 2011-12 harvest specifications and management measures are out for public comment. Mr. Lockhart said no, but the rule should publish soon. Ms. Vojkovich asked if the comment period would be open during the November 2010 Council meeting, should the Council discuss and make recommendations regarding the 2011 trip limits. Mr. Lockhart said no, the Council meeting would miss the comment period by about a week and a half, given our current schedule. Ms. Vojkovich asked if there is a solution for the Council to provide comments, given this mismatch in the schedules. Mr. Lockhart said the discussion could happen under this agenda item and then the states could submit public comment. Alternately, the Council could ask the Executive Director to submit comments on behalf of the Council.

Ms. Vojkovich moved and Mr. David Crabbe seconded a motion (Motion 15) to adopt lower sablefish trip limits for the limited entry fixed gear fishery at 2,800 pounds/week with no daily limit and the open access fixed gear fishery at 800 lbs/week not to exceed 1,600 lbs/month south of 36° N. latitude, as stated in the GAP report.

Ms. Vojkovich spoke to her motion, noting that the decrease was necessary to prevent exceeding the optimum yield (OY).

Ms. Michele Culver supports the motion. She is not sure if the limits are low enough, but the current data and analysis support the motion. She noted that there may be increased effort in September, given the pending lower limits. She asked if NMFS would have the ability to take action after the November Council meeting if the proposed reductions are insufficient and the Council recommends further reductions. Mr. Lockhart said it would be challenging to implement reductions in November, but reductions could be in place by December 1.

Motion 15 carried unanimously.

Mr. Rod Moore moved to adopt (Motion 16) for limited entry non-whiting trawl, the cumulative limit increases as described in Alternative 3, Table 6 in the GMT report, which includes leaving petrale cutouts open in period 6. Mr. Steve Williams seconded the motion.

Mr. Moore said he is concerned about darkblotched interactions, but the data does not support those concerns. His motion is based on the analysis of the GMT and recommendation of the GAP.

Mr. Lockhart said he has the same concerns as Mr. Moore; however, the GMT presented the information and the projections that support the motion. He noted that NMFS also has conditional authority to take action under certain circumstances, if problems arise.

Motion 16 carried unanimously.

Ms. Vojkovich asked the Council to discuss the GAP recommendation that the GMT develop 2011 trip limits for the limited entry and open access fisheries south of 36° N. latitude for Council consideration on Thursday (Agenda Item I.7). The Council has talked about the challenges of managing the open access fisheries, yet the Council is also interested in providing increased fishing opportunities when those opportunities arise. Ms. Vojkovich said the sablefish OY south of 36° N. latitude is higher compared to the last ten years, and naturally the Council wants to provide fishing opportunity, which also causes management issues. Ms. Vojkovich is interested to provide opportunity but the Council must be able to take action before next year to maintain more control than we had this year. She is interested in reducing trip limits for the start of the year when we have sufficient data for recommending such limits. She is not sure if the GMT has that data to begin the analysis at this meeting.

Mr. Moore said we have made inseason adjustments at the November meeting for the next year; however, this time we would be making recommendations for something that the Secretary of Commerce has not approved. NMFS should provide guidance on this issue. He recommends that between now and November, especially when we get more data from the August and September fisheries, the GMT and GAP craft trip limits for consideration at the November Council meeting.

Mr. Lockhart noted that when the 2009-10 harvest specifications and management measures were delayed, the Council recommended inseason adjustments at the November meeting to address the conservation issues. He believes this same process could occur for 2011-12. He also noted that inseason adjustments could be contemplated at the March 2011 meeting. He also reminded the Council that the states could comment on these issues during the proposed rule public comment period.

Ms. Culver asked if the Council could recommend NMFS extend the public comment period such that it would incorporate the November Council meeting. Mr. Lockhart said yes.

Mr. Moore said he believes the last time we made an inseason adjustment prior to the start of a biennium was in response to a court order. He noted the sablefish OY is scheduled to be reduced substantially in 2011, therefore, we should make inseason adjustments to ensure the catch stays within the anticipated lower specifications.

Mr. Steve Williams asked Mr. Lockhart if NMFS could discuss this further and report back under the second inseason agenda item. Mr. Lockhart said yes and NMFS will also be prepared to speak about this issue under the NMFS Report on Wednesday.

Ms. Vojkovich asked if the public comment period is extended, would it affect the timing of the 2011-12 regulations. Mr. Lockhart said yes.

Ms. Ames said action under this agenda item has been completed.

I.3 Preliminary Review of Exempted Fishing Permits (EFPs) for 2011

I.3.a Agenda Item Overview (09/14/10; 2:35 p.m.)

Mr. John DeVore provided the agenda item overview.

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

Mr. Jones provided Agenda Item I.3.b, Supplemental GMT Report. Mr. Tommy Ancona provided Agenda Item I.3.b, Supplemental GAP Report. Deputy Chief Jeff Samuels provided Agenda Item I.3.b, Supplemental EC Report.

I.3.c Public Comment

Ms. Kathy Fosmark, longliner, Pebble Beach, CA
Mr. John Holloway, Recreational Fishing Alliance, Portland, OR
Mr. Bill James, fisherman, Salem, OR
Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR

I.3.d Council Action: Adopt Preliminary Recommendations for EFPs

Ms. Vojkovich noted that the Council has gone on record in the past stating that EFPs may not be the highest priority given competing tasks and initiatives. She expressed concern regarding the value of some of these EFPs and whether the expected benefit can be attained. She does not support any of the EFPs going forward this year.

Mr. Williams asked Mr. Lockhart if the ODFW yelloweye EFP impacts can come from the research set-aside as recommended by the GMT. Mr. Lockhart thought this was an interesting idea. However, since there are no ODFW observers on board the charter vessels, this should be a more reasoned decision. He would rather deliberate further with staff before deciding.

Mr. Williams asked if there was a recommended process for changing the yellowtail EFP set-aside decided in the biennial specifications process. Mr. DeVore explained that management of set-asides was made more stringent under Amendment 21 rulemaking, which has been finalized. He deferred to Mr. Lockhart on whether there was a process to modify the EFP set-asides decided in the harvest specifications process. Mr. DeVore added that this is an issue for yelloweye and chilipepper rockfish set-asides as well since the requested caps are greater than the yield set aside for EFPs in 2011. Mr. Lockhart said how all of these things inter-relate is a challenge throughout the whole process. NMFS has not explored how all of this fits together with biennial specifications and Amendment 21 rulemaking. Mr. DeVore added that yellowtail and chilipepper impacts are projected well under the 2011 ACLs, while yelloweye impacts are projected to be close to the ACL. The process for changing EFP set-asides is the issue.

Ms. Culver said she would prioritize the ODFW EFP over the other EFPs to spend any EFP set-asides.

Ms. Culver moved and Mr. Myer seconded Motion 17 to preliminarily approve the ODFW yelloweye EFP and prioritize this EFP with respect to the yelloweye set-aside.

Mr. Wolford asked whether this motion means the balance of the yelloweye impacts with respect to the entire EFP set-aside would come from the Oregon RFA EFP and Ms. Culver said the requested EFP cap is 0.06 mt. That would leave 0.04 mt of yield for other EFPs.

Mr. Williams moved and Mr. Moore seconded a substitute motion (Motion 18) to preliminarily adopt the ODFW EFP and take the yelloweye impacts from the research set-aside.

Mr. Moore noted everyone who has reviewed this EFP has identified that, but for the fact that there is no ODFW person onboard, this would be a research program. The information being gathered will definitely support research and the EFP should therefore be able to use yield set aside to accommodate research activities.

The Council discussed how to balance the 2011 scorecard for yelloweye if the substitute motion passes. If the 0.1 mt of yelloweye yield set aside to accommodate 2011 EFPs were also fully subscribed, then projected impacts of yelloweye risks exceeding the ACL. This is especially true if there are no modifications of bycatch caps in the approved Oregon yellowtail and California RFA EFP caps since both EFPs roll into 2011.

Mr. Williams asked if the Council will be able to make adjustments to EFP bycatch caps in November and Mr. Lockhart said the Council will have some, but not unlimited flexibility. Ms. Culver asked if we would be limited to looking at non-trawl fisheries for yelloweye yield to cover EFPs and Mr. Lockhart thought that was correct. Mr. Wolford noted we would have the same problem if NMFS reports in November that the ODFW EFP bycatch cap cannot be accommodated in the research set-aside.

Substitute Motion 18 carried on a roll call vote (7 yes, 5 no. Mr. Brizendine, Mr. Myer, Ms. Culver, Ms. Vojkovich, and Mr. Crabbe voted no; Mr. Lockhart abstained).

Mr. Lockhart remarked that EFP workload could be the straw that breaks the camel's (i.e., NMFS) back. NMFS approval of any new EFPs is especially problematic given how busy staff is with implementing trawl rationalization and the other ongoing groundfish initiatives. He urged that NMFS workload be considered in this EFP program. Potential Amendment 20 law suits will also impact future NMFS workload. NMFS is intrigued with the GAP recommendation to change the EFP process into a two-year one that syncs with the biennial specifications process.

Mr. Moore had a discussion with Ms. Fosmark. She explained she does not want their EFP application to stand in the way of directed fisheries. However, there needs to be a way to test innovative new gears and strategies.

Mr. Williams moved and Ms. Lowman seconded a motion (Motion 19) to adopt the Pacific sanddab EFP for public review. He explained that this EFP is an appropriate way to test new fishing areas and target strategies, which are some of the anticipated benefits of trawl rationalization. If adopted for public review, this EFP would be modified as recommended by the GMT and the applicant (Mr. Pettinger) during his public comment.

Mr. Lockhart believes this is an interesting idea; however, there is no way this EFP can be provided by next March. There will certainly be a delay in getting this EFP out early since it is a new EFP.

Ms. Lowman said she believes a refined EFP process should be considered before the next biennial specifications process.

Mr. Wolford said he was concerned with this EFP. He thought there should be some evaluation of performance of the fleet under trawl rationalization before considering trawl EFPs. Ms. Culver shared this concern and thought new trawl EFPs should be considered after there is some demonstration of the IFQ program. Relaxing the RCA is problematic until it can be demonstrated that overfished species' impacts can be minimized under trawl rationalization. Mr. Crabbe said he was also concerned and would oppose the motion. Mr. Ortmann thought there should be preliminary approval and consider all these issues in November when final adoption is scheduled.

Motion 19 failed on a roll call vote (8 no, 5 yes: Mr. Crabbe, Mr. Wolford, Ms. Vojkovich, Mr. Myer, Mr. Brizendine, Ms. Culver, Mr. Sones, and Mr. Lockhart voted no).

I.4 National Marine Fisheries Service Report

I.4.a Regulatory Activities, including Update on Biennial Specifications and Management Measures, Amendment 16-5, and Amendment 23 (09/15/10; 8:04 a.m.)

Mr. Frank Lockhart said the timeline for the 2011-12 harvest specifications and management measures has been a challenge, particularly with concurrent trawl rationalization implementation. The draft Environmental Impact Statement has been published and the comment period ends mid-October. NMFS is working with Council staff on the transmittal letter for Amendment 16-5, which is scheduled for September 22. The proposed rule to implement the 2011-12 regulations will follow shortly after, with a comment period ending in mid-October. The final rule, if approved, is anticipated in the November timeframe. We are on schedule for an on-time implementation.

Mr. Lockhart provided an update on the 2010 Pacific whiting fishery, which has progressed slowly with many small fish. There was some concern regarding Chinook bycatch rates, which were higher than historical rates. Mr. Lockhart reminded the Council that high Chinook bycatch rates and catches greater than 11,000 fish could trigger a consultation on the salmon biological opinion. Mr. Lockhart noted the total number of Chinook caught to date is low and we are not close to the 11,000 fish threshold. The rates, however, are near the trigger point. NMFS sent a notice to industry regarding this issue and the bycatch rates have lowered. There have been no other bycatch issues.

Mr. Lockhart said, as he did in November, that NMFS has the authority to reapportion Pacific whiting from the treaty sector to the non-treaty sector after tribal consultation. Those discussions have been ongoing the past few weeks and the agency is in the final stages of decision-making. All three non-treaty sectors have expressed interest in the re-appointment. Recall, the interim treaty allocation of 49,000 mt was based on the Makah and Quileute tribal requests. The Quileute request of 16,000 mt was based on two vessels participating; however, at this time the Quileute indicated they will likely have one rather than two boats. This and other factors will be taken into consideration relative to the reapportionment.

Ms. Mariam McCall spoke about modifications to the 2011 trip limits raised under Agenda Item I.2 (inseason adjustments). General Counsel looked at past practices and concluded it is appropriate for the Council and NMFS to act on the best scientific information available. She suggested that adjustments for the 2011 fisheries be noticed for the November meeting. Ms. McCall said that even though the 2011-12 regulations are not final, the Council can still make refinements of regulations previously recommended to NMFS. The most important thing is to have the proper notice for considering adjustments and then use the most updated information.

Ms. McCall spoke with Ms. Eileen Cooney on the issue of set-asides for EFPs raised under Agenda Item I.3. Both Ms. McCall and Ms. Cooney were uncertain whether it would be appropriate to take the Oregon Department of Fish and Wildlife EFP ([Agenda Item I.3.a, Attachment 4](#)) impacts out of the research set-aside. They both agreed that the Council could notice for the November meeting that they are considering a refinement to the Council's EFP and research set-asides recommendations for 2011.

Ms. Culver noted that there was also a question regarding the non-overfished species set-asides and how to modify those amounts, if desired. She noted that the Recreational Fishing Alliance EFP, which has already been issued, requires more yellowtail set-asides than what was previously recommended by the

Council. Ms. McCall said the process is the same - Council could notice for the November meeting that they are considering a refinement to the Council's EFP and research set-asides recommendations for 2011.

Ms. Culver said under the 2011-12 process, we changed the calculation steps that were used for the EFP set-asides. The set-aside amounts were taken off the top before the allocations were made. Ms. Ames noted the calculation was changed under Amendment 21 and implemented for the first time in the 2011-12 cycle. Ms. McCall said the Secretary of Commerce has not made a decision on the 2011-12 rule. Therefore, the Council could notice refinements for the November meeting and the agency could take those recommendations into consideration when making their final decision. Ms. McCall said refinements would only be accepted for review by NMFS if received before the 2011-12 final rule is issued. Once the final rule is issued, the set-asides cannot be modified per Amendment 21.

Ms. Culver noted that the proposed rule public comment period would be closed at the November Council meeting. She asked about the process for communicating Council revisions to set-asides from the November meeting. Ms. McCall said that this would not be a public comment, but an update from the body that provided the original recommendation to NMFS. She noted that this approach does not work for everything, but in this case, with proper notice, NMFS believes they could take refinements from the Council into consideration for the final rule.

Mr. Steve Williams appreciated the discussion and noted the Council needs to find a way of dealing with EFP set-asides in the future given the changes we made under Amendment 21. The Council does not have information about the future EFPs when we are recommending the biennial set-asides. Ms. McCall agreed and noted the GAP recommendation to align EFPs with the biennial cycle.

Dr. Donald McIsaac asked if Secretarial approval for the 2011-12 regulations is scheduled for December. Mr. Lockhart said yes.

I.4.b Fisheries Science Center Activities

Mr. John Stein introduced Dr. John Ferguson as acting director of NWFSC, Fishery Resource Analysis and Monitoring Division (FRAM). Mr. Stein spoke of the recent Government Accountability report that recommended improving surveys. Dr. Elizabeth Clarke will be undertaking that effort and the agency will be issuing a vacancy announcement to fill the FRAM division director position.

Dr. Ferguson said the NWFSC, along with Pacific States Marine Fisheries Commission, has started work on the voluntary economic data cost-earning survey for participants in the groundfish open access, crab, shrimp, and non-tribal salmon fisheries.

Dr. Ferguson said the 2010 West Coast groundfish bottom trawl survey is underway and things are going well. The F/V Ms. Julie and Noah's Ark have completed pass one from the US/Canada border to Mexico, 30 to 700 fathoms (fm). The survey is on the second pass with the F/V Excalibur and Raven. Dr. Ferguson noted a large catch of canary rockfish (2,842 lbs) on May 24, which accounted for approximately 80-90 percent of the total canary rockfish catch for the first pass. Further, he said, the southern California hook-and-line cooperative research, which uses two charter vessels, will start on September 24.

Dr. Ferguson said he would like to alert the Council to the issue surrounding the Pacific whiting acoustic vessel calibration between the R/V Miller Freeman and Bell Shimada since the Freeman is retiring. The inter-vessel calibration is extremely important for the retrospective and prospective acoustic surveys. This

item is high on the NWFSC priority list both for ship time and personnel. The NWFSC scheduled both ships for 30 days. Unfortunately, the R/V Miller Freeman is ageing and the Bell Shimada is new; there were equipment issues on both sides and sampling only occurred on 15 of the 30 days. Further, there were not a lot of Pacific whiting during the operations, as Mr. Lockhart noted earlier. We have not started to analyze the data but we may need to repeat the survey.

Dr. Ferguson said the NWFSC is trying to schedule at least 70 days on the R/V Miller Freeman for 2011; however, there is great uncertainty over the R/V Miller Freeman's mechanical ability to complete the work. If the R/V Miller Freeman is unable, the NWFSC will request another ship for 70 days. If the sea days are unavailable the confidence intervals around the Pacific whiting levels will be large.

Dr. Ferguson said the transition period in FRAM is going well. The NWFSC is focused on data collection and reporting. We are focused on the recruitment package for the FRAM Division Director vacancy and would like external partners to be involved in the process. The center is working to have the selection completed by March.

Dr. Ferguson also reported about the NWFSC's bycatch reduction work. In particular, Mr. Lockhart mentioned the Chinook bycatch rate was higher than desired in the 2010 Pacific whiting fishery. Dr. Ferguson said that Dr. Waldo Wakefield and Mr. Mark Lomeli have been testing devices to reduce salmon bycatch. Dr. Ferguson offered that the NWFSC could present more information on this research if the Council was interested.

Mr. Rod Moore asked what time of the year the 2010 Pacific whiting acoustic survey was conducted. Dr. Ferguson said mid-June to mid-July. Mr. Moore also asked if the Council should convey to Mr. Schwaab the importance of the acoustic surveys to the Pacific whiting stock assessment and the west coast. Dr. Stein said yes, that would be helpful.

Chairman Mark Cedergreen asked if the cost earning survey included recreational, for-hire charters. Dr. Todd Lee said it is a commercial-only survey. There was a survey in 2007 that included the recreational for-hire charters in Washington and Oregon; the report from this survey is anticipated shortly. Mr. Moore asked if the current cost earnings survey included processors. Dr. Lee said only vessels are included in the survey.

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

Ms. Culver referred the Council to Agenda Item I.4.c, WDFW Report.

Mr. Lockhart thanked WDFW for their report and said NMFS will take it into consideration.

I.4.d Public Comment

Mr. Bill James, fisherman, Salem, OR

I.4.e Council Discussion on NMFS Groundfish Report

Mr. Moore said he recognizes there is no Council Action specified under this agenda item; however, he recommends sending a letter to Dr. Lubchenco and Mr. Schwaab requesting adequate ship time for the joint US/Canada acoustic survey for Pacific whiting, which is important to our stock assessment and the economics of the coastal communities. The 2009 survey was problematic because of Humboldt squid.

Mr. Moore said if we don't have an updated survey, we will be about four to six years behind in the stock assessment data.

Dr. McIsaac said such a letter is appropriate for Council discussion and can be reasonably accomplished, if requested by the Council.

Mr. Lockhart said he does not object but would like to abstain from the discussion.

Chairman Cedergreen asked Dr. McIsaac to write a letter with regard to the ship time issues raised under this agenda item.

I.5 Status and Follow-up on Implementation of Amendment 20 (Trawl Rationalization) and Amendment 21 (Intersector Allocation)

I.5.a Agenda Item Overview (09/15/10; 9:24 a.m.)

Mr. Jim Seger provided the agenda item overview.

I.5.b National Marine Fisheries Service Report

Mr. Frank Lockhart (referencing the Will Stelle letter) noted NMFS is looking forward to implementation of the program, but that there was a partial disapproval. The disapproval was over a process and record issue rather than the specific policy recommended. The disapproved portions can be addressed by the Council easily alongside another trailing amendment. It does not have to go through in a separate process.

The program components rule was published August 31 and the comment period is open until September 30. This rule announces all the other program details: catch monitor program, observer, quota share (QS)/quota pound accounts, economic data collection, etc.

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

Mr. Tommy Ancona provided Agenda Item I.5.c, Supplemental GAP Report. Mr. Jones provided Agenda Item I.5.c, Supplemental GMT Report. Mr. Dayna Matthews provided Agenda Item I.5.c, Supplemental EC Report.

I.5.d Public Comment

Mr. Jeff Russell, NRDC, San Francisco, CA

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

I.5.e Council Action: Discussion and Follow-up Action on Implementation of Amendments 20 and 21 as Necessary (09/15/10; 11:15 a.m.)

Ms. Culver moved Motion 20 - with regard to NMFS partial disapproval, that the Council follow-up with a specific amendment to override Amendment 6 allocations and take that up under Agenda Item I.6. Mr. Myer seconded the motion. Ms. Culver said the NMFS letter shows the rationale and that the motion follows the NMFS advice on how to address the disapproved portions of Amendment 21. Motion 20 carried. Mr. Lockhart abstained.

Ms. Culver moved Motion 21 - relative to the program components rule, recommend to NMFS: (1) remove the trip limits for the mothership catcher-vessel endorsed permits; (2) transfer of the registration for the mothership catcher vessel endorsement limited entry trawl permits would be effective immediately, and (3) remove the bycatch reduction and utilization program for at-sea processors. Mr. Dale Myer seconded Motion 21.

Ms. Culver said there was discussion about this in the GAP meeting and among members of the mothership sector. NMFS, in their Supplemental Attachment 7, indicated that, without trip limits for the mothership catcher vessels, permit transfers could be effective immediately. We heard from the Enforcement Consultants (EC) that absent trip limits, the double dipping issue would be addressed. Given that the only trip limits in place for the mothership sector pertain to yellowtail rockfish, it is safe to assume that the catcher vessels participating in the mothership sector are targeting on whiting and there would not be any targeting on yellowtail rockfish as a result of removing the trip limits. The mothership sector would still be subject to the sector level limits for yellowtail. With those actions, removal of the bycatch donation program is warranted. In response to questions, Ms. Culver said the intent of the motion is to remove the trip limits for those sectors that would be affected by not being able to have their permits transferred immediately; that would be both mothership and the catcher-processor sector. Ms. Culver also clarified that her motion on immediacy of effectiveness applied only to the second transfer (the second transfer is only allowed if a vessel declares that it will not be participating in the shorebased fishery).

Mr. Moore moved to amend Motion 21 to remove the trip limits for both mothership catcher vessel endorsed permits and catcher-processor endorsed permits. Ms. Culver seconded the amendment. There is only one trip limit for the at-sea fishery, for yellowtail rockfish. The amendment to Motion 21 carried. Mr. Lockhart abstained, since these were comments to be provided by the Council to NMFS.

Motion 21 as amended carried. Mr. Lockhart abstained.

With regard to the conflict of interest issue raised by the GAP, Mr. Wolford asked Dr. McIsaac to explain the deeming issues. Dr. McIsaac reviewed Supplemental Attachment 7, page 7. In response to a question about the language that NMFS had proposed, Mr. Lockhart said this language applies to the observers on the west coast. NMFS had concern about adopting different language inconsistent with the national observer program as well as the language in place now for the West Coast Observer Program. The additional language is important to maintain the high level of trust. Ms. Majewski expanded that all national observer programs, including those covering shoreside monitors, adhere to the conflict of interest standards in the proposed regulations.

Ms. Culver moved Motion 22 that the Council recommend the NMFS-proposed language relative to limitations for conflict of interest for catch monitors as described in Agenda Item I.5.a, Supplemental Attachment 7 in the Appendix, specifically Alternative 2. Mr. Myer seconded the motion. Ms. Culver said this language is consistent across NMFS regulations for other observer and catch monitoring programs, with the exception that there is some specificity for the Alaska and West Coast regions, which was added based on recommendations from the Regulatory Deeming Committee. Mr. Myer concurred with the consistency issue. In response to a question, Ms. Culver said the intent of the motion was to use the Alternative 2 language for catch monitors and observers.

Mr. Moore said he was reluctant to vote against the motion because we had a long process on deeming that gave the proposed regulations a lot of scrutiny, but now he was concerned that NMFS was coming back and saying it did not like what the Council had deemed. Mr. Williams expressed concern that the standard language had not been available to the Council during deeming and that the breadth of the

conflict of interest provisions might make it difficult to find observers. He was not supportive of the motion. Mr. Wolford also expressed concerns with the motion and asked whether ownership of a vessel catching recreational fish would be included in the scope of conflict of interest. Mr. Lockhart said it is hard to go through hypothetical situations. He stated they had talked with the observer providers and those providers are not worried about the language making it hard to get observers.

Motion 22 carried on a roll call vote: 10 yes, 2 no. Mr. Moore and Mr. Wolford voted no. Mr. Lockhart abstained.

Mr. Moore noted that the GAP went through several issues in their statement. Although that is not a formal Council comment, are these comments going to be included for the components rule? Mr. Lockhart said from a policy perspective it was not official public comment, but NMFS is here and heard it. They would not treat it as official public comment unless Council forwarded it as such.

Council on Break from noon to 1 p.m. (09/15/10)

With respect to the issue of process product conversion rates, Mr. Moore moved Motion 23 - using Agenda Item I.5.c, Supplemental GMT Report, Table 3, back page, that the Council recommend to NMFS they revise the components rule as follows: for sablefish, lingcod, Pacific whiting, and skates, use the values shown under the ODFW column; and for the remaining species use the values shown under the individual fishing quota column. Ms. Culver seconded the motion.

Mr. Moore said we had some discussion on this issue with the GMT and the various states have discussed this with their GMT members. We need to have a uniform set of numbers to start out with and because of the differences in state rules we have the ODFW conversion rates available. He expects that as time goes on and we get more data there may be an ability to adjust the conversions later. Mr. Lockhart requested that ODFW supply NMFS the background for these conversions. Mr. Williams agreed.

Motion 23 carried. Mr. Lockhart abstained.

I.6 Potential Trailing Actions to Amendment 20 on Trawl Rationalization

I.6.a Agenda Item Overview (09/15/10; 1:18 p.m.)

Mr. Jim Seger provided the agenda item overview.

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

Mr. Tommy Ancona provided Agenda Item I.6.b, Supplemental GAP Report.

I.6.c Public Comment

Mr. Joe Bersch, Phoenix Processors, LP, Seattle, WA

Mr. Rick Algert, Central Coast Groundfish Project, Morro Bay, CA

Mr. Chris Kubiak, Central Coast Groundfish Project, Morro Bay, CA

Mr. Craig Cochran, Midwater Trawlers Cooperative, Newport, OR

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR

Mr. John Silva, Coos Bay Trawlers Association, Coos Bay, OR

Break for 10 minutes (until 2:45 p.m.)

Mr. Ralph Brown, trawler, Brookings, OR

Ms. Susan Chambers, on Behalf of Mr. Tom Libby, Portland, OR
Mr. Bill James, fishermen, Salem, OR
Ms. Meghan Mackey, EcoTrust, Portland, OR
Mr. Joe Sullivan, The Nature Conservancy, Seattle, WA
Mr. Shems Judd, Environmental Defense, Lake Oswego, OR
Mr. Don Maruska, Marine Interest Group of San Luis Obispo County, Morro Bay, CA
Mr. Tommy Ancona, Tommy's Marine Service, Fort Bragg, CA
Mr. Brent Paine, United Catcher Boats, Seattle, WA

I.6.d Council Action: Designate Amendment Process, Prioritize Issues, and Provide Guidance on Trailing Actions for the Trawl Rationalization Program

(09/15/10; 4:51 p.m.)

Mr. Seger identified, based on public comment and earlier Council discussion, that in addition to the issues for possible trailing action listed in Agenda Item I.6.a, Attachment 2, the Council might also wish to consider Amendment 6 vs. Amendment 21, moving the shoreside whiting season opening date, revising the initial allocation of halibut individual bycatch quota, revising the initial allocation for all overfished species (i.e., expanding Item 5 in Agenda Item I.6.a, Attachment 2 to cover all overfished species).

With respect to the first issue on the list for Council action, "Decide on the process to be followed for regulatory amendments modifying Appendix E to the groundfish FMP," Ms. Vojkovich moved Motion 24, that the Council use its regular regulatory process, and not develop a new process for considering any of the trailing amendments. Mr. Crabbe seconded Motion 24. Ms. Vojkovich noted that the full rulemaking process is appropriate and provides adequate opportunity for public comment. There is no need to try anything different at this stage. Motion 24 carried unanimously.

Ms. Vojkovich moved (Motion 25) that the Council adopt, as a prioritized list of trailing amendments, the following issues from Agenda Item I.6.a, Supplemental Attachment 3, September 2010: (1) Disapproved portions of Amendment 21; (2) Cost Recovery; (3) Safe Harbors including (a) bycatch risk pools including overfished species and halibut (using the ideas or suggestions in the Burden et al. proposal as a starting point), (b) community fishing associations (CFAs) (using the ideas or suggestions in the Burden et al. proposal as a starting point), and (c) quota shares (QS) as collateral in financing (using the ideas and suggestions in the Burden et al. proposal as a starting point), include issues concerning Quota Share/Quota Pound control and accumulation limits in a range from 1.5 to 2.5 times the adopted levels; and (4) severability of mothership/catcher vessel endorsement. Mrs. Culver seconded motion 25.

Ms. Vojkovich noted that the Council had the intent of going forward with Amendment 21 when portions of it were disallowed because of technical issues. This was addressed by the Council under Agenda Item I.5. Cost recovery has been discussed and the options need to be developed so we know how the program will be paid for. With respect to the remainder of the list of possible actions, she considered the whole purpose of the program. That program is not about a single sector, but the entire groundfish fishery, the communities they support, and the public in general. We can't start over on the allocation issues and we can't address every bycatch allocation issue individually. Bycatch risk pools are addressed in the safe harbors issue. There are not enough fish to go around and we need to figure out the tools that can be developed to deal with what we have. This is the only positive way of going forward. In selecting the issues for trailing action, she also considered those which might address a number of different problems, the degree to which some work has already been done, workload, and time urgency.

On CFAs, again it is about communities at large. When the program was adopted, the Council set up this possibility of CFAs and adaptive management to address the community issues in National Standard 8. It also addresses the issue of encouraging new entrants and communities interested in CFAs. With respect to the issue of lenders being able to use QS as collateral without violating control limits, we know the fishery wants to upgrade infrastructure and consolidate and that this will require financing. We need to consider where the control rules might inhibit money flowing into the fleet. On the issue of severability, she included this because of the concern that this allows rationalization and management of bycatch so that a non-co-op fishery does not develop. Severability would help move forward rationalization of the at-sea fleet.

Mr. Myer concurred with the inclusion of the severability issue. This is important, not just for the whiting vessels, but also for the shoreside vessels receiving very small amounts of mothership sector allocation that want to use their permit in the shoreside sector and dispose of their at-sea sector allocations.

Based on an exchange with Ms. Vojkovich, Mr. Seger said he concluded that the 60 percent allocations in the Burden et. al. proposal should be included as part of the starting point the Council would work from.

Mr. Moore moved to amend Motion 25 as follows - under CFAs, strike the language “use the ideas and suggestions in the Burden et al. proposal as a starting point.” There was no second. Mr. Moore expressed his concern that the Burden et. al. proposal not preempt the consideration of other approaches, such as those proposed previously by Environmental Defense Fund and The Nature Conservancy.

Ms. Lowman commented on the importance of the adaptive management program to the trawl rationalization program and the need to address this issue, particularly so that people don't think the program has gone away. Ms. Culver noted that risk pools can be effective locally but should also be considered for areas of a broader geographic scope. She also noted that while the adaptive management program (AMP) and CFA issues are not necessarily linked, they are complementary, and that while the intent of the motion is to limit the Council to deliberation on four issues at the November Council meeting, the scope under any one of those issues might be broader than is indicated in the document that has been cited as a starting point (i.e., the Burden et al. proposal). Mr. Lockhart concurred with Ms. Culver and Ms. Lowman. In response to a question from Mr. Lockhart, Ms. Vojkovich indicated that this list would not preclude taking up other issues at a later time as some of these issues are addressed, workload allows, and needs arise. On the AMP issue, Ms. McCall concurred with a statement by Mr. Lockhart that a rollover in the third year would not automatically occur without Council action but that such a rollover could be done relatively quickly and easily in conjunction with the other Council actions.

Mr. Steve Williams moved Amendment #1 to Motion 25 under the heading of safe harbors which includes the bycatch risk pools, CFAs, and collateral financing. He proposed that the wording be changed to “using the ideas and suggestions on each of these specific topics from a range of suggestions included in the Burden et al., Coos Bay Trawlers, West Coast Seafood Processors, and other written documents and verbal testimony provided here today.” Mr. Moore seconded the amendment. Mr. Williams expressed concern about the specificity of the language of the motion with respect to what documents would be considered as a starting point for this process and wanted to be clear that a broader range of ideas would be considered. Amendment #1 carried unanimously.

Ms. Culver moved to amend Motion 25 (Amendment #2) to indicate that the Council may decide to have a pass-through on the adaptive management program beginning in year three, considered through a regulatory amendment process in conjunction with one of these other items on the list. Mr. Cedergreen seconded the amendment. Ms. Lowman asked if this implied a pass-through forever and noted that we might even do something other than a pass-through before year three. Ms. Culver responded, concurring

that something might be done earlier to replace the pass-through. Amendment #2 to Motion 25 passed (Mr. Moore voted no).

Mr. Moore moved (Amendment #3 to Motion 25) that in the line about accumulation limits being in a range from 1.5 to 2.5 times the adopted levels, strike “in a range from 1.5 to” and insert “up to,” so we would have a 2.5 cap as was suggested earlier, rather than a range. Mr. David Crabbe seconded the amendment. Amendment #3 carried unanimously.

Motion 25 carried unanimously as amended three times.

The subject of workgroups for these issues was put off until the November meeting. Ms. Culver volunteered to work with NMFS and be the lead entity to formulate the mothership whiting endorsement severability issue. Mr. Lockhart noted that while supportive of these issues, NMFS staff ability to work on these issues would be constrained between now and the November Council meeting.

Dr. McIsaac noted that the Budget Committee has discussed the idea of having some workshops that would address development of options for CFAs. Some targeted money was received for that. Tomorrow when the Council gets to workload matters additional guidance might be provided. These hearings would be held during the month of October.

09/16/10; 12:13 p.m.

Mr. Williams moved (Motion 31) that the Council reconsider the actions took under Agenda Item I.6 (Motion 25) for the purpose of adding the halibut trawl allocation adjustment issue as a trailing action priority item. Mr. Moore seconded the motion.

Based on information the Council received yesterday and other information he had in front of him, Mr. Williams believes that reconsideration of this item would be appropriate. He believes this would be a relatively small workload for the Council.

Ms. Culver disagreed and noted that this item was in the moderate effort category. She felt a substantial amount of effort would be required to consider this issue because of the impact of an increase for the trawl sector on the catch opportunities of others. She noted a 30 percent decline in the halibut quota for all of the nontrawl sectors over the last four-year period relative to the previous 10-year average. The impacts on all sectors would have to be considered because the fish have to come from somewhere. She views this as an item for which substantial efforts would be required and as a consequence other priorities set in the previous motion would need to be re-evaluated.

Mr. Williams commented that not all the decisions on the trawl halibut bycatch allocation have been completed, noting that the groundfish specifications for 2011 had not been finalized. He expressed concern about the large change that had been made for what was available for bycatch and desired the opportunity to look at that in a relatively narrow scale. This was a top priority for the GAP and he was not presupposing an outcome.

Ms. Lowman said she supports the motion to reconsider. The Council needs to be sure it understands the magnitude and narrowness of the issue. If we find in our scoping that this is a much higher workload, then she would be looking at this differently later.

In response to a question from Mr. Lockhart, Mr. William noted that reconsideration is appropriate because the total workload at the end of yesterday’s action appeared to allow the potential opportunity to

add this item and that there was a strong sentiment that the Council's action on this yesterday had been off target.

Ms. Vojkovich expressed her concern about workload and fairness to others whose issues of concern had not been taken up because of workload concerns. Mr. Cedergreen expressed concern that the workload would be more substantial because it would open the entire Area 2A catch sharing plan.

Motion 31 carried on a roll call vote (9 yes, 4 no). Ms. Culver, Ms. Vojkovich, Mr. Myer, and Mr. Cedergreen voted no.

Mr. Steve Williams moved (Motion 32) to add to the list of trailing amendment priorities in Ms. Vojkovich's previous motion (Motion 25), a fifth priority examining an adjustment in the overall halibut allocation (Item #7, page 12, of Agenda Item I.6.a, Attachment 2); the information to be presented to the Council in November should include a comparison between the existing IBQ allocation and the most recent halibut bycatch levels in the trawl fishery and the trawl bycatch amounts used by the IPHC in Area 2A. Mr. Moore seconded the motion.

Mr. Williams noted that the final EIS speaks to a 50 percent reduction in the trawl bycatch estimates and indicated that given the new trawl bycatch estimates provided earlier this week, the degree of difference would be even greater. He expressed concern about the amount of testimony indicating that halibut could be the first issue that shuts down the fishery and he indicated he is not advocating for providing the trawlers with more halibut than was available to them prior to the program. This motion is proposing a review of the available information, and making an informed decision about whether the proposed cut in trawl bycatch goes too far. He indicated that he believed an adjustment could be made without affecting the catch sharing plan and that the motion is not addressing the issue of the initial allocation of halibut IBQ. This does not require that the Council move ahead with this issue in November. In response to a question from Ms. Vojkovich, Mr. Williams indicated that despite the wording of the motion, he was not assuming that the result would be an increase.

Ms. Culver argued that the 50 percent reduction referred to in the EIS was a reduction from total bycatch by all sectors with bycatch, not a 50 percent reduction relative to the trawl bycatch, and that when the other sectors are removed, the actual reduction imposed on the trawl fishery was much less. She provided numbers indicating that the actual reduction would be less. She also noted that increasing the amount of bycatch for the trawl fishery will decrease the amount available for the tribal fishery and all the other fisheries to which catch is allocated through the catch sharing plan. Thus if the trawl bycatch allocation is increased, the door will be opened on the allocation to other sectors and the catch sharing plan. A number of other Council members expressed interest in the information that this motion would bring forward and concern about whether a revision would require reopening the halibut catch share plan.

Mr. Lockhart expressed concern that the motion states that this is a priority but there is uncertainty at this time about the need for it to be a priority. On that basis, Mr. Lockhart made a substitute to Motion 32 (Motion 33) to direct Council staff to present information to the Council in November which would include a comparison between the existing IBQ allocation and the most recent halibut bycatch levels in the trawl fishery and the trawl bycatch amount used by the IPHC in area 2A. Ms. Culver seconded the motion.

Mr. Lockhart indicated that while this is a big concern, if the reduction for the trawl fleet is as small as indicated by some in this discussion, it should not be prioritized for action at this time. At the same time, there is some uncertainty about the overall impact. Therefore, given that the numbers can be pulled

together relatively easily, this should be brought forward in November and a decision made at that time as to whether or not to make it a priority for a trailing amendment.

Mr. Sones expressed his concern about the issue, noting that up until now the tribes have not made any claim on the trawl bycatch, which is taken off the top. There is a debate as to whether the tribes are entitled to a portion of that allocation as part of the nontreaty 35 percent. This is a sensitive issue and the discussion could make things a lot worse by focusing attention back on this issue.

Ms. Culver moved to amend the substitute motion (Amendment 1 to Motion 33) to specify that data be brought forward on the most recent 5 year period (2005 through 2009), since the most recent data we have is for 2009. Mr. Cedergreen seconded the motion. The amendment carried unanimously.

Ms. Vojkovich spoke against the main motion and stated that similar issues apply to other species for which other groups of trawlers had an interest.

Motion 33, as amended, passed, with Ms. Vojkovich, Mr. Myer, and Mr. Sones voting no. Motion 25, as amended through the reconsideration, passed.

I.7 Consideration of Inseason Adjustments - Part II, if Necessary

I.7.a Agenda Item Overview (09/16/10; 8:11 a.m.)

Ms. Kelly Ames provided the agenda item overview.

I.7.b Reports and Comments of Advisory Bodies and Management Entities

Mr. Rob Jones reviewed Agenda Item I.7.b, Supplemental GMT Report (updated scorecard).

I.7.c Public Comment

None.

I.7.d Council Action: Adopt Final Recommendations for Adjustments to 2010 Groundfish Fisheries

There was no action under this agenda item. It was just an informational check-in. All inseason actions were completed under Agenda Item I.2.

J. Coastal Pelagic Species Management

J.1 Terms of Reference for Stock Assessment and Methodology Review Panels

J.1.a Agenda Overview (09/14/10; 9:48 a.m.)

Mr. Kerry Griffin provided the agenda item overview.

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

Mr. Griffin read Agenda Item J.1.b, Supplemental CPSMT Report and Agenda Item J.1.b, Supplemental CPSAS Report. Dr. Martin Dorn provided Agenda Item J.1.b, Supplemental SSC Report.

J.1.c Public Comment

None.

J.1.d Council Action: Approve for Public Review the Terms of Reference for Stock Assessment and Methodology Review Panels

Mr. Moore moved (Motion 13) to send out the draft Terms of Reference (TOR) for CPS stock assessments and the draft TOR for methodology reviews, as modified by the SSC statements and the CPS Management Team (CPSMT) comments regarding Appendix A of the stock assessment review TOR. Ms. Lowman seconded the motion.

Ms. Vojkovich asked for clarification about which exact recommendations Mr. Moore was referring to in the SSC and CPSMT reports. Mr. Moore said that he meant the issue of the ecological role and the next three paragraphs that are mostly re-wording suggestions; the final item would be in the CPSMT report, which suggests updating the work to include ACLs.

Mr. Myer asked about the SSC statement's recommendation that the TOR for groundfish and coastal pelagic species be combined. Mr. Moore said that the recommendations should be considered in the longer term, not in this round of review.

Mr. Steve Williams noted that the part of the SSC report regarding constraints on the TOR assessment and the first paragraph references of the CPSMT report appear to be in conflict. Mr. Moore did not address that part of the CPSMT report, but he did not perceive them as being in conflict.

Mr. Griffin said that the CPSMT and SSC have been talking about this a lot and that these are draft documents for public review. The CPS advisory bodies are meeting in October and plan to make changes where they are in agreement now, and discuss differences in October to come up with statements for November. Dr. Dorn said the significant area of disagreement with the CPSMT is whether a new stock assessment modeling platform would be a suitable candidate for a methodology review. The SSC said yes, but the CPSMT said it should be addressed by the Stock Assessment Team (STAT). In the past, we've dealt with new models in a slow way, and this way is consistent with how it's been addressed historically, said Dr. Dorn. That is really the only major item of disagreement between the SSC and CPSMT.

Ms. Vojkovich moved a substitute motion (Motion 14) to send out for review both of the TORs and direct staff to edit the TOR with the suggested changes in the SSC, CPSMT, and CPS Advisory Subpanel (CPSAS) reports where there are no disagreements. For those items where there were different interpretations, disagreement, or no discussion, that the CPSMT, CPSAS, and SSC CPS Subcommittee should meet at the November Council meeting and develop final language for the TORs for final adoption by the Council. Also, the CPSMT and CPSAS should draft a list of new sources of information, procedures for data collection, treatment of new data or methods for use of the new data sources and stock assessments that would be reviewed in this next cycle; that the regular review by the SSC and the Council take place in November; and that staff should apply the appropriate editorial changes to documents as shown in the SSC report. Mr. Brizendine seconded the motion.

Mr. Moore supported Ms. Vojkovich's motion.

Motion 14 carried unanimously.

K. Highly Migratory Species Management

K.1 National Marine Fisheries Service Report

K.1.a Regulatory Activities (09/16/10; 8:15 a.m.)

Mr. Mark Helvey gave the NMFS regulatory report (reviewed Agenda Item K.1.a, NMFS Report).

K.1.b Fisheries Science Center Activities

Ms. Sarah Shoffler presented Agenda Item K.1.b, Supplemental SWFSC PowerPoint.

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

Mr. Wayne Heikkila presented Agenda Item K.1.c, Supplemental HMSAS Report.

K.1.d Public Comment

None.

K.1.e Council Discussion on NMFS Report on HMS

None.

K.2 Changes to Biennial Management Measures for 2011-2012

K.2.a Agenda Item Overview (09/16/10; 9:22 a.m.)

Dr. Kit Dahl provided the agenda item overview.

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

Dr. Stephen Stohs presented Agenda Item K.2.b, Supplemental HMSMT Report. Mr. Heikkila provided Agenda Item K.2.b, Supplemental HMSAS Report. Ms. Culver summarized Agenda Item K.2.b, WDFW Report.

K.2.c Public Comment

Mr. Pete Dupuy, Ocean Pacific Seafood, Tarzana, CA
Mr. August Felando, commercial purse seiner, San Diego, CA

K.2.d Council Action: Adopt Proposed Changes to Biennial Management Measures for 2011-12 for Public Review

Ms. Culver moved (Motion 26) to adopt for public review a range of alternatives for albacore bag limits that would apply on a per-trip basis for the Washington recreational fishery of: status quo, 10, 15, 20 and 25 fish. Mr. Cedergreen seconded the motion. Mr. Cedergreen said this range of alternatives includes the full spectrum that needs to be considered.

Motion 26 carried unanimously.

Mr. Moore moved (Motion 27) to adopt for public review the alternatives proposed by the HMSMT to make west coast regulations at 50 CFR 660.712 consistent with the recommendation made by the WPFMC for changes to the swordfish retention limit in the Hawaii deep-set longline fishery, as identified in Agenda Item K.2.b, Supplemental HMSMT Report (page 2); except under Alternative 2, strike the following: “except for the requirement to use circle hooks.” The alternatives are 1) status quo (no change to current regulations) and 2) establishing a 25 swordfish trip limit for deep-set tuna targeting longline vessels using circle hooks, and 10 swordfish per trip for vessels using tuna-hooks, if vessels are not carrying observers. If an observer is being carried by a deep-set tuna vessel, then there is no limit to the amount of swordfish that can be retained by a longline vessel. Ms. Culver seconded the motion.

Mr. Moore said we should at least analyze this proposal for reasons of consistency between west coast and Hawaii regulations applicable to the pelagic longline fishery. Mr. Helvey clarified that the Western and Central Pacific Fisheries Commission has proposed this change as an FMP amendment, but regulations have not been developed yet. Therefore, he asked for an amendment to the motion (Motion 27) to include in the analysis for public review the same measure as being proposed by WPFMC. Mr. Brizendine seconded the amendment to Motion 27.

The amendment to Motion 27 carried. Motion 27 carried as amended. Ms. Vojkovich abstained from both votes.

Mr. Moore then discussed the recommendation from the HMSAS and the public to reconsider the current regulations for the shallow-set longline (SSLL) fishery, which is currently closed. He noted the inequity between the regulations for the Hawaii SSLL fishery versus the west coast fishery and the implications for the west coast supply of swordfish. At this time, the Council and NMFS staff workload should not be increased if it won't result in anything. Therefore, he did not recommend initiating action at this time. However, he noted that NMFS SWR is proposing to conduct a workshop related to west coast swordfish fisheries including the currently closed SSLL fishery. This could provide the Council with some additional information as a basis for action in the future, such as June 2011.

Ms. Culver noted that the Council has previously considered proposals to allow the SSLL fishery a couple of times. She noted those proposals included a limited entry component and suggested that future consideration could include additional limits on the number of hooks or sets that could be made. She suggested through the Council's workload discussion (Agenda Item G.6), the Council could consider future action on an FMP amendment. The issue could be put on a future Council agenda, at which time the Council could narrow the scope of options to consider.

Ms. Vojkovich asked if the scoping Ms. Culver described would occur at the November 2010 Council meeting. Ms. Culver said she wasn't specifying when to start the process. She noted that under a regulatory amendment process, a limited entry fishery could not be considered. An FMP amendment

would be necessary and the Council should provide public notice on when such an FMP amendment process would be initiated.

Mr. Helvey discussed what NMFS is considering in relation to a workshop and possible “white paper” on the future of the fishery and potential options. The “white paper” would be intended to provide information on which the Council could base taking action on this issue.

Ms. Vojkovich reviewed what options were available to the Council for taking action (i.e., using the biennial management process, another regulatory amendment process, or an FMP amendment process). She asked if what Mr. Moore and Ms. Culver were discussing was an FMP amendment process to establish a limited entry fishery.

Mr. Moore acknowledged that only a few vessels are likely to participate in an SSL fishery, at least initially. Nonetheless, he preferred considering a limited entry fishery at the outset rather than trying to implement limited entry after an open access fishery had already been established. He is supportive of Ms. Culver’s ideas on how to go about the process for a limited entry fishery.

Ms. Vojkovich asked if the Council would make a decision on whether to proceed with considering a limited entry SSL fishery after the workshop proposed by NMFS occurred. Mr. Moore’s concern is to not let the issue die while recognizing that it didn’t seem possible to address the issue at this meeting. He reiterated his support for Ms. Culver’s approach and the possibility of discussing it under Agenda Item G.6 (workload and agenda planning).

Ms. Culver emphasized that the Council wants to consider a limited entry program for the fishery, which can’t occur at the current meeting; therefore, the Council should consider future action on an FMP amendment. She hoped the Council would take up this issue relatively soon, either in November 2010 or in 2011, and looked forward to more discussion as part of agenda planning.

Mr. Brizendine asked if the Council needs to make a statement of their intent on this item or would discussion under Council workload session planning suffice. Dr. McIsaac said adding it to the “year at a glance” (Agenda Item G.6, Supplemental Attachment 3) would be sufficient; if the Council wanted to make a broader statement something could be put in the newsletter or decision document.

Vice Chairman Wolford recalled that NMFS was going to address the issues raised when the Council last considered allowing a SSL fishery in April 2009 and he looked forward to receiving those findings as soon as possible.

K.3 Recommendations to International Fishery Management Organizations

K.3.a Agenda Item Overview (09/16/10; 10:55 a.m.)

Dr. Kit Dahl provided the agenda item overview.

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

Dr. Stephen Stohs presented Agenda Item K.3.b, Supplemental HMSMT Report. Mr. Wayne Heikkila presented Agenda Item K.3.b, Supplemental HMSAS Report.

K.3.c Public Comment

None.

K.3.d Council Action: Adopt Recommendations for U.S. Delegation to the Inter-American Tropical Tuna Commission

Ms. Vojkovich asked about the appropriateness of the Council making recommendations relative to the work assignment for the ad hoc working group described in Section 3 of Document IATTC-81-06b, IATTC Secretariat Conservation recommendations (“...an ad hoc working group to develop an operational definition of ‘current levels’ of effort specified in paragraph 1 of Resolution C-05-02”). Mr. Helvey discussed issues associated with defining “current effort” in international forums, including the relative impact of fisheries in the Western Pacific versus the Eastern Pacific. Mr. Helvey exchanged views with Mr. Moore on the question of whether the U.S. should get involved in an exercise of defining “current effort” and implications with respect to allocation of catch opportunity at the international level. Dr. Dahl provided his perspective, concluding in response to Ms. Vojkovich’s question that it was appropriate for the Council to provide recommendations to the U.S. delegation on the work assignment for the ad hoc group.

Ms. Vojkovich moved (Motion 28), using Agenda Item K.3.b, Supplemental HMSMT Report, that:

The U.S. delegation to the 81st IATTC meeting should:

- Support the IATTC Secretariat’s recommendations for bigeye and yellowfin tuna management measures;
- Support renewal of the tuna retention requirement in the purse seine fishery only if uniformly implemented and enforced by all parties to the IATTC.

Mr. Brizendine seconded Motion 28. Motion 28 carried unanimously.

Ms. Vojkovich moved (Motion 29), with respect to a conservation measure for Pacific bluefin tuna, recommend, as the U.S. delegation’s primary position, to exempt all fisheries except for the commercial purse seine fishery from the IATTC Secretariat’s Conservation Recommendations (Document IATTC-81-06b), Section 2 on bluefin tuna. As a secondary, fallback position, the U.S. delegation should support a conservation measure where all catches in both recreational and commercial fisheries are accounted for as part of the proposed commercial management measure in the Secretariat’s recommendation (“...during each of the years 2011-2012 to ensure that the annual catches in the Convention Area by the commercial vessels under its jurisdiction do not exceed the average level of such catches during 1994-2007”). Mr. Brizendine seconded Motion 29.

Ms. Vojkovich noted that U.S. recreational catches account for very small proportion of stockwide Pacific bluefin catch. Mr. Helvey reviewed recent average annual landings of Pacific bluefin from west coast commercial and recreational fisheries. He linked the recommendation to exempt recreational fisheries to a conservation measure proposed by the WCPFC Northern Committee which would exempt Japanese artisanal fisheries.

Ms. Culver asked a clarifying question relative to the HMSMT’s recommendation with respect to Pacific bluefin. Ms. Vojkovich responded that her motion generally supports a conservation measure for Pacific bluefin, but provides flexibility for the U.S. to develop a position that does not disadvantage the U.S. given the relatively small amount of west coast catches.

Motion 29 carried unanimously.

Ms. Vojkovich and Mr. Moore exchanged views on U.S. participation in the ad hoc working group for defining current effort as specified in paragraph 1 of IATTC Resolution C-05-02. Mr. Moore asked about the recommendation in the HMSAS Report that the U.S. should not propose or endorse any changes to international management of North Pacific albacore until the 2010 stock assessment of North Pacific albacore is completed in 2011. Mr. Helvey responded that he supported the recommendation.

Mr. Moore moved and Mr. Cedergreen seconded a motion (Motion 30) to recommend to the U.S. delegation to the 81st IATTC meeting a position consistent with the three recommendations contained in the HMSAS Report which are:

1. The U.S. should participate in the ad hoc working group on defining current level of effort specified in paragraph 1 of IATTC Resolution C-05-02.
2. The U.S. should evaluate the best base periods for the U.S. fishing fleet to achieve the maximum percentage of harvest when compared to other nations that harvest North Pacific albacore.
3. The U.S. should not propose or endorse any changes to international management of North Pacific albacore until the 2010 stock assessment of North Pacific albacore is completed in 2011.

Motion 30 carried unanimously.

Ms. Vojkovich commented on a previous recommendation that NMFS provide funding to support research on North Pacific albacore (specifically, projects identified by the ISC and endorsed by the Northern Committee). She recommended that the Council reiterate this recommendation, considering funds have not yet been forthcoming. The Council agreed by consensus.

Mr. Moore noted the request in the HMSAS Report under Agenda Item K.1 that the Highly Migratory Species Management Team and Scientific and Statistical Committee analyze, review, and explain the candidate biological reference points presented at the Northern Committee meeting in regards to North Pacific albacore tuna. He asked Mr. Helvey if his staff, or Council staff, could address this request at the November 2010 meeting.

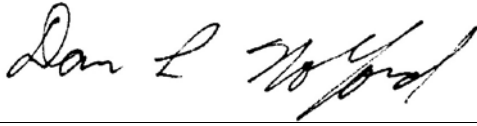
Mr. Helvey recommended that individuals with expertise with stock assessments address this request and noted the reference to the SSC in the HMSAS Report. Ms. Vojkovich noted that it may be up to three years until reference points may be considered in the Pacific RFMO arena and that Dr. McIsaac had said that they might be reviewed by the SSC to determine whether they are appropriate for management. In contrast, Mr. Moore's request is to have someone explain the reference points to the HMSAS and not necessarily evaluate them.

Mr. Moore responded that he was thinking about both aspects, having advisory bodies gain a better understanding and also a potential Council recommendation on appropriate reference points for North Pacific albacore management. He conceded that this might be accomplished on a longer timeline than just the upcoming November Council meeting. Dr. Dahl recalled Council guidance at the April 2010 meeting to revisit issues related to North Pacific albacore in the first half of 2011, so this might be added to the list of tasks for the March or April 2011 Council meetings. The SSC and HMSMT could brief the Council and HMSAS on reference points at one of those meetings.

Mr. Brizendine asked about recent case of illegal, unregulated, and unreported fishing brought up by the U.S. albacore fleet. Mr. Helvey responded along with the Coast Guard.

ADJOURN

The Council adjourned on September 16, 2010 at 3:27 p.m.



September 19, 2011

Dan Wolford
Council Chairman

Date