

MINUTES
Pacific Fishery Management Council
April 6-12, 2008 (193rd Meeting)
 Seattle Marriott Hotel SeaTac
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 Seattle, WA 98188
 Telephone 206-241-2000

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A. Call to Order

A.1 Opening Remarks and Introductions (04/07/08; 1:41 pm)

Don Hansen, Chair, called the 193rd meeting of the Pacific Fishery Management Council to order on Monday, April 7, 2008 at 1:41 pm. A closed session was held from 12:30 pm to 1:20 pm.

A.2 Roll Call

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

Mr. Phil Anderson (Washington State Official)
Mr. Mark Cedergreen (Washington Obligatory)
Ms. Kathy Fosmark (California Obligatory)
Mr. Donald Hansen, Chairman (At-Large)
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region)
Mr. Jerry Mallet (State of Idaho Official)
CDR Peter Martin (US Coast Guard, non-voting)
Mr. Curt Melcher (State of Oregon Official)
Mr. Rod Moore (At-Large)
Mr. Dale Myer (At- Large)
Mr. Dave Ortmann, Vice Chairman (Idaho Obligatory)
Mr. Tim Roth (US Fish and Wildlife Service, non voting)
Mr. David Sones (Tribal Obligatory)
Ms. Marija Vojkovich (State of California Official)
Mr. Frank Warrens (Oregon Obligatory)
Mr. Gordon Williams (State of Alaska Official, nonvoting)
Mr. Dan Wolford (At-Large)

The following Council member was absent during the Monday session of the Council meeting:

Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non voting)

The following Council member was absent from the entire meeting:

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

A.3 Executive Director's Report (04/07/08; 1:46 pm)

Dr. McIsaac walked the Council through the informational reports found in the briefing book:

- Informational Report 1, Letters from Seafood Processors Encouraging the Council to Adopt Fishery Management Rules That are Fair to Both Fishermen and Processors
- Informational Report 2, FWS Chinook Mass Marking Information
- Supplemental Informational Report 3, Council Coordination Committee Meeting Tentative Agenda May 6-9, 2008
- Supplemental Informational Report 4, Northwest Sardine Survey Materials

- Supplemental Informational Report 5, Letter to Jim Balsiger from Donald O. McIsaac Regarding Pacific Fishery Management Council Request for Scientific Review of Factors Affecting Certain West Coast Salmon Stocks

A.4 Council Action: Approve Agenda

Dr. McIsaac noted we have not received materials for Agenda Item C.3 Update on Magnuson-Stevens Reauthorization Implementation, and asked that the Council consider removing that item from the agenda. Council members concurred.

The Council approved the agenda as shown in Agenda Item A.4., April Council Meeting Agenda, with the removal of Agenda Item C.3. (Motion 1)

B. Open Public Comment

B.1 Comments on Non-Agenda Items (04/07/08; 1:50 pm)

B.1.a Public Comment

Vice Chairman Dave Ortmann referred the Council to the written public comments that were available in the briefing book.

Mr. Bill LaBorde, Environment Washington. Mr. LaBorde was concerned about health and populations of fish and marine life. He wanted to see new National Standard One provide more protection and fishing at lower levels.

Ms. Tiffany Isaacs, Washington Public Interest Research Group, Seattle, Washington. 294 signatures collected for petition. Ms. Isaacs said their petition would be presented at the next Council meeting.

Ms. Victoria Chu and Ms. Renata Bryant, Washington Public Interest Research Group, Seattle, Washington. Provided the same testimony as Ms. Isaacs

Mr. Ben Enticknap, Oceana, Portland, Oregon. Spoke to the letters in supplemental packet to establish a bycatch committee in the Council process.

Mr. Will Daspit, Brier, Washington. Spoke about the OSHUA Plan (Agenda Item B.1.a, Supplemental Open Public Comment 4).

B.1.b Council Discussion of Comments as Appropriate

None.

C. Administrative Matters

C.1 Future Council Meeting Agenda and Workload Planning (04/07/08; 2:28 pm)

C.1.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview.

C.1.b Reports and Comments of Advisory Bodies

None.

C.1.c Public Comment

None.

C.1.d Council Discussion and Guidance of Future Council Meeting Agenda and Workload Planning

Ms. Vojkovich expressed concern about the conflict with the northern committee meeting schedule. She asked for information for Friday's discussion about the timing of information that would come to the Council. She also asked if we are looking at a Sunday through Saturday week for the June meeting? Dr. McIsaac said for 2009 and beyond, we would be trying to look at only encompassing one weekend.

The Council members discussed some of the implications of the new longer meeting schedule and some possible alternatives that might be explored further on Friday. Mr. Moore asked if combining September and November of 2009 into one meeting would be realistic given the Council schedule and two meeting process for various things? Dr. McIsaac said we might have a longer list of pros and cons that go along with that idea; we will see more of that on Friday.

C.1 Future Council Meeting Agenda and Workload Planning (*Continued on Saturday*)

C.1.a Agenda Item Overview (04/12/08; 8:38 AM)

Dr. McIsaac provided the agenda item overview. He noted that it now seemed possible that slight adjustments in the September Council meeting and the Northern Committee meeting might allow for attendance at both.

C.1.b Reports and Comments of Advisory Bodies

Ms. Ames read Agenda Item C.1.b, Supplemental GMT Report.

C.1.c Public Comment

None.

C.1.d Council Discussion and Guidance of Future Council Meeting Agenda and Workload Planning

Mr. Steve Williams asked for clarification of the process for reconsidering the KRFC rebuilding issue in June and wanted to be sure we get a full review, including possibly some economic issues as well.

Dr. McIsaac said the SSC would review the results of the modeling efforts and any scientific information. The model output would include projections of salmon production, harvest, and escapements based on various assumptions. For economic data we could ask the STT or someone to put information together. For anything the Council would like for an informed decision we will try to get in front of the SSC.

Mr. Anderson asked that the Council revisit scheduling of the sardine allocation review under agenda planning at the June meeting. He had concern over the requirement for that and how big an issue it might become.

Mr. Moore stated the LC recommended not meeting in June.

Ms. Vojkovich asked that time be provided for recommendations to the IATTC.

Mr. Anderson supported the GMT's request to have a meeting in May.

Ms. Vojkovich offered direction to the GMT for their workload planning: She sees the top two priorities as inseason management and the biennial specifications and management measures. She was unsure about the need for any more work on the stock assessment schedule or trawl rationalization.

Dr. McIsaac agreed that there was little work needed on stock assessments. Mr. Burden stated that there might be a few specific items that they needed GMT expertise on for trawl rationalization, along the lines of the type of questions addressed in the informational session.

Mr. Anderson thought the GMT presence at the GAC meeting would be helpful given their expertise, but there was no need for them to make a report to the Council.

Dr. McIsaac also provided the Council with a handout to give them a better idea of proposed changes in the way the Council meeting week could be scheduled in 2009. Mr. Anderson expressed concern over any changes to the March and April Council meeting schedules as there are numerous meetings he must participate in at that time. Dr. McIsaac said he would plug that information into his planning.

Informational Session: Trawl Rationalization Analytical Briefing

This briefing followed Agenda Item C.1 (Part 1) on the Council Floor, Monday afternoon. Its purpose was to provide results of some preliminary analysis of trawl rationalization issues in preparation for Council adoption of a preliminary environmental impact statement and alternatives at the June Council meeting. Council action, advisory body comments, or public comments were not taken during this session.

C.2 Legislative Matters (04/10/08; 9:49 pm)

C.2.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

C.2.b Legislative Committee Report

Mr. Burner read Agenda Item C.2.b, Supplemental LC Report. Mr. Lockhart said he would abstain from any votes that pertain to sending advice to Congress.

C.2.c Reports and Comments of Advisory Bodies

Mr. Fricke read Agenda Item C.2.c, Supplemental HMSAS Report (04/11/08; 4:15 pm)

C.2.d Public Comment

Mr. Joel Kawahara, Seattle, WA

C.2.e Council Discussion

Mr. Moore moved (Motion 12) that the Council carry out recommendations 1, 2, 3, and 5 that were contained in Agenda Item C.2.b, Supplemental LC Report. Those recommendations were:

- Direct the Council Executive Director to send a letter to Senator Smith conveying Council support for H.R. 5425.
- Direct the Council Executive Director to send a letter to U.S. Senator Smith that reiterates the recommendations on H.R. 1187 contained in Council's October 9, 2007 letter, expresses the same concerns regarding S. 2654, and request that any new legislation include clarifying language on fishery regulatory authority within National Marine Sanctuaries.
- Direct Council staff to develop a position statement for the Council delegation to the May CCC meeting that reaffirms the Council's perspective on fishery authority within National Marine Sanctuaries.
- Direct the Council Executive Director to send a letter to Mr. Dave Whaley, supporting H.R. 5594, but suggesting that legislation in the U.S. House of Representatives be amended to provide a broad exemption for all recreational and commercial vessels below 125 feet in length from the discharge permitting requirements.

Mr. Dale Myer seconded the motion. Motion 12 passed. Mr. Lockhart abstained.

Regarding the LC's fourth recommendation, Dr. McIsaac said that Agenda Item C.2. would be in a state of recess until after the Council hears from the HMS Advisory Bodies on this topic later in the week. Mr. Moore and Council consensus was that LC recommendation number 6 will be taken up during the Council agenda and meeting planning item on Friday.

The Council reconvened this agenda item again on April 11, 2008 at 4:14 pm.

Mr. Fricke read the HMSAS Report.

Mr. Moore reviewed the recommendation of the LC and said he has received word that this issue may be moving more expeditiously in Congress than previously thought. Because no member of Congress has solicited Council input, he recommends that NMFS review the HMSAS concerns and that those comments be forwarded to the U.S. Department of State.

Ms. Culver noted that the Council has not been asked to comment on any of the legislation pending in California, although the Council is listed in some cases as a supporter. She asked Mr. Judson Feder if the Council could send a letter simply stating that the Council could not possibly be a supporter of the legislation when they have not even commented on it. Mr. Feder said the Council could send such a letter so long as the content of the letter remains neutral on the legislation. Mr. Feder confirmed for Dr. McIsaac that the prohibition on Council lobbying activities applies to both State and Federal legislation.

C.3 Update on Magnuson-Stevens Act Reauthorization Implementation

This agenda item was cancelled as no new information was available.

C.4 Membership Appointments and Council Operating Procedures

C.4.a Agenda Item Overview (04/12/08; 8:08 AM)

Dr. John Coon provided the agenda item overview.

C.4.b Reports and Comments of Advisory Bodies

None.

C.4.c Public Comment

None.

C.4.d Council Action: Appoint New Advisory Body Members and Consider Changes to Council Operating Procedures as Needed

Mr. Warrens moved (Motion 25) that the Council adopt the guidance in Agenda Item C.4.a, Supplemental Attachment 1 as the procedure for moving ahead with the Essential Fish Habitat Review process. Mr. Steve Williams seconded the motion. Several friendly amendments followed.

Ms. Vojkovich suggested that instead of two bottom trawl representatives there should be a bottom trawl and a bottom contact gear position to provide better diversity. Mr. Warrens and Mr. Steve Williams accepted that as a friendly amendment.

Mr. Lockhart said the NWR would be interested in being on the committee and would be interested in having a NMS representative on the committee. The friendly amendment was accepted by both maker and seconder of the motion.

Mr. Roth said it would be valuable to have HC representation to facilitate the coordination. If the NWFSC representative is Dr. Wakefield, he is also a HC member. If not, a HC member should be added down the road.

Mr. Warrens said it was his intent that the core committee could pick folks out for specific issues. Mr. Anderson was uncomfortable with committee members appointing committee members. He would rather have the Chairman appoint those persons. Dr. McIsaac said there is a financial burden as well and he would feel most comfortable if the recommendations come to the Chairman, and then have the Chairman appoint.

Dr. Coon said it is an ad hoc committee and the relevant COP procedures establish how committee members are chosen (i.e., by the Chair). Mr. Moore said we should add an item 6a that says the committee could "make recommendations" to the Council for appointments.

Mr. Anderson said instead why don't we just include that in the roll and charge for the committee itself to consider. The maker and seconder agreed.

Motion 25 passed unanimously.

Since many ad hoc committees created by the Council have completed the work for which they were created and/or membership is seriously outdated due to changes in Council family personnel, the Council terminated the following Ad Hoc Committees (Motion 26 moved by Mr. Anderson and seconded by Ms. Vojkovich):

- Full Retention Committee (Ms. Eileen Cooney, Dr. James Hastie, Mr. Rod Moore)
- Groundfish EFH EIS Oversight Committee (Mr. Phil Anderson, Ms. Patricia Burke, Mr. Tom Ghio, Mr. Peter Huhtala, Mr. Curt Melcher, Ms. Marija Vojkovich)
- Groundfish Habitat Technical Review Committee (Dr. Rod Fujita, Dr. Chris Goldfinger, Dr. Gary Greene, Mr. Marion Larkin, Mr. Scott McMullen, Dr. Mark Powell, Dr. Waldo Wakefield, Ms. Mary Yoklavich)
- Groundfish Multi-year Management Committee (Mr. Phil Anderson, Ms. Eileen Cooney, Dr. James Hastie, Mr. Frank Lockhart, Mr. Curt Melcher)
- Groundfish Strategic Plan Implementation Oversight Committee (Mr. Phil Anderson, Mr. Donald K. Hansen, Dr. David Hanson, Mr. Curt Melcher, Ms. Marija Vojkovich)
- Groundfish Strategic Plan Implementation Oversight Open Access Conversion Subcommittee (Mr. Phil Anderson, Ms. Eileen Cooney, Ms. Kathy Fosmark, Dr. Steve Freese, Mr. Douglas Fricke, Dr. James Hastie, Mr. Kenyon Hensel, Mr. Steve Joner, Mr. Frank Lockhart, Mr. Mike McCorkle, Mr. Rod Moore, Mr. Brian Petersen, Ms. Marija Vojkovich)
- Observer Implementation Committee (Mr. J. Thomas Barnes, Mr. William Barss, Dr. David Hanson, Ms. Becky Renko, Ms. Teresa Turk)
- Salmon Amendment Committee (consisting of approximately 26 individuals formed for Salmon Amendment 15)

Motion 26 passed unanimously.

Mr. Lockhart moved (Motion 27) and Ms. Vojkovich seconded a motion to appoint Dr. Lisa Wooninck to the National Marine Sanctuary position on the Habitat Committee. Motion 27 passed unanimously.

Mr. Anderson provided two names for the Halibut group: Mr. Cedergreen, and Mr. Alverson. Mr. Sones gave Mr. Steve Joner's name. Mr. Steve Williams gave Mr. Don Bodenmiller's name. The rest of the names will be provided to Council staff at a later date.

D. Enforcement Issues

D.1 U.S. Coast Guard Annual West Coast Fishery Enforcement Report (04/08/08)

D.1.a Agenda Item Overview

None.

D.1.b Annual U.S. Coast Guard Fishery Enforcement Report

RADM John Currier made introductory remarks providing his background in fisheries. RADM Currier and Mr. Brian Corrigan presented Agenda Item D.1.b, Supplemental USCG Overheads.

D.1.c Reports and Comments of Advisory Bodies

None.

D.1.d Public Comment

None.

D.1.e Council Discussion of Future Council Meeting Agenda Topics

RADM Currier and Mr. Brian Corrigan answered questions from the Council members.

E. Habitat

E.1 Current Habitat Issues (04/08/08; 9:06 am)

E.1.a Agenda Item Overview

Mr. Mark Cedergreen chaired this agenda item. Ms. Jennifer Gilden provided the agenda item overview.

E.1.b Report of the Habitat Committee

Mr. Stuart Ellis provided Agenda Item E.1.b, Supplemental HC Report.

E.1.c Reports and Comments of Advisory Bodies

None.

Ms. Culver asked if the Oregon and California wave energy projects were in state or Federal waters. Mr. Ellis said he believed all the Oregon projects were in state waters. He said it would be helpful to develop a map showing the projects.

Ms. Culver asked Mr. Helvey about the EFH consultation for wave energy projects. Are we waiting for FERC to issue a license, and then NMFS would consult with FERC? Did the HC discuss a process for that? Mr. Ellis said he thought that's how the process would work, but he noted that the Council might not have enough resources to comment on every project. It may be necessary to choose key projects in key areas to comment on.

Mr. Warrens said the Coos Bay project had been scaled back to something under 100 buoys. Some of the buoys are reported to be as much as 60 feet in diameter; there are several models. They take up huge amounts of space and are anchored by concrete blocks of several tons; and they are primarily located in sandy bottom, so may not have a big impact on EFH. Impacts to crab fisheries are significant.

Mr. Ellis said there may be navigational issues and recreational impacts as well. Although these are sandy bottoms, there are juvenile fish present, and other pelagic fish using the area. There are a lot of things going on in sandy bottoms that are relevant to our fisheries.

Mr. Moore asked if any wave energy applicants had come to an HC meeting. Mr. Ellis said that one came to a Council meeting, and HC members had gone to FERC meetings. The HC would welcome any representative who wanted to come and discuss the projects.

Mr. Moore asked about the Coast Guard's role in controlling vessel traffic around these projects. Mr. Martin said the Coast Guard was primarily concerned with navigational safety, and maintaining the integrity of navigational channels.

Mr. Wolford asked about the difference between wave energy and tidal current technology. Mr. Ellis said tidal current systems were under water; not clear about the size. Mr. Wolford asked if the table could be annotated with that type of information. Mr. Ellis said certainly. It would be useful to have an ongoing table that was updated regularly.

Ms. Fosmark noted that every area of the fishing grounds is important, both to the fish and the commercial and recreational fishing industry. Sandy bottom is significant flatfish and crab habitat. Also, is there a difference between a wave park and a wave project? Mr. Ellis said in general they would be an array of buoys oriented north/south; whether they're called a wave park or a wave project, they will be similar in that way.

Mr. Hansen asked if the HC had figured out why the Central Valley stocks collapsed. Mr. Ellis said we did discuss that, and may have some ideas related to that for the Research & Data Needs document. But the simple answer is still no, we don't know what caused the collapse.

Mr. Williams asked about the timeline for retrieving the Finavera buoy that sank off Newport. Mr. Ellis said the initial timeline was to remove the buoy in the spring. There was concern that Finavera might be having financial difficulties; it was unclear what the delay was. This all points to the importance of having a strategy if something goes wrong.

Mr. Sones asked if there was much information available about the projects through the licensing process. Mr. Ellis said yes, an HC member had a map showing where the projects would be; other maps are available. He hasn't seen much on the technical specifications. [This information is available on the FERC website.]

Mr. Warrens said that Cathy Tortorici of NOAA's Portland office was involved in a mapping project that shows project sites.

Ms. Fosmark asked about the buffer areas around the sites. The fishing community has to stay two miles away from the oil derricks in California; has that been discussed? Would it be shown in the GIS maps? Mr. Ellis said the geographic descriptions are simply the areas where the permittee has requested the ability to put in an array of equipment; it's not the same as what will eventually be placed there. In the HC we'd be more focused on the footprint of the equipment itself. It wouldn't be the HC's purview to deal with regulatory boundaries around the projects; as far as I know, the regulatory aspects of dealing with these has not been developed yet.

E.1.d Public Comment

None.

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

Ms. Culver asked how coordination among the different NMFS regions would occur with respect to the different stocks/fisheries? Mr. Helvey said they have not discussed how to proceed on this issue. There is a lot of duplication and overlap, so efficiencies would be needed.

Ms. Culver said the EFH Oversight Committee might develop a process that the Council could consider. WDFW has submitted formal comments to FERC on the Makah Bay wave energy project, and is reviewing the Grays Harbor project by the Washington Wave Company. These comments were on impacts to fisheries in state waters. She was not aware of the extent to which Oregon and California have submitted similar comment letters. Perhaps the HC could provide recommendations to the Council regarding projects that could impact fisheries as well as EFH. She added that as we develop a process for EFH consultation, given the volume of projects, we should think ahead on how we would evaluate cumulative effects.

Chairman Don Hansen noted that the increasing price of oil will contribute to wave energy development.

Ms. Vojkovich said that at this stage, more than just CDFG is interested in these proposals; other agencies also have roles in this. California agencies have been meeting to discuss how to deal with these proposals. We have formally intervened in the Green Wave proposal off the North Coast. That puts our name on the books, saying we're a part of this process. It seems that sharing agency letters with the Council like we share them with NMFS would help inform all of us of what each agency is doing.

Ms. Cooney agreed, and added that the HC should coordinate with NMFS staff who are working on these projects, and touch base with NOAA Fisheries EC lawyers to make sure comment is provided in a timely manner.

Mr. Steve Williams said Oregon's perspective is the same as CDFG's, with multiple agencies trying to figure out the best approach. There are many projects and limited resources; he liked Ms. Vojkovich's idea of having each state share their comments with the Council.

Mr. Helvey noted that the overriding connector is EFH. EFH covers the early life stages, includes life history in the water column, etc. We need to keep that in mind, not just the fishing impacts.

F. Salmon Management

F.1 Tentative Adoption of 2008 Ocean Salmon Management Measures for Analysis (04/08/08; 10:45 am)

F.1.a Agenda Item Overview

Mr. Bob Lohn provided opening remarks; noting NMFS would make a recommendation to the Secretary of Commerce (SOC) on whether or not to declare a federal commercial fishing failure after the Council makes its decisions this week. It was clear that no matter what option the Council chooses, there would be little commercial opportunity, and the SOC committed publicly to expedite the process. The biological and scientific bases for the failure have been established and the economic basis would be established by the Council's analysis in Preseason Report III. Appropriation of funds however, would be up to Congress, and should be facilitated through the affected states.

Ms. Vojkovich asked if commercial passenger fishing vessels (CPFV) were considered as part of the commercial failure. Mr. Lohn replied the information on the breakdown between commercial and recreational fisheries was the same as in the Council's Preseason reports.

Mr. Anderson noted that in Washington, the CPFV licenses were considered a commercial license by the legislature and that fishery would experience about an 80 percent reduction in 2008. Mr. Lohn replied that the legal definition of what constitutes a commercial fishery would be part of the package submitted

by NMFS to the SOC. Congress would determine what funds would be allocated and to which economic sectors, in coordination with the states.

Mr. Anderson noted that the cause of the declaration north of Cape Falcon was different than south of Cape Falcon. Mr. Lohn replied that NMFS was considering the coast as a whole in making its recommendation to the SOC.

Ms. Vojkovich observed that disasters can have implications for state funding as well because license sales determine allocation of federal funds among states. Mr. Lohn replied that the states should make that clear when working with Congress to allocate disaster funds.

Mr. Dave Ortmann chaired this agenda item.

Mr. Chuck Tracy presented the agenda item overview.

F.1.b Update on Estimated Impacts of March 2008 Options

Mr. Dell Simmons presented a summary of [Preseason Report II: Analysis of Proposed Regulatory Options for 2008 Ocean Salmon Fisheries](#). He noted that the aggregate abundance based management (AABM) units for southeast Alaska and northern British Columbia would be down substantially and up slightly for the West Coast Vancouver Island area.

Mr. Roth asked what the primary stocks driving the reductions were. Mr. Gordy Williams replied Columbia River up-river brights, north Oregon Coast, and WCVI.

F.1.c Summary of Public Hearings

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

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

Mr. Lockhart asked if there was rationale for support of recreational Option I. Mr. Moore replied the rationale was primarily economic support for small communities and infrastructure.

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

F.1.d U.S. Section of the Pacific Salmon Commission Recommendations

Mr. Gordy Williams summarized 2008 harvest guidelines; He noted Chinook annex negotiations were ongoing and another session was scheduled with Canada in early May.

F.1.e North of Cape Falcon Forum Recommendations

Mr. Anderson stated that negotiations were continuing, and progress could be made on the ocean fisheries package, but the inside package would take additional time.

F.1.f National Marine Fisheries Service Recommendations

Mr. Frank Lockhart noted that with the Sacramento River fall Chinook (SRFC) forecast so low, it would take some serious thought and documented rationale to justify any salmon fishing affecting that stock in 2008. It would be beneficial to weigh the costs versus the economic benefits of having an open fishery.

The level of information for SRFC at these low levels was very minimal, contributing to the uncertainty of the situation.

Mr. Lockhart then stated that the March 2008 Council decision on the Klamath River Overfishing Concern resulted in an option for criteria to end the Overfishing Concern that was not been reviewed by the SSC. That review was important, and NMFS would have some options for Council action.

F.1.g Tribal Recommendations

Mr. Mike Orcutt, Hoopa Valley Tribe, noted the tribes advocated establishing a forum for south of Cape Falcon allocation issues that would include and recognize the tribes as co-managers. The Hoopa Valley Tribe supported the STT recommended criteria for ending the Klamath River fall Chinook (KRFC) Overfishing Concern in which the 35,000 natural escapement floor would need to be exceeded for three of four consecutive years, as referenced under Agenda Item F.5.c.

Mr. Dave Hillemeier, Yurok Tribe, concurred with Mr. Orcutt's testimony.

Mr. Melcher asked about the link between conservative management for KRFC and the tribes targeting 35,000 spawners rather than 40,700 in 2008. Mr. Hillemeier replied that targeting 35,000 in 2008 would result in targeting 40,700 for at least two additional years. Further, by ending the Overfishing Concern after 2008 would result in only the tribal fisheries being restricted to achieve the end of the Overfishing Concern.

F.1.h State Recommendations

Mr. Anderson noted that Washington would have a recommendation for tentative analysis but it was unlikely to meet the conservation objectives for lower Columbia natural (LCN) coho and some Washington Coastal and Puget Sound stocks; however, through continuing negotiations those objectives should be met by the time final action was taken under Agenda Item F.5.

F.1.i Reports and Comments of Advisory Bodies

Messrs. Jim Olson, Paul Heikkila, Duncan MacLean, Steve Watrous, Mike Sorenson, Richard Heap, and Paul Pierce presented Agenda Item F.1.i, Supplemental SAS Report.

Mr. Watrous noted the following corrections:

- Page 6, U.S./Canada Border to Leadbetter Point Chinook directed recreational fishery: change the closing date from June 28 to June 26 north of the Queets River and June 30 south of the Queets River.

Ms. Vojkovich asked about the rationale for no fall 2008 credit card fisheries or March opening in the California KMZ, as proposed for the Oregon KMZ. Mr. Pierce replied the California recreational interests did not want to jeopardize summer 2009 fisheries in exchange for credit card fisheries.

Mr. Melcher asked if the commercial landing limit north of Cape Falcon was intended to allow 50 Chinook per period in both subareas, north and south of Leadbetter Point. Mr. Olson replied no, that the intent was 50 Chinook per open period from either subarea, but not both.

Mr. Melcher asked if the SAS discussed the March 15, 2009 commercial opening off Oregon. Mr. Heikkila replied no that it was just a place holder.

Mr. MacLean prefaced the SAS California commercial proposals with a request for the U.S. Fish and Wildlife Service to jump start recovery of Central Valley Chinook stocks by initiating hatchery reform and modernization projects and transporting smolts from Coleman Hatchery to the Delta in 2008. NMFS should establish realistic flow requirements in the Central Valley.

Ms. Vojkovich asked how many fishermen would be involved in the genetic stock identification (GSI) study. Mr. MacLean replied he was unsure, but the proposed California recreational fishery impacts represent approximately historical shares with the proposed commercial GSI fishery.

Mr. Jeff Feldner and Dr. Pete Lawson provided an update on GSI sampling. The sampling plan would depend on the impacts and funds available, but based on preliminary estimates achieving the objective of 200 fish per area per week would not be possible unless catch rates were more than double 2006 rates. A realistic maximum sample size for 2008 would be about half the 200 fish objective.

Ms. Vojkovich asked if the SRFC impacts would also be half of what was represented in the proposed seasons. Mr. Feldner replied yes.

Ms. Vojkovich asked how many fishermen would be employed in the GSI study. Mr. Feldner replied that depending on structure of the fishery, two to ten per strata. Dr. Lawson replied that in Oregon in 2007 about 150 fishermen were employed, in 2008 they could afford that number of boats, although because there would be no retention allowed, many fishermen may elect not to participate.

Ms. Vojkovich asked what the funding timeframe was. Mr. Lockhart replied the Saltonstall-Kennedy funds were available for two years with a possible extension and the 2006 disaster funds were available for three years.

Mr. Anderson asked if there had been discussion of how useful data collected in an anomalous year like 2008 would be. Dr. Lawson replied there were two factors considered, stock composition and stock distribution. The latter would be useful and the former could be if scaled to future abundance levels.

Mr. Lockhart asked what the implications for the experimental design would be for the anticipated catch rates. Mr. Feldner replied that the statistical design would be compromised by using a test fleet approach for each strata and not utilizing the full fleet if catch rates were low. Dr. Lawson replied that there would still be data for each stratum, but many values would be zero.

Mr. Warrens asked if the GSI study was not conducted in 2008, if the 2006 and 2007 GSI data would be compromised. Dr. Lawson replied the data would not be compromised, but the time series aspect of any data collection program was important, and with an interruption in 2008, the time series would have to be restarted.

Mr. Melcher asked what information would be lost by prohibiting retention of adipose fin-clipped salmon. Dr. Lawson replied that without CWT's, age information would be lost except for limited scale samples.

F.1.j Summary of Written Public Comments (04/08/08; 1:43 pm)

Mr. Tracy presented Agenda Item F.1.j, Summary of Written Public Comments.

F.1.k Public Comment

Ms. Barbara Emley, PCFFA, San Francisco, CA

Mr. Mark Newell, Oregon Salmon Commission, Toledo, OR requested a May 1-31 commercial season from Cape Falcon to Humbug Mt.

Mr. Lockhart asked how the impacts to SRFC could be justified. Mr. Newell replied that some of the SRFC impacts would already be counted in the GSI study, in addition there were sufficient KRFC to support the fishery. Without some opportunity the port infrastructure was at risk.

Mr. Jerry Reinholdt, Reinholdt Fisheries, St. Helens, OR

Mr. Ken Byrtus, Brookings Harbor, Brookings, OR

Mr. Jim Welter, KMZ Fisheries Coalition, Brookings, OR

Mr. Jim Relaford, Port of Brookings Harbor, Brookings, OR requested an additional 21 fishing days between August 15 and September 15 in the recreational Klamath Management Zone (KMZ; Humbug Mt. Oregon to Horse Mt. California) fishery.

Ms. Vojkovich asked if more fishing time would be requested in 2009 as well, given the poor outlook for SRFC and KRFC. Mr. Relaford replied that there was insufficient information to determine the 2009 outlook for SRFC and that the collapse of that stock was likely not caused by excessive fishing mortality.

Mr. Lockhart asked if the motivation for the additional opportunity was economic, would the risk of impacting future production be worth the limited benefits in 2008. Mr. Relaford replied that the requested fishery would impact only 37 SRFC, and that some low level of risk was warranted.

Mr. Steve Westrick, Westport Charter Boat Association, Westport, WA requested a two Chinook bag limit in the May/June recreational fishery north of Cape Falcon.

Mr. Anderson noted that the Columbia River spring Chinook fishery with a one fish bag limit was not adversely effected.

Mr. Richard Good, Washington Trollers Association, Curtis, WA

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

F.1.l Council Action: Tentatively Adopt Management Measures for 2008 Ocean Salmon Fisheries

The following motions were made utilizing Agenda Item F.1.i, Supplemental SAS Report.

Mr. Anderson moved (Motion 4) to tentatively adopt for STT collation and analysis the non-Indian commercial and recreational management measures for the area north of Cape Falcon contained in the SAS report as presented with the following modifications:

- Page 1, U.S./Canada Border to Cape Falcon Chinook directed commercial fishery: change the Chinook quota from 13,334 to 11,700
- Page 1, U.S./Canada Border to Cape Falcon all species commercial fishery: change the Chinook quota from 6,666 to 8,300
- Page 6, North of Cape Falcon Recreational Fisheries Supplemental Management Information: change Area 4B add-on fishery from 5,000 marked coho to 4,000 marked coho, and allow Chinook retention subject to the 950 Chinook harvest guideline in the Neah Bay sub area fishery.

The FMP specifies that when an Area 4B add-on fishery was allowed, a portion of the Neah Bay subarea

coho quota was to be transferred to the La Push and Westport subareas. The FMP allowed deviation from this allocation formula to meet season objectives if agreed to by representatives of the affected ports. The motion included transferring the portion of the Neah Bay coho stipulated in the FMP when an Area 4B add-on fishery was set only to the La Push subarea, but not the Westport subarea.

Mr. Myer seconded the motion.

Mr. Anderson stated the changes were intended to reduce the exploitation rate of LCN coho and trying to achieve an exploitation rate of ocean fisheries of 6.0; leaving 2.0 for inside fisheries.

Motion 4 passed. Mr. Cedergreen voted no.

Mr. Melcher moved (Motion 5) to tentatively adopt for STT collation and analysis the non-Indian commercial and recreational management measures for the area between Cape Falcon and the Oregon/California border contained in the SAS report as presented with the following modifications:

- Page 2, Cape Falcon to Florence South Jetty commercial fishery: change Florence South Jetty to Humbug Mt. and add a May 1-31 Chinook retention fishery.
- Page 7, Cape Falcon to OR/CA border recreational mark selective coho fishery: change quota from 10,000 to 9,000.

Mr. Warrens seconded the motion.

Mr. Melcher stated the commercial opportunity was for comparison with the GSI research impacts to SRFC; the reduction in the coho quota would balance the coho impacts from the May commercial Chinook opportunity.

Mr. Lockhart stated that because the motion included SRFC impacts south of Cape Falcon that would require an emergency rule to implement, he was required to vote no to preserve flexibility for the Secretary of Commerce.

Motion 5 passed. Mr. Lockhart voted no.

Ms. Vojkovich directed the SAS to consider the costs and benefits of having an early season recreational fishery given the SRFC status for 2008 and 2009. The SAS should also consider a recreational fishery in the California KMZ to target on KRFC with minimal impacts to SRFC.

Ms. Vojkovich moved (Motion 6) to tentatively adopt for STT collation and analysis the non-Indian commercial and recreational management measures for the area south of the Oregon/California border contained in the SAS report as presented.

Ms. Kathy Fosmark seconded the motion.

Motion 6 passed. Mr. Lockhart voted no.

Mr. Sones moved (Motion 7) to tentatively adopt for STT collation and analysis the treaty Indian ocean commercial management measures for the area north of Cape Falcon contained in the SAS report as presented with the following modifications:

- Page 10, Supplemental Management information: change the Chinook quota from 40,000 to 37,500 and the coho quota from 25,000 to 20,000.

- Page 10, U.S./Canada Border to Cape Falcon: change the Chinook quota for the May/June Chinook directed fishery from 22,500 to 20,000 and change the coho quota for the June-September all species fishery from 25,000 to 20,000.

Mr. Anderson seconded the motion.

Motion 7 passed unanimously.

Ms. Vojkovich requested NMFS provide information on the value of the GSI study relative to current salmon management structure.

F.2 Clarify Council Direction on 2008 Management Measures (if Needed)

F.2.a Agenda Item Overview (04/09/08; 10:45 am)

Mr. Tracy presented the agenda item overview.

F.2.b Report of the Salmon Technical Team

Mr. Simmons summarized Agenda Item F.2.b, Supplemental STT Report, Preliminary Analysis of Tentative 2008 Ocean Salmon Fishery Management Measures.

Mr. Melcher asked if the SRFC fishery impacts were in adult equivalents. Mr. Simmons replied no.

Dr. McIsaac asked if the Klamath River recreational fishery would be able to catch the 20,200 Chinook allocation. Mr. Simmons replied it was at the upper end of the range of historical catches, but the STT did not specifically analyze that probability.

Mr. Melcher asked if the maturity date of September 1 for SRFC affected the September 2007 impacts listed in Table 8. Mr. Mohr replied yes, and that the maturity date had the most support among staff working on the Sacramento models.

F.2.c Reports and Comments of Advisory Bodies

Mr. Paul Pierce presented Agenda Item F.2.c, Supplemental SAS Report.

Mr. Anderson asked what the rationale was for the March 15, 2009 opening date in the Oregon KMZ recreational fishery in comparison to the April 18, 2009 date in the Fort Bragg recreational fishery. Mr. Tracy replied the Fort Bragg opening date reflected administrative needs of the California Fish and Game Commission to implement inseason action to close the fishery if necessary, as opposed to the Oregon Department of Fish and Game, which could act more quickly.

Dr. McIsaac asked if the stock composition in the various proposed recreational fisheries was examined in light of target versus incidental stocks. Mr. Pierce replied that the SAS did consider stock composition in addition to attempting to optimize the economic benefit by focusing on holiday weekends.

Mr. Lockhart asked what the benefit of small fisheries to the fishermen and related industries was given the cost of SRFC when the projected spawning escapement was less than one half the low end of the objective. Mr. Pierce replied that the benefit was some small economic relief to coastal communities and

continued participation of the recreational fishermen. The results of the modeling would provide specific estimates.

F.2.d Public Comment

None.

F.2.e Council Guidance and Direction

Mr. Lockhart provided some information about economic benefits of the GSI study relative to the risks to the SRFC population. The overall potential benefits would be more refined information on stock structure and distribution that could allow managers to shape fisheries to minimize mortality on stocks of concern while permitting fishermen to access healthy stocks. The short-term cost would be 500 to 1,000 dead SRFC. However, the benefits were not short-term; one year of study would not provide enough information to change management. The real benefit would be from a long-term, coastwide study. NMFS believed that a case could be made for a GSI study, but it would be difficult in 2008. One concern was that the 500-1,000 impacts in the GSI study would be used to justify other fisheries at a similar impact level. It would be difficult to justify the GSI study if it would be used as rationale to allow other fisheries.

Vice Chairman Ortmann noted that to this point fisheries were sacrificed to allow the GSI study and asked that NMFS consider the value to the Council of using GSI management in the future.

Mr. Melcher asked if the GSI study would require an emergency rule. Mr. Lockhart replied that was the preliminary conclusion of NMFS staff.

Mr. Melcher asked if NMFS would include the north of Cape Falcon fisheries in the emergency rule process if the GSI or other fisheries south of Cape Falcon were recommended. Mr. Lockhart replied that two years ago north of Cape Falcon fisheries were implemented by standard rule making while south of Cape Falcon fisheries were implemented by emergency rule. The same process would likely occur in 2008, depending on the specifics.

Dr. McIsaac asked if the STT could examine stock composition for the small recreational fisheries proposed by the SAS. Mr. Simmons replied the STT had not yet examined that but would be able to determine only the fraction of SRFC and KRFC within the time/area strata of the models. Mr. Melcher noted that Rogue Chinook would also be substantial contributors to KMZ fisheries.

Ms. Vojkovich asked if the benefits from the GSI study were considered in light of the likely sample sizes being less than those identified in the study design. Mr. Lockhart replied yes, the distribution information would be useful as long as the coastwide design was followed, and this year would provide information on a particularly depressed abundance.

Ms. Vojkovich asked what the value of the study would be if California was unable to sample at a rate similar to Oregon, or not at all. Mr. Mohr replied the information content declines with lower sample size, but if the coastwide aspect was compromised, the value of the study would be significantly reduced.

Ms. Vojkovich asked if the projected 1,000 SRFC impacts were acceptable for the GSI study, could those impacts be forfeited to other fisheries that may provide greater benefits than the GSI study. Mr. Lockhart replied his intent was not to establish a total allowable level of SRFC impacts. The benefits of the GSI study were tangible, but the value of projected impacts from commercial and recreational fisheries had not yet been demonstrated.

Mr. Wolford moved (Motion 9) that the management measures in Agenda Item F.2.b, Supplemental STT Report be analyzed with two additional recreational Chinook options for fisheries south of the Oregon/California border: 1) as presented in Agenda Item F.2.c, Supplemental SAS Report, and 2) with only August 16-31 open in the California KMZ, and the remainder of recreational Chinook fisheries closed in California.

Ms. Vojkovich seconded the motion.

Motion 9 passed. Mr. Lockhart voted no.

Mr. Melcher moved (Motion 10) to include the Oregon portion of the KMZ in the analysis proposed by Mr. Wolford in Motion 9. Mr. Moore seconded the motion.

Motion 10 passed, Mr. Lockhart voted no.

Ms. Fosmark asked if the STT was modeling the 1,000 SRFC impacts in the GSI study. Mr. Simmons replied the STT modeled the full impact of the proposed study as designed, not the anticipated lower impact rate suggested by Dr. Lawson.

F.3 Pacific Salmon Commission (PSC) Coded-Wire Tag Workgroup Report (04/09/08; 4:59 pm)

F.3.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

F.3.b PSC Report

Ms. Marianna Alexandersdottir provided a Powerpoint presentation. Available on the Council's website at: http://www.pouncil.org/bb/2008/0408/F3b_PSC_PPT_SUP.pdf

Mr. Steve Williams asked what the implications were of inadequate coded-wire-tag (CWT) information. Dr. Alexandersdottir replied that for example, in Canadian terminal areas the number of tagged fish was underestimated and exploitation was overestimated. In Washington where too few fish were released, too few would be recovered to provide accurate exploitation estimates. This accounting provides agencies a tool to set budget priorities for improving the CWT system.

Mr. Steve Williams asked if there were recommendations for improving the utilization of the CWT database. Dr. Alexandersdottir replied the PSMFC staff had addressed many access problems, but that the CWT Workgroup addressed the accuracy of the data being provided to the database.

Mr. Tracy asked if the double index tagging (DIT) program was practical for evaluating mark-selective fisheries. Dr. Alexandersdottir replied yes, that the differential effects of mark-selective fisheries on unmarked populations were being observed in DIT returns as mark-selective fisheries have expanded.

F.3.c Agency and Tribal Comments

None.

F.3.d Reports and Comments of Advisory Bodies

Dr. Ralston presented Agenda Item F.3.d, Supplemental SSC Report.

F.3.e Public Comment

None.

F.3.f Council Discussion

No other Council discussion.

F.4 Methodology Review Process and Preliminary Topic Selection for 2008 (04/10/08; 8:09 am)

F.4.a Agenda Item Overview

Mr. Dave Ortmann chaired this agenda item.

Mr. Tracy presented the agenda item overview.

F.4.b Scientific and Statistical Committee Report

Dr. Ralston presented Agenda Item F.4.b, Supplemental SSC Report.

Dr. Dygert asked what the SSC expectations were for review of the LCN coho consultation standards. Dr. Ralston replied that it was a carry-over from the 2007 list of review topics. Mr. Tracy replied that up to this point annual guidance has been provided for LCN coho management, and that if NMFS develops a long-term consultation standard, the SSC requests they be given an opportunity to comment on it. Dr. McIsaac noted the lower Columbia River (LCR) tule consultation standard was an example of the type of review anticipated.

Mr. Wolford asked what was expected for the September maturity boundary for KRFC and if it included SRFC models and maturity boundary as well. Dr. Ralston replied the SRFC models were newly developed and the review would provide an opportunity for standardized incorporation into the Council management process. The maturity boundary issue was a carry-over from the 2007 review list, and was awaiting data processing issues to be resolved before being ready for analysis.

F.4.c State, Tribal, and Federal Agency Recommendations

None.

F.4.d Reports and Comments of Advisory Bodies

Mr. Simmons presented Agenda Item F.4.d, Supplemental STT Report.

Mr. Wolford asked if the SRFC model review included the maturity boundary for that stock. Mr. Simmons replied no.

Mr. Wolford asked if the STT addressed the KRFC maturity boundary. Mr. Simmons replied no.

Dr. McIsaac asked if the STT would prepare the documents related to SRFC for SSC review. Mr. Simmons replied that task was delegated to some STT members and was largely completed already.

Mr. Andy Rankis presented Agenda Item F.4.d, Supplemental MEW Report.

Dr. Dygert asked if the updated FRAM documentation would be reviewed by the SSC and if it would displace the sensitivity analysis work. Mr. Rankis replied the documentation would be provided for SSC review, but it would primarily be used as a tool for evaluating the sensitivity analysis.

Mr. Paul Heikkila presented Agenda Item F.4.d, Supplemental SAS Report.

F.4.e Public Comment

Mr. Kent Martin, commercial gillnetter, Skamokawa, WA.

Ms. Culver asked how many coho were needed for the Columbia River run-size update fishery. Mr. Martin replied at least 700-1,600 fish.

F.4.f Council Guidance on Potential Methodologies to Review in 2008

Mr. Wolford recommended the KRFC and SRFC maturity boundaries be included as a high priority for the 2008 review to address credit card impacts.

Dr. Dygert asked if the fall fishery projection issue was a higher priority than the maturity boundary. Mr. Wolford replied that they were interrelated, but the highest priority would be to have a tool to project fall fishery impacts.

The Council concurred with Mr. Wolford's recommendation.

Mr. Cedergreen asked if there was a timeframe for the LCN coho consultation standards that would allow review in 2008. Dr. Dygert replied that additional recovery plan work, including a risk analysis, was required, but it would probably not be ready for review in 2008.

Mr. Cedergreen requested any preliminary information on the LCN coho consultation standard that was available be considered a high priority for review in 2008.

Ms. Culver asked if the LCN coho recovery planning timeline was longer than implementation for 2010 fisheries. Dr. Dygert replied he was unsure and the critical outstanding parts were products from the states.

Ms. Culver asked if once the recovery analysis was completed if another Biological Opinion would be developed. Dr. Dygert replied that consultation would be reinitiated once questions were resolved, particularly if some revisions to the harvest matrix resulted.

Dr. McIsaac recommended the scientific basis for the 2009 guidance on LCN coho be reviewed in 2008. Ms. Culver asked what the consultation process was for 2009. Dr. Dygert replied that a new Biological Opinion would be produced for 2008 fisheries that would be in effect until consultation was reinitiated. It was possible that could occur before the 2009 season, but would require resolution of several key issues by fall 2008.

Ms. Culver asked if the STT tasks could be ready for review this fall. Mr. Tracy replied yes: the SRFC documentation was largely complete; the KRFC maturity boundary was dependant on some data issues and would depend on STT member workload.

Dr. Dygert recommended listing the SRFC and FRAM topics as the highest priorities with a check in at the September 2008 meeting.

Council endorsed the recommendations of the SSC in combination with the STT, SAS, and MEW giving priority to the Klamath maturity boundary and LCN coho issues.

F.5 Final Action on 2008 Salmon Management Measures (04/10/08; 2:48 pm)

F.5.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

F.5.b STT Analysis of Impacts

Mr. Simmons presented Agenda Item F.5.b, Supplemental STT Report.

Mr. Lockhart asked what the potential implications were of failing to meet the hatchery escapement goals in the Central Valley. Mr. Simmons replied that with escapements less than half the goals, any additional reductions would reduce future production proportionally.

F.5.c Agency and Tribal Comments

Mr. Michael Orcutt presented Agenda Item F.5.c, Hoopa Valley Tribal Comments and Agenda Item F.5.c, Supplemental Hoopa Valley Tribal Comments.

Mr. Lockhart asked why a June decision on the KRFC Rebuilding Plan would not allow adequate time for the tribes to plan fishing. Mr. Orcutt replied that the tribe must have time to seek comment and for administration of the rules.

Mr. Anderson asked why the tribe was opposed to the Council proposed criteria for ending the KRFC Overfishing Concern. Mr. Orcutt replied that the stock should have more than one successful brood contributing to recovery.

Mr. Sones presented Agenda Item F.5.c, Final Action on 2008 Measures.

F.5.d Reports and Comments of Advisory Bodies

Mr. Duncan MacLean presented Agenda Item F.5.d, Supplemental SAS Report.

F.5.e Public Comment

Mr. Duncan MacLean, Fishermen's Marketing Association, El Granada, CA
Mr. Jim Welter, KMZ Fisheries Coalition, Brookings, OR
Mr. Mike Sorensen, charter boat operator, Toledo, OR
Mr. Richard Heap, fisherman, Brookings, OR
Ms. Barbara Emley, PCFFA, San Francisco, CA

F.5.f Council Action: Adopt Final Measures

Mr. Steve Williams moved (Motion 13) to adopt the rebuilding criteria and strategy contained in Agenda Item F.5.a, Attachment 1. Mr. Warrens seconded the motion.

Mr. Steve Williams stated the SSC reviewed the STT recommended criteria for ending the Overfishing Concern and concluded that there was no analysis supporting the STT recommendation for requiring achieving the spawning escapement floor of at least 35,000 adult natural area spawners in three of four consecutive years and a spawning escapement of at least 40,700 in one of those years. The SSC also noted that the decision on adopting the criteria to end the Overfishing Concern on KRFC was a policy choice, which meant that it was up to the Council to decide. The recommendation that 40,700 spawners be the management target during the rebuilding period was more conservative than usual since the conservation objective of 35,000 spawners was already met and the stock could be considered rebuilt on that basis. The Amendment 15 risk analysis indicated that targeting the 35,000 spawner escapement floor and allowing *de minimis* fisheries with spawning levels below that level would not jeopardize the capacity of the stock to achieve MSY over the long-term. The Council recommendations were precautionary, and consistent with the Salmon FMP and the Magnuson-Stevens Act (MSA).

Mr. Lockhart noted that the Council-recommended criteria was originally based on the tenant that the 2004 KRFC brood would contribute to both the 2007 and 2008 returns, and that aspect of the recovery criteria had not been reviewed by the STT or the SSC. Since the MSA requires decisions relating to ending and preventing overfishing to be based on the best available science, NMFS requested the additional analysis of the two alternative criteria before the Council took final action.

Mr. Sones concurred with Mr. Lockhart and reiterated the concerns made by the Klamath River tribes.

Ms. Vojkovich asked if there were any previous NMFS decisions related to salmon rebuilding criteria. Ms. Cooney replied that salmon overfishing issues were treated differently in the FMP than other stocks, by requiring the STT review, and that this was the first time that a completed review has recommended a rebuilding plan. The Council should delay final action until June to allow time for an SSC review as required by the MSA.

Mr. Ortmann asked if final action was delayed until June would there be a delay in adopting 2008 management measures. Mr. Tracy replied no, because the 40,700 spawner objective was the same under both alternatives for 2008, and on other aspects of the rebuilding plan that affected 2008 ocean management.

Mr. Lockhart offered a substitute motion to Motion 13: that the Council delay action on the KRFC rebuilding strategy until the June 2008 Council meeting; in the interim the SSC would review the two alternate strategies and report back at the June Council meeting.

Mr. Wolford seconded the substitute motion.

Mr. Anderson asked if there would be a difference in spawning escapement between the three ocean fishery options under consideration that would affect the rebuilding strategy for 2008. Mr. Tracy replied no, because the annual management objective was 40,700 natural area spawners under both rebuilding strategies, and while ocean impacts would be different under the ocean fishery options, the river recreational and tribal fishery allocations were adjusted to achieve the 40,700 management objective.

Ms. Vojkovich asked if analysis of both the alternative rebuilding criteria would be presented at the June Council meeting. Mr. Tracy replied yes, the STT would conduct the analysis, probably using the SSRM model used to analyze Amendment 15 alternatives, and provide the results to the SSC for review.

Substitute Motion 13 was given a roll call vote. Voting no: Moore, Vojkovich, Steve Williams, Fosmark, Warrens, Mallet. Voting yes: Sones, Cedergreen, Anderson, Wolford, Myer, Lockhart, Hansen, Ortmann. Eight yes, six no. The substitute motion passed.

The following motions were made utilizing Agenda Item F.5.b, Supplemental STT Report:

Mr. Anderson moved (Motion 14) to adopt for submission to the SOC the non-Indian commercial and recreational ocean salmon management measures for the area north of Cape Falcon contained in the Agenda Item F.5.b, Supplemental STT Report.

Mr. Cedergreen seconded the motion.

Mr. Anderson noted the negotiations just concluded in the North of Falcon forum included inside fisheries that resulted in achieving the Hood Canal coho exploitation rate ceiling, as well as other minor changes to impacts listed in Table 5. The motion included transferring the portion of the Neah Bay coho stipulated in the FMP when an Area 4B add-on fishery was set only to the La Push subarea but not the Westport subarea; representatives from Westport and Neah Bay agreed with the proposed transfer proportions, as required by the FMP for deviation from the stipulated proportions. The coho quotas were expected to result in about an 80 percent reduction in recreational angler trips north of Cape Falcon and elimination of a Columbia River coho non-Indian commercial gillnet fishery, including the test fishery to conduct an inseason run update.

Motion 14 passed unanimously.

Mr. Sones moved (Motion 15) to adopt for submission to the SOC the treaty Indian ocean salmon management measures for the area north of Cape Falcon contained in the Agenda Item F.5.b, Supplemental STT Report.

Mr. Anderson seconded the motion.

Motion 15 passed unanimously.

Mr. Steve Williams moved (Motion 16) to adopt for submission to the SOC the non-Indian commercial and recreational ocean salmon management measures for the area between Cape Falcon and the Oregon/California border contained in Agenda Item F.5.b, Supplemental STT Report with the following changes:

- Page 2, Cape Falcon to Humbug Mountain commercial Chinook directed fishery: closed May 1-31 to all salmon.
- Page 7, Cape Falcon to Humbug Mountain recreational Chinook directed fishery: Option I
- Page 7, Cape Falcon to OR/CA Border recreational mark-selective coho fishery: Option I
- Page 8, Humbug Mountain to OR/CA Border recreational Chinook directed fishery: Option III.

Mr. Warrens seconded the motion.

Mr. Steve Williams noted the public testimony indicated that some fishing opportunity was very important, and the motions addressed that need in a very limited manner. The GSI study was also important for both scientific and economic reasons.

Mr. Moore noted the proposed fisheries would eliminate commercial fisheries and severely reduce recreational fisheries south of Cape Falcon in 2008, with the support of the fishermen affected, and that the Council was fulfilling its legal obligations with that action.

Mr. Lockhart stated the motion would likely take an emergency rule and therefore he was required to vote no to preserve flexibility for the SOC to review the recommendation related to MSA and Constitutional requirements; the no vote did not mean that NMFS intended to overturn the recommendations of the Council.

Mr. Gordy Williams noted that by eliminating the May 1-31 commercial fishery, the start date of the GSI fishery in the Cape Falcon to Humbug Mountain area was not consistent with areas to the south.

Mr. Moore moved to amend Motion 16 to include a change in the starting date for the GSI fishery between Cape Falcon and Humbug Mountain from June 1 to May 1, 2008.

Mr. Warrens seconded the Amendment to Motion 16.

The Amendment to Motion 16 passed. Ms. Vojkovich and Mr. Lockhart voted no.

Mr. Lockhart asked if one year without a fishery would make a difference. Mr. Steve Williams replied that Mr. Heap's testimony illustrated the value of the fishery in providing businesses with the ability to survive until the next season and provide the public with some hope and optimism for the future. Oregon state water and inland fisheries would also be more restrictive making ocean fisheries more important in 2008.

Ms. Vojkovich expressed concern about not having a discussion regarding the criteria necessary to implement an emergency rule before voting for measures that would require one. Council Operating Procedure 10 for requesting emergency changes to the FMP included criterion 5, which states that the action taken would not decrease long-term yield. SRFC support fisheries in both Oregon and California. Hatcheries were projected to fall short of their goals in 2008 and did not meet them in 2007. Several thousand SRFC had already been taken from a stock at an historical low, and every fish returning to the river was important. The situation was unique, and any fishing would reduce near-term production and could possibly decrease long-term productivity of the stock. She would not support the motion or any California freshwater or ocean fisheries impacting SRFC

Dr. McIsaac asked if the minimum requirements for an emergency rule had been met. Ms. Cooney replied that Mr. Lockhart had been attempting to establish a record for the rationale to support a potential emergency rule, but that the determination of adequacy would be made at a later time.

Dr. McIsaac noted that in March 2008 Mr. Anderson read into the record rationale addressing the criteria, and asked if there were any other procedural omissions for proceeding with an emergency rule. Ms. Cooney read the NMFS guidance for establishing emergency rules and stated that there were no procedural omissions she was aware of, but that the entire record would have to be reviewed.

Motion 16 as amended proceeded to a roll call vote. Voting no: Wolford, Mallet, Vojkovich, Fosmark, Myer, Cedergreen, Lockhart, Hansen; voting yes: Moore, Steve Williams, Anderson, Warrens, Sones. Eight no, five yes.

Motion 16 as amended failed.

Mr. Steve Williams asked for a 20 minute break.

(4:47 pm)

Mr. Steve Williams moved (Motion 17) to adopt for submission to the SOC the non-Indian commercial ocean salmon management measures for the area between Cape Falcon and the Oregon/California border and the recreational management measures between cape Falcon and Humbug Mountain contained in Agenda Item F.5.b, Supplemental STT Report with the following changes:

- Page 2, Cape Falcon to Humbug Mountain commercial Chinook directed fishery: closed May 1-31 to all salmon.
- Page 2, Cape Falcon to Humbug Mountain genetic stock identification fishery: open May 1 to August 31.
- Page 7, Cape Falcon to Humbug Mountain recreational Chinook directed fishery: Closed
- Page 7, Cape Falcon to OR/CA Border recreational mark-selective coho fishery: Option I

Mr. Warrens seconded the motion.

Mr. Anderson asked if the March 15, 2009 commercial opening could be modified at the March 2009 Council meeting in time to implement any needed changes. Mr. Steve Williams replied yes.

Mr. Anderson asked if the recreational season in the Humbug Mountain to OR/CA border area was included in the motion. Mr. Steve Williams replied no.

Mr. Anderson asked if the value of the Oregon GSI study would be compromised if California did not participate. Mr. Lockhart replied yes, the most value for the GSI fishery would include coastwide participation. Mr. Steve Williams noted that the state of Oregon had conducted the GSI fishery for two years, and while a coastwide survey would be best, the Oregon study would also be beneficial for collecting data on stocks like lower Columbia River tule Chinook.

Mr. Anderson asked if the value of the study would be enhanced by a continuous time series. Mr. Lockhart replied yes.

Ms. Vojkovich stated the data collection to date was below the sample size and geographic range objectives. Discussion of management applications for the results of the study were yet to occur. The study to date did not represent a long-term time series but a series of tests to determine how to design a long-term study. The risk to SRFC in 2008 however, did exist, and every fish counted. Conversations with constituents indicated there were few or no fish available for either harvest or to meet the objectives of the study design. Data collection was not as important as ensuring as many fish as possible returned to spawn in 2008.

Mr. Warrens stated that he disagreed with Ms. Vojkovich regarding the value of the GSI study, particularly the continuity of the time series, and the State of Oregon was willing to sacrifice substantial parts of the recreational fishery to allow the GSI study to continue.

Mr. Anderson asked if fisheries targeting coho with Chinook non-retention were viewed the same as other fisheries with small SRFC impacts. Ms. Vojkovich replied that the Oregon mark selective coho fishery, with 55 SRFC impacts, was a type fishery that could not be conducted in California; however, because

every fish counted, she was concerned that the few SRFC impacts occurring in that fishery would be used to justify other fisheries.

Mr. Wolford supported Ms. Vojkovich's position and would support no fishing in California, including no recreational KMZ fishery that would impact only 45 SRFC. That area of the coast depended heavily on tourism and recreation and has sacrificed for years because of KRFC impacts, but the value of the SRFC stock was too great to risk additional impacts.

Ms. Fosmark observed that 2007 was the absolute worst year, and 2008 would be worse. The GSI study was valuable, but could jeopardize future production.

Motion 17 proceeded to a roll call vote. Voting no: Vojkovich, Wolford, Fosmark, Anderson, Mallet, Lockhart, Hansen; voting yes: Cedergreen, Moore, Myer, Steve Williams, Warrens; David Sones abstained. Seven no, five yes.

Motion 17 failed.

Mr. Steve Williams moved (Motion 18) to adopt for submission to the SOC the non-Indian commercial ocean salmon management measures for the area between Cape Falcon and the Oregon/California border and the recreational management measures between cape Falcon and Humbug Mountain contained in Agenda Item F.5.b, Supplemental STT Report with the following changes:

- Page 2, Cape Falcon to Humbug Mountain commercial Chinook directed fishery: closed May 1-31 to all salmon.
- Page 2, Cape Falcon to Humbug Mountain genetic stock identification fishery: closed.
- Page 7, Cape Falcon to Humbug Mountain recreational Chinook directed fishery: Closed
- Page 7, Cape Falcon to OR/CA Border recreational mark-selective coho fishery: Option I
- Page 8, Humbug Mountain to OR/CA Border recreational Chinook directed fishery: Closed.

Mr. Warrens seconded the motion.

Motion 18 proceeded to a roll call vote. Voting no: Lockhart, Fosmark, Wolford, Vojkovich, voting yes: Myer, Moore, Warrens; Cedergreen, Anderson, Steve Williams, Mallet, Hansen. David Sones abstained. four no, eight yes.

Motion 18 passed.

Ms. Vojkovich moved (Motion 19) to adopt for submission to the Secretary of Commerce the non-Indian commercial and recreational ocean salmon management measures for the area between the Oregon/California border and the U.S./Mexico Border contained in Preseason Report II, Analysis of Proposed Regulatory Options for 2008 Ocean Salmon Fisheries as follows:

- Page 18, Option III (closed) for all areas.
- Pages 26 and 27 Option III (closed) for all areas south of the OR/CA Border.
- Page 25 Supplemental Management Information, Bullet I, Option III: No directed take of fall Chinook in the Sacramento Basin recreational fisheries.

Ms. Fosmark seconded the motion.

Mr. Moore asked if the KRFC savings from the ocean closures would be transferred to in-river fisheries. Ms. Vojkovich replied yes.

Motion 19 passed. Mr. Moore voted no.

Mr. Lockhart requested the Council concur with allowing flexibility for NMFS to review and implement the recommendations by whatever process may work best, whether that be an emergency rule or some other process. The Council concurred.

F.6 Clarify Final Action on 2008 Management Measures (if Needed)

This agenda item was cancelled.

G. Pacific Halibut Management

G.1 Incidental Catch Regulations for the Salmon Troll and Fixed Gear Sablefish Fisheries (04/08/08; 9:49 am)

G.1.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

G.1.b State, Tribal, and Federal Agency Recommendations

None.

G.1.c Reports and Comments of Advisory Bodies

Messrs. Paul Heikkila and Jim Olson Presented Agenda Item G.1.c, Supplemental SAS Report.

Mr. Moore asked if the SAS had considered impacts to yelloweye rockfish in recommending more liberal landing restrictions for the salmon troll fishery. Mr. Heikkila replied yes, but because salmon opportunity would be limited and license applications were low in 2008, and historically less than 2 percent of landing receipts had reached the trip limits, it was unlikely that impacts to groundfish stocks of concern would increase in 2008.

Ms. Heather Mann Presented Agenda Item G.1.c, Supplemental GAP Report.

Mr. Brian Corrigan presented Agenda Item G.1.c, Supplemental EC Report.

Mr. Anderson asked if there had been any on-water contacts with trollers in violation of the ratio requirements. Mr. Cenci replied no.

Mr. Steve Williams asked what the observed compliance was with the voluntary yelloweye rockfish conservation area for salmon troll fishery. Mr. Cenci replied that it was high.

G.1.d Public Comment

Mr. Steve Wilson, Washington Trollers Association, Federal Way, WA
Mr. Richard Good, Washington Trollers Association, Curtis, WA

G.1.e Council Action: Adopt Final Annual Incidental Halibut Harvest Restrictions

Mr. Anderson moved (Motion 2) to adopt for the 2008 salmon troll fishery, landing restrictions for Pacific halibut caught incidentally in the May/June troll season as follows: salmon troll Option 2a: beginning May 1, license holders may land no more than one halibut per each two Chinook, except one halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per open period. Halibut retained must be no less than 32 inches in total length (with head on). Designate the “C-shaped” yelloweye rockfish conservation area, as defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (Washington Marine Areas 3 and 4), as an area to be voluntarily avoided for salmon troll fishing to provide protection of yelloweye rockfish.

Mr. Myer seconded the motion.

Mr. Anderson noted that there had been some debate over the whether this was an incidental or targeted fishery, and about 4 years ago determined this was an allocation for the salmon trollers; providing opportunity to access that allocation was appropriate. Because the salmon troll fishery would be severely restricted south of Cape Falcon in 2008, less opportunity would be available to access the halibut allocation, and impacts to groundfish stocks of concern like yelloweye rockfish were of less concern than in a normal year. In 2008, 156 salmon troll halibut licenses were issued by the IPHC compared to almost 300 in 2007. In future years when more normal salmon effort returns, it was likely that the halibut restrictions would also return to more traditional levels.

Motion 2 passed unanimously.

Mr. Anderson moved (Motion 3) to adopt for the Commercial Sablefish Fishery North of Point Chehalis, the following landing limits on incidental halibut harvest in the fixed gear primary sablefish fishery: Option 1 Status Quo – Beginning May 1, restrict incidental halibut landings to 100 pounds (dressed weight) of halibut for every 1,000 pounds (dressed weight) of sablefish landed and up to two additional halibut in excess of the 100 pounds per 1,000-pound ratio per landing.

Mr. Myer seconded the motion. Motion 3 passed unanimously.

H. Groundfish Management

H.1 Management Specifications for 2009-2010 Fisheries (04/08/08; 4 pm)

H.1.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview.

H.1.b State, Tribal, and Federal Agency Recommendations

Mr. Anderson asked about the process for deciding harvest specifications and management measures described in the situation summary. He asked if the process was to develop a preliminary preferred alternative for harvest specifications under this agenda item and perhaps refine that decision in June to get to a final preferred alternative. Mr. DeVore said his characterization of the decision-making process this week was accurate.

Mr. Sones said the tribes would probably be looking for some relief on canary.

H.1.c Reports and Comments of Advisory Bodies

SSC Report

Dr. Steve Ralston provided Agenda Item H.1.c, Supplemental SSC Report.

Mr. Moore asked about the SSC's concern relative to risk in setting ABCs, does the SSC have any interim guidance and Dr. Ralston said no. The next specifications process may require consideration for precautionary adjustments of ABCs.

GMT Report

Ms. Kelly Ames (joined at the podium by Messrs. E.J. Dick and Corey Niles) provided Agenda Item H.1.c, Supplemental GMT Report.

Mr. Moore asked whether the current coastwide catches of sablefish have been constrained by other species and Ms. Ames said yes. Mr. Moore asked if the current canary OY was increased, could there be increased sablefish opportunity and Ms. Ames said that would be true for trawl but yelloweye constrains fixed gear fisheries.

Mr. Moore asked if the chilipepper status is healthy and if the stock is projected to remain above B40% in 2009 and 2010. Mr. DeVore said the current depletion is B67% and the stock is projected to remain well above B40% in the next two years. Mr. Moore asked why the chilipepper ABC is declining and Mr. DeVore said that was due to the waning influence of the strong 1999 year class and an assumption of average recruitment strength thereafter.

Ms. Vojkovich asked why the GMT is not recommending a change in the yelloweye rebuilding plan and asked if there was any discussion in the GMT regarding the 2007 California recreational catches of yelloweye. Ms. Ames said the GMT is aware of the California recreational catches but their discussion on the OY focused on assessment results.

Ms. Vojkovich asked about the GMT consideration for the Conception area sablefish OY and why it was important to point out the OY apportionment using a trawl survey methodology would result in a larger OY than recent year catches. She also asked if the GMT had information regarding Conception area catches north and south of 34°27' N latitude? Mr. DeVore said there is catch data north and south of 36° N latitude, but little knowledge of catches north and south of 34°27' N latitude. The concern lies mainly with the lack of an effort control mechanism in the open access fishery. A much larger Conception area OY could result in a significant effort shift to the south. A precautionary reduction of the Conception area OY is also recommended since the information informing Conception area sablefish abundance is relatively less certain. Ms. Vojkovich said she understands the considerations for a precautionary Conception area OY reduction, but still wanted to know Conception area sablefish catches north and south of 34°27' N latitude. Mr. DeVore said the catch data is not stratified north and south of 34°27' N latitude, but it is his understanding most of the Conception area sablefish catch occurs north of 34°27' N latitude.

Mr. Anderson asked about the GMT recommendation regarding bocaccio and widow preliminary preferred OYs. Does that mean these rebuilding plans would be revised with a downward revision of the respective harvest rates? Mr. Anderson said he did want to consider OYs for these species with

management scenarios analyzed and with the biological parameters in association with these OYs. Mr. Lockhart remarked that the effects of OY decisions in combination with other OYs needs to be analyzed and asked if these were the types of analyses contemplated by the GMT and Ms. Ames said yes.

GAP Report

Ms. Heather Mann provided Agenda Item H.1.c, Supplemental GAP Report.

Mr. Moore remarked that the GMT recommendation for apportioning the sablefish OY north and south was based on the trawl survey estimated biomass distribution. He asked if the GAP recommends the status quo apportionment of 96.5% in the north and Ms. Mann said no, the GAP recommends an apportionment that is between the status quo and the 72% recommended by the GMT. Mr. Moore asked how the status quo apportionment was decided and Ms. Mann said she did not know.

Ms. Vojkovich asked if the difference in the reduction in the southern OY goes to the buffer and Mr. Gerry Richter, GAP member, said there has been a consistent catch of sablefish by limited entry fixed gear fishermen south of 34°27' N latitude of about 70-80 mt with the rest caught in the open access fishery. He estimates about 30% of the catch has occurred south of 34°27' N latitude.

H.1.d Public Comment (04/09/08; 8:08 am)

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR
Mr. Kenyon Hensel, Hensel's, Crescent City, CA
Ms. Julie Sherman, Marine Fish Conservation Network, Portland, OR
Mr. Bill James, fisherman, Salem, OR
Mr. Gerry Richter, B & G Seafoods, Santa Barbara, CA
Mr. Tom Ghio, Ghio Fish Company, Santa Cruz, CA
Mr. Mike Okoniewski, Pacific Seafood, Woodland, WA
Mr. Bob Eder, fixed gear fishermen, Newport, OR
Mr. Peter Huhtala, Pacific Marine Conservation Council, Astoria, OR
Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, CA

H.1.e Council Action: Adopt Preferred Acceptable Biological Catches, Optimum Yields, and Revised Rebuilding Plans

Ms. Culver moved and Mr. Myer seconded a motion (Motion 8) to adopt preferred 2009-2010 harvest specifications using Supplemental GMT Report 2. The motion includes the recommended 2009 and 2010 ABCs for all the stocks. The motion also includes 2009 and 2010 OYs for all stocks except the following: canary rockfish, chilipepper rockfish, bocaccio, cowcod, darkblotched rockfish, southern black rockfish; California scorpionfish, cabezon, stocks in the Other Fish complex, and longnose skate. The motion does not include OYs for some of these stocks because the GMT recommends deferral of action until later this week pending further analysis. The motion also does not include OYs for some of the southern stocks since she believes other Council members should move those OYs. The motion specifically adopts alternative 1 OYs for the rest of the stocks with the following exceptions: alternative 2 OYs for lingcod north and south of 42° N latitude; alternative 2 OYs for sablefish; alternative 4 OYs for Pacific ocean perch; alternative 2 OYs for shortbelly rockfish; alternative 2 OYs for widow rockfish; alternative 3 OYs for yelloweye rockfish; and alternative 2 OYs for arrowtooth flounder.

Ms. Culver said the motion intentionally lowers the widow rockfish harvest rate, but she recommends the Council may reconsider this if GMT analyses compel a different OY. The yelloweye OYs are consistent with the status quo harvest rate ramp-down approach in the rebuilding plan.

Mr. Moore moved and Mr. Warrens seconded an amendment to the motion (Amendment 1 to Motion 8) to establish ABCs for chilipepper rockfish as shown in the GMT Report (3,037 mt in 2009 and 2,576 mt in 2010), as well as a 2009 OY of 2,885 mt and a 2010 OY of 2,447 mt.

Mr. Moore explained that the chilipepper rockfish is healthy and EFPs are in place to try to gain greater fishing access to chilipepper. The normal policy for a healthy stock is to set the OY equal to the ABC. This OY is alternative 3 with a 5% precautionary reduction so that it is not equal to the ABC.

Mr. Williams asked if all the ABCs are in the main motion and Ms. Culver said yes.

Amendment 1 to Motion 8 carried unanimously.

Mr. Moore moved and Mr. Warrens seconded an amendment to the motion (Amendment 2 to Motion 8) to establish Alternative 3 for widow rockfish OYs.

Mr. Moore explained the estimated time to rebuild widow under all the OY alternatives is 2009. This is a stock that will essentially be rebuilt by 2009. There is no reason to be overly precautionary when widow constrains the whiting fisheries. This OY is less than 25% of the ABC.

Ms. Culver said we need to be more precautionary until we are assured the stock is rebuilt.

Ms. Vojkovich asked if there is a need to see more analysis before revising the widow rebuilding plan (as per the main motion) and Mr. DeVore said that is the GMT recommendation.

Mr. Moore said the probability of rebuilding by T_{MAX} under the alternative 3 OY is 100%. Mr. Lockhart agreed with the main motion intent to be more precautionary.

Mr. Wolford asked when the next widow rockfish stock assessment is scheduled and Mr. DeVore said the preliminary recommendation is to do a full assessment next year. Mr. Cedergreen asked if the assessment was an update and Mr. DeVore said yes.

Ms. Fosmark said she would like to see some fishery relief with a higher widow OY.

Amendment 2 to Motion 8 failed on a roll call vote (Ms. Culver; Messrs. Lockhart, Mallet, Ortmann, Sones, Wolford, and Cedergreen voted no).

Mr. Steve Williams moved and Mr. Moore seconded an amendment to the main motion (Amendment 3 to Motion 8) to adopt Alternative 2 OYs for southern black rockfish.

Amendment 3 to Motion 8 carried unanimously.

Ms. Vojkovich moved and Ms. Fosmark seconded an amendment to the main motion (Amendment 4 to Motion 8) to include Alternative 2 OYs for California scorpionfish and Alternative 3 OYs for cabezon. Ms. Vojkovich said these OYs follow management advice and the California scorpionfish OY equals the ABC.

Mr. Wolford asked if the motion included a California scorpionfish OY of 175 mt, which he thought would exceed the ABC, and Mr. DeVore said it would equal the 2010 ABC.

Amendment 4 to Motion 8 carried unanimously.

Ms. Vojkovich asked if a yelloweye OY alternative of 20 mt in 2009 and 17 mt in 2010 can be analyzed. Mr. DeVore said this alternative would go beyond National Standard 1 guidelines unless there is a specified harvest rate after 2010 that can be analyzed. Ms. Cooney added the analysis would have to project rebuilding duration, probabilities, and effects to fishing communities. Mr. Moore asked for the procedures to consider this alternative and Ms. Cooney said it would be a major revision to the rebuilding plan. Ms. Culver said this would require a new rebuilding analysis and would have to be reviewed by the SSC. She was not sure if there is adequate time to do all the requisite procedures. WDFW is also concerned about yelloweye rebuilding effects on fishing communities and, for that reason, is recommending a full assessment in 2009. Ms. Vojkovich said the ramp-down strategy will cause considerable and significant adverse impacts to California fishing communities; therefore, she is trying to find additional ways to more flexibly manage the yelloweye rebuilding plan. Mr. Lockhart said that the NWFSC is willing to do a new rebuilding analysis, but can't promise the SSC review steps. Ms. Vojkovich asked if the preliminary rebuilding analysis can be done this week.

Chairman Hansen asked Drs. Ralston, Clarke, and Hastie to testify. Ms. Vojkovich asked if a new alternative ramp down strategy for yelloweye (2009 OY of 20 mt, 2010 OY of 16 mt, and maintaining the current target rebuilding year of 2084) can be analyzed by June. Dr. Clarke said the rebuilding analysis could be done. Dr. Ralston said the SSC could review this either before or during the June meeting although this is highly unusual. Dr. Ralston asked if the existing assessment would be used in the analysis or whether a revised updated assessment would be used and Ms. Vojkovich said her intent is to use the existing assessment. Dr. Ralston asked Dr. Clarke if the assessment would be updated and she said no.

Ms. Vojkovich moved and Mr. Wolford seconded an amendment to the motion (Amendment 5 to Motion 8) to analyze two new yelloweye harvest rate ramp-down strategies: 1) 20 mt in 2009, 17 mt in 2010, and maintain the target rebuilding year in the rebuilding plan; and 2) 20 mt in 2009, 16 mt in 2010, and maintain the existing target rebuilding year.

Mr. Moore asked for clarification if the amendment meant this would not be final adoption of the 2009 and 2010 yelloweye OYs and that decision would occur in June and Ms. Vojkovich said that is the intent. She wanted another analysis for other alternatives in June before making a final decision.

Amendment 5 to Motion 8 carried unanimously.

Mr. Moore asked Ms. Culver if she expects analysis of widow OYs from the GMT later this week and in June and she said that is correct. Her motion should be characterized as preliminary preferred OYs at this point.

Mr. Wolford moved and Mr. Moore seconded a motion to amend the main motion (Amendment 6 to Motion 8) to defer a decision on the widow OY pending the GMT analysis of widow OYs later this week.

Amendment 6 to Motion 8 carried on a roll call vote (Ms. Culver; Messrs. Mallet, Myer, and Lockhart voted no).

Ms. Vojkovich moved and Mr. Wolford seconded a motion to amend the main motion (Amendment 7 to Motion 8) to manage blue rockfish in the minor nearshore rockfish complexes using alternative 2 OYs for

the complexes, with harvest guidelines (HGs) contemplated for blue rockfish as per the values in Alternative 2 (28 mt north of 40°10' N latitude and 202 mt south of 40°10' N latitude for California fisheries only).

Mr. Moore asked if HGs can be changed inseason and Mr. DeVore said there would have to be automatic actions. Ms. Cooney added that HGs generally don't change inseason and, if the HG is set at the ABC, she did not think it could be exceeded. Ms. Culver asked if the amendment would specify the Alternative 2 OYs and Ms. Vojkovich said yes, but they are specified as HGs, not OYs. Mr. Moore thought HGs should be specified as part of setting management measure alternatives under agenda items H.5 and H.7. He is not objecting to the numbers, but just wanted the process clarified. Ms. Vojkovich said she would drop the HGs out of the amendment if that is the correct way to do this. Mr. DeVore advised that as the most appropriate process and the Council concurred.

Amendment 7 to Motion 8 was withdrawn.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion to amend the main motion (Amendment 8 to Motion 8) to select to have blue rockfish managed under nearshore rockfish complex and have the ABCs set as in Table 2-1a and Table 2-1b.

Amendment 8 to Motion 8 carried unanimously.

Motion 8 as amended carried unanimously.

H.2 NMFS Report (04/09/08; 1:16 pm)

H.2.a Regulatory Activities

Mr. Frank Lockhart updated the Council on the Pacific whiting treaty. NMFS will name the U.S. members soon, and the Canadian process is also moving forward. The solicitation for the U.S. member of the Joint Technical Committee will come through the NWFSC. It is anticipated that the treaty may be ratified soon, it is possible that the whiting treaty panel will start meeting this summer, and a more complete update will be provided to the Council in June 2008.

The EFPs for The Nature Conservancy and Recreational Fishing Alliance were delayed. The projected start time for both, if approved, would be around the first week of May. As noted in the *Federal Register* notice on The Nature Conservancy EFP, about half of the sablefish would have to be taken before June 30 and the other half taken later than that date.

The whiting EFP and Amendment 10 are being pushed hard. A new staff person, Laurie Jessie, will try to set up the meetings, and get the EFP out and approved as soon as possible. This may already be too late for the April 1 season start date in California. Meetings prior to the mothership hake fishery have been tentatively scheduled, as well as a vessel meeting next week, and the other meetings in late April or early May. A processor meeting has already been held for California. Amendment 10 work is progressing, compliance monitor training should be in place by late spring or early summer 2008.

Amendment 15 work is continuing, and progress is being made; however, the exact time for completion cannot be projected.

Staffing issues include putting out a notice to fill Ms. Goen's position and the groundfish branch chief position this summer.

H.2.b Science Center Activities

Dr. Clarke indicated that the groundfish survey would start in May, as usual. The latest class of observers is trained and there was an emphasis on safety.

Southwest Fisheries Science Center has completed work on a California commercial landings database, which includes the years 1931-2007, recovered data for 1931-1968 from NESDIS, and more recent data for the years 1969-2007. Much of the historical data are from fish processor market categories that include multiple species groupings. This information will be provided to the State of California in a formal letter so that the appropriate state people will be involved in this project. Monthly summaries of catches for that time period are now available. The NWFSC is again part of the historical catch project, and will work with WDFW and PSMFC to make digitally available some of the data back to the 1950s when catch records were only in hard copy. The workshop on the historical catch project will take place the week of November 17th in Portland. The workshop to discuss estimations of catch-ability co-efficient (Q) workshop will be the last week in September in Seattle.

SWFSC has a stock assessment program April 22 - 25 in La Jolla, California, which will include all the divisions in the Center and six outside scientists. Both the Northwest and Southwest Fishery Science Centers are involved in National Standards working groups 1, 2, and 3. Group 2 will meet in San Diego, California at the end of April. NMFS SSC members are also part of the National Standards working groups. A National Stock Assessment Workshop will be held in Port Townsend May 6-8 to review and discuss stock assessment approaches, including Annual Catch Limits, new methodologies to assess stocks, and how those new methodologies can be used in routine stock assessments.

The GMT has verbally requested canary and yelloweye rockfish area summaries for the nearshore fisheries; however, a written request was ultimately extremely helpful. Currently the NWFSC is working to put the observer data in summaries on a website with the GIS mapping capability to give a general idea of the distribution of species. The hot spot analysis, including that for yelloweye, has to be done internally in order to comply with confidentiality requirements. It is difficult to provide that information for use in defining routine management measures because different users have very different requests for the data format and display. For example, Oregon is interested in hotspots while California needs information to examine management lines. To accommodate most requests, the information will be provided in summary format, and the hotspot analysis will have to be done internally to ensure confidentiality.

NWFSC has quite a few years of observation data for several fisheries. That data should be mapped to show instances of interactions and occurrences in certain areas over certain timeframes. This information is provided in the summaries in cases where there were more than three observations. Dr. Clarke indicated that was complete for the nearshore, but the information is from the short time period we have with observer program information. NWFSC has not aggregated enough data to show this for all gears for all sectors. The first priority is mapping limited entry trawl bycatch on a coastwide basis down to as fine a scale as possible while keeping the data confidential. Dr. Clarke spoke about data being available at the Pacific Ocean Observing System website: <http://www.pacoos.org>.

H.2.c Reports and Comments of Advisory Bodies

None.

H.2.d Public Comment

None.

H.2.e Council Discussion

None.

H.3 Fishery Management Plan Amendment 21: Intersector Allocation (04/09/08; 1:38 pm)

H.3.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

Mr. Moore asked if less than a preliminary preferred alternative can be decided today and when Amendment 21 can be revisited. Dr. McIsaac said the next time this could come back to the Council would be March 2009 given Council staff workload priorities for biennial specifications and trawl rationalization analyses. He added that some people have asked if that delay would delay trawl rationalization and he does not believe so. However, any additional attention to this initiative this year cannot occur.

Mr. Lockhart said the EA needs to match up the alternatives with the purpose and need and it is unclear how these alternatives address purpose and need of the proposed action on page three of the EA. He asked Mr. DeVore to go through the EA and explain the purpose and need and how the alternatives are expected to meet the purpose and need. Mr. DeVore explained the three primary purpose and need statements are: 1) reducing the risk of one sector's catch overage pre-empting fishing opportunities for other sectors through buffers, carry-over provisions, and other mechanisms discussed in the EA, 2) increasing management certainty in the West Coast groundfish fishery through long-term, formal allocations of these species, and 3) developing a means to reduce trawl bycatch of Pacific halibut to benefit sectors that target Pacific halibut. Intersector allocation Alternatives 1 and 2 are largely the same using the same more recent historical catches (2003-2005 total catches) with Alternative 2 differing by splitting out the non-trawl sectors. Alternative 3 takes a more retrospective look at catches by sectors and uses 1995-2005 landed catches. Comparing alternative 3 with the other alternatives is strategic since it exposes how the different sectors have been differentially affected by rebuilding plans, which varies based on gear selectivities. It also provides a look at how sector catches can be shared once our current overfished stocks are rebuilt. Mr. Lockhart asked how the purpose and need for intersector allocation has changed since the inception of the process. Mr. DeVore said that was the reason for providing Appendix A to the EA, which details the Groundfish Allocation Committee (GAC) deliberations on intersector allocations. The Council deferred the task of developing alternatives and defining the purpose and need for intersector allocations to the GAC. Ms. Culver recommended a table or matrix that shows how well each alternative may meet the purpose and need. Mr. DeVore thought the next iteration of this preliminary EA next March should have an executive summary that captures Ms. Culver's recommendation.

Mr. Myer had questions about the whiting data presented in the EA. He asked how the catch data was stratified for each of the non-tribal whiting sectors. The data in the EA seem to be different than catch summaries provided by NMFS in that past. For instance, there is more widow rockfish caught by the shoreside whiting sector than the NMFS summaries. Mr. DeVore explained there is a data stamp and data source specified in the EA for all data extracts used in the analysis and it is not unusual for catch data to be revised over time. We did not look at alternative data sources to compare with the extracted data. There is also a criteria set in the analysis for deciding whether a trip was directed at whiting where the trip had to be at least 50% whiting with a minimum weight of 10,000 pounds of whiting.

Mr. Moore asked if the widow and darkblotched rockfish catches in the whiting fisheries were included in the sector percentages recommended by the GAP and Mr. DeVore said yes.

Ms. Culver asked how the discard mortality portion of the recent year (2003-2005) catches was derived and Mr. DeVore said those estimates were provided by the NMFS Northwest Fisheries Science Center.

H.3.b Reports and Comments of Advisory Bodies

SSC Report

Dr. Steve Ralston provided Agenda Item H.3.b, Supplemental SSC Report.

Mr. Moore asked if the SSC's buffer recommendations mean that intersector allocation buffers should deal with OY management and release yields, but not in the context of annual catch limits (ACLs), and Dr. Ralston said yes.

GAP Report

Ms. Heather Mann provided Agenda Item H.3.b, Supplemental GAP Report. The GAP recommended intersector allocation be taken up by the GAC in May and final Council action occur in September.

Mr. Williams asked why the GAP is recommending an EIS and Ms. Mann said one member of the GAP recommended an EIS and the GAP agreed.

Mr. Moore asked if the GAP discussed adding or deleting any alternatives and Ms. Mann said yes, but there was no GAP decision.

Mr. Lockhart asked if the lack of a GAP recommendation on a preferred alternative for intersector allocations was due to a lack of information, too much information, or too little time to digest the information and Ms. Mann said there was a lot of information and not enough time to digest it.

H.3.c Public Comment

Ms. Dorothy Lowman, Environmental Defense, Portland, OR

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

Mr. Bob Eder, fixed gear fisherman, Newport, OR

Mr. Peter Huhtala, Pacific Marine Conservation Council, Astoria, OR

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

Ms. Donna Parker, Arctic Storm, Seattle, WA

H.3.d Council Action: Adopt Final Preferred Alternative for Implementation (3:48 pm)

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 11) to adopt a preliminary preferred alternative for final action in March 2009 based on intersector allocation alternative 1 except for Pacific halibut. The splits would be all trawl sectors combined and all non-trawl sectors combined. Take all tribal and research catches off the top before allocating and use a 5% buffer for all species. Trawl allocations would be those recommended by the GAC as shown in Table 2-11 on page 23 of the draft EA, except allocate 98% of the available yields for Dover sole and English sole, and 95% of the available yield of petrale sole 95% to the trawl sectors.

Mr. Moore said the Council has to start somewhere. Intersector allocation Alternative 1 is used to consider trawl/non-trawl splits and we are not ready to allocate to individual trawl sectors. Using older catches as a basis for intersector allocations (i.e., Alternative 3) is too far back in time to be reasonable.

Research and tribal catch is normally taken off the top, which is a practice that should be continued. The 5% buffer is needed to carefully manage OY and to help minimize risk of sector catch overages pre-empting fishing opportunities for other sectors. The Dover and English sole reduction in the trawl allocation from the GAC-preferred alternative reflects the need to provide for the incidental catch needs of other sectors.

Ms. Culver asked for clarification on the allocation percentages and how would the percentages remaining be used and he said they would be allocated to non-trawl sectors. Mr. Steve Williams asked about the process after today and Mr. DeVore said the motion includes final action in March 2009. Dr. McIsaac added that the Council can change the preferred alternative in March 2009.

Mr. Myer asked if this would be an EA or an EIS and Mr. DeVore recommended receiving guidance from Mr. Lockhart and Ms. Cooney. Mr. Lockhart believes that NMFS will be recommending an EIS for analyzing these alternatives.

Mr. Lockhart wondered if the process steps he is contemplating should be addressed now or considered in an amendment. Dr. Hanson recommended considering the main motion and keeping the process moving. He recommended a substitute motion may be in order.

Ms. Culver said she is uncomfortable with deciding a preliminary preferred alternative today and acknowledges there were SSC and GAP recommendations for other tables and presentations. Mr. DeVore said he intends to provide requested tables and analyses in the next iteration of this analysis. Mr. Moore said he agrees conceptually with Ms. Culver and is open to a different allocation scheme. He wants to scope this with the public and solicit their ideas and recommendations.

Mr. Lockhart offered a **substitute motion to Motion 11** to not go forward with a preliminary preferred alternative and bring this back to the GAC at the next available meeting to develop another alternative and develop guidelines for analyses. The GAC would like the list of species that are problematic and the "Leipzig" tables presented to the GAC. Proceed with an EIS and use the May 2008 GAC and September 2008 Council meetings to develop a range of alternatives and a preferred alternative. Delaying this action will allow a broader review of the scope of the action and alternatives. It is better to do this right rather than fast. This schedule may be ambitious and he is open to an alternative timing of the process. Ms. Fosmark seconded the substitute motion.

Mr. Moore said this substitute process will delay the decision. There are 18 alternatives with the sub-options and we need to simplify the alternatives, not expand them. The process suggested is unworkable and he therefore opposes the substitute motion. Mr. Sones asked if a preferred alternative is needed to decide if this is an EA or an EIS and Mr. Lockhart said no. Dr. McIsaac said the timing was problematic and Council staff cannot handle this in the May 2008 GAC meeting or the September Council meeting. If so, then the decision would be to prioritize this above the 2009-2010 specifications and management measures process or trawl rationalization. Mr. Lockhart said this is the discussion he was trying to solicit. Perhaps a January 2009 GAC meeting to develop the alternatives and analysis, the March 2009 Council meeting to decide a preliminary preferred alternative, and a final preferred decision in April or June 2009 may work better, although he cannot amend his motion. Mr. Moore said we need a preliminary preferred decision today to stimulate public discussion. A January 2009 GAC meeting and a March 2009 decision process can still occur. Ms. Culver said she did not understand how this would add to workload if it was taken up at the May 2008 GAC meeting. Dr. McIsaac said the trawl rationalization analysis is the primary purpose of that GAC meeting. There is workload associated with coordinating the May GAC meeting- it is not workload-free. This May and September 2008 process is impossible without re-prioritizing other processes such as the biennial specifications and trawl rationalization. He recommended a 2009 process to move this forward. Ms. Vojkovich is torn on which process to go with.

Her concerns all along have been on the quickness of the process and she is uncertain that the GAC could develop an alternative in one meeting. Her preference is to give the public time to digest this information and she is not interested in deciding a preferred alternative today. She is also not interested in doing intersector allocation at the May 2008 GAC meeting.

Mr. Lockhart withdrew his substitute motion; seconder of the motion agreed.

Mr. Lockhart offered a second alternative **substitute motion to Motion 11** to develop an EIS, discuss refinement of existing alternatives and discuss the need for another alternative that is more forward looking at a January 2009 GAC meeting. NMFS staff would develop a white paper on a new alternative and provide it to the GAC in January 2009. The Council would decide a final alternative in April 2009. Ms. Vojkovich seconded the second alternative substitute motion to Motion 11.

Mr. Moore said he is not quite there with the substitute motion. He has no issue with developing an EIS, but he does have issues with a new alternative since there are buffer options available that can be used for alternative harvest strategies. He really wants a preliminary preferred alternative of some sort decided today. Ms. Cooney said getting the information out could be done by a combination of sending out the draft document today and a focus on the analyses next January at the GAC meeting. Mr. Myer said there are 2009-2010 specifications and management measure issues that might be forward looking for the whiting fishery. He likes the idea of a more forward looking intersector allocation alternative as well. Dr. Dave Hanson said his concern about delaying some allocation decision today is that it will increase resistance to decide a trawl rationalization alternative in November.

The second Substitute Motion 11 carried (Messrs. Rod Moore and Steve Williams voted no).

Dr. Dave Hanson said there needs to be a discussion of how ACL buffers, intersector allocation buffers, and adaptive holdbacks fit together. Ms. Culver questioned how amendments 20 and 21 dovetail and asked what happens when widow are rebuilt. Mr. DeVore explained the FMP elements and analyses that speak to these issues.

H.4 Consideration of Inseason Adjustments (04/10/08; 9:22 am)

H.4.a Agenda Item Overview

Mr. Merrick Burden provided the agenda item overview.

H.4.b Report of the Groundfish Management Team

Ms. Kelly Ames read Agenda Item H.4.b, Supplemental GMT Report

H.4.c Agency and Tribal Comments

None.

H.4.d Reports and Comments of Advisory Bodies

Ms. Mann read Agenda Item H.4.b, Supplemental GAP Report.

H.4.e Public Comment

None.

H.4.f Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2008 Fisheries

The Council had no recommendations for inseason adjustments. Agenda item H.6 was cancelled.

Ms. Vojkovich noted that due to the problem with Sacramento River Chinook this year and past experiences of offloading of salmon in the whiting fleet, our enforcement officers have been faced with fishermen asking about why there are all of these salmon takes. She wants to raise awareness and commitment to avoid interactions with salmon and ask for voluntary avoidance of salmon among the whiting fleet.

Mr. Lockhart said NMFS has also thought about this and staff will be conveying this to industry and discussing methods of doing these voluntary measures.

Mr. Moore, stated this issue has come up before many times. Both the fleet and the processors are sensitive to the issue.

Ms. Culver said she was not necessarily in favor of a cap, but asked NMFS what tools are available to us in the groundfish regulations that could be used as an inseason measure, or would this require an emergency rule. Mr. Lockhart said that since we are going forward with a federal EFP this year, we are looking to see what we can do under the EFP.

H.5 Part I of Management Measures for 2009-2010 Fisheries (04/10/08; 10:30 am)

H.5.a Agenda Item Overview

Mr. DeVore provided the agenda item overview. He stated that the GMT intends to provide their vertical integration OY and management measure analysis under agenda item H.7 on Saturday.

H.5.b Agency and Tribal Comments

Mr. Sones noted there was a proposal from the Quinault Indian Nation (Agenda Item H.5.b, Supplemental Tribal Report 2). Mr. Sones read Agenda Item H.5.b Supplemental Tribal Report.

Mr. Moore asked about the tribal whiting fishery and the associated bycatch impacts and whether the bycatch impacts are to be negotiated between tribes and Mr. Sones said these details are still being worked out.

Makah Tribal Proposal

Messrs. Russell Svec, Steve Joner, and Marc Slonim (Makah tribal attorney) representing the Makah tribe came to the podium to present their proposal.

Mr. Svec explained the Quileute and Quinault tribes are interested in targeting whiting in 2009 and 2010. Harvest sharing agreements, including the bycatch impacts, are currently in negotiation. To date, the tribal allocation of whiting has been solely for the Makah Tribe.

Mr. Joner said the Makah Tribe is proposing a change to the tribal sliding scale allocation to a fixed 17.5% allocation. The Makah whiting fishery began in 1996 and the sliding scale allocation was designed in 1997 and 1998. The fishery relies on the allocation, a bycatch plan, and development of contracts

between harvesters and processors. The sliding scale allocation provided stability to the Makah tribal fishery and was based on availability of whiting within the Makah tribal U&A. The Council implemented the sliding scale allocation on an annual basis since not all parties agreed with the allocation. The Makah had an innovative approach to minimize bycatch. In the early years, bycatch of canary was much higher, but was reduced over time with a full retention strategy. Bycatch was distributed to food banks and there is still no benefit to harvesters in landing their bycatch (i.e., no incentives). The fleet is forced to move or is suspended when bycatch is higher. The Makah Tribe worked with the NWFSC to fine tune the tribal observer protocols (whole haul vs. basket sampling). Salmon excluders have been mandatory in tribal whiting nets for the past few years. The salmon bycatch has been reduced with less interannual variability. All of these improvements and the expectation for a higher canary OY have led the tribe to propose a modification to their sliding scale allocation. The tribe believes they can continue to minimize their bycatch with a fixed percentage allocation. Half the tows last year showed 4-5 canary rockfish, which is a higher rate than seen in the past; therefore, the tribe is looking for relief with a higher canary OY.

Mr. Moore asked Mr. Joner if the 17.5% allocation is proposed for 2008 or 2009 and Mr. Joner said the proposal was only for 2009. Mr. Moore asked if the allocation would be 17.5% of the U.S. OY and Mr. Joner said yes.

Mr. Slonim provided the legal history regarding the sliding scale allocation. Two law suits were filed challenging the sliding scale allocation, as well as U.S. vs. Washington opinions. These law suits led to a multitude of legal rulings/opinions in various courts. The final Ninth Circuit opinion said the sliding scale allocation was within the treaty rights and entitlements. The 17.5% will also be within their rights and entitlements. As other tribes enter the fishery, it will be important that each tribe have a separate allocation. All the allocation considerations to date have focused on Makah rights. Applying the entitlement principles (50% of harvestable surplus in the tribe's U&A) needs to be considered for each tribe. The bycatch issue is an important element in the allocation decision. To date, only the bycatch in the Makah Tribe's U&A has been considered. The 17.5% allocation proposal is solely for the Makah Tribe.

Mr. Moore stated that during the 1995-96 start of the fishery, the non-treaty sectors were struggling over the onshore-offshore allocations. It is instructive to understand the current relationships of Makah tribal harvesters and processors to prosecute a prosperous fishery and no hard feelings persist.

Quileute Tribal Proposal

Messrs. Mel Moon, Fred Woodruff, Kris Northcut, and Ms. Bonita Cleveland representing the Quileute Tribe came to the podium and spoke to the letter they submitted to NMFS (Agenda Item H.5.b, Supplemental NMFS Report).

Mr. Moon explained discussions were started this week with the other tribes for whiting fisheries. They anticipate they will have an intertribal allocation agreement this year to implement a fishery next year. The Quileute's will analyze Makah data to project impacts in their fishery.

Mr. Moore asked about a letter to the Council and Mr. Moon said it was coming (it was then handed out). Mr. Moore asked if the Quileute's intent is to stay within their own U&A and Mr. Moon said that was correct; the U&A extends from the Queets River to Sand Point.

Mr. Sones said there has been much discussion between the tribes to discuss bycatch and he believes there will be good cooperation and a plan will ensue.

ODFW Comments

Mr. Steve Williams provided Agenda Item H.5.b, ODFW Report and said he will address those proposals on Saturday under Agenda Item H.7.

WDFW Comments

Ms. Culver summarized Agenda Item H.b.5, Supplemental WDFW Report. This was the outcome of three stakeholder meetings by the agency. Reducing yelloweye impacts was the key focus in the management measure proposals provided in the WDFW report. WDFW intends to propose management measures under this agenda item.

CDFG Comments

Ms. Vojkovich summarized Agenda Item H.5.b, Supplemental CDFG Report, which has commercial and recreational management measure alternatives developed during a stakeholder conference call. Ms. Vojkovich intends to provide the report and direction under this agenda item.

H.5.c Reports and Comments of Advisory Bodies

GMT Report

Ms. Ames provided Agenda Item H.5.c, Supplemental GMT Report. Analyzing depth closures within the whiting fishery was inadvertently left off the GMT statement. This tool is anticipated for the shoreside whiting fishery under federal rulemaking. The GMT supports this measure for analysis to provide a depth management tool for the at-sea sectors as well.

Mr. Moore asked about the statement that whiting sector-specific total catch limit analysis could build on the draft intersector allocation analysis and Ms. Ames said some of those analyses could be used. Mr. Moore asked if the GMT was recommending that measure be considered only in the intersector allocation process and Ms. Ames said no, this could be analyzed in the biennial specifications and management measures process.

Mr. Moore asked for elaboration on the statement regarding closing the whiting fishery upon projected attainment of a bycatch limit and Ms. Ames said the GMT is recommending this measure and wants to explore how this would be done.

Mr. Moore asked if the GMT explored separate limits for limited entry fixed gear pots/traps vs. longlines and Ms. Ames said that the GMT thought separate limits by gear type could be explored if gear switching were allowed.

Mr. Moore asked about the re-definition of at-sea processing and whether this is codified in the FMP and Ms. Ames said she was uncertain if this change would require an FMP amendment.

Mr. Myer stated the GMT's recommended sector-specific bycatch limits or seasonal release of bycatch limits and reapportionment of the bycatch limit have different potential problems and benefits. He believes the two ways to apportion sector-specific bycatch limits seemed appropriate. He asked how the GMT might analyze seasonal release strategies and Ms. Ames said the GMT has not explored this issue since November.

Mr. Steve Williams asked if the GMT was familiar with the tracking and monitoring process to explore electronic fish tickets and Ms. Ames said there was a pilot study last year for the shoreside whiting fishery and this is an element in Amendment 10 rulemaking.

Ms. Culver asked about the recommendation to drop the redefinition of selective flatfish trawl gear and why additional research is needed. She believed that comparing the EFP study with bycatch observed in the fishery might be useful. Ms. Ames said the EFP bycatch rates cannot be used to analyze impacts in the current fishery. Ms. Culver asked if some tightening of the gear regulations might help achieve lower bycatch rates. Ms. Ames said there has been much discussion of this in the GMT and they thought it difficult to put tighter regulations in place. It may work better to consider a gear certification program or another non-regulatory mechanism.

Ms. Culver asked for elaboration on the point that Amendment 10 rulemaking may take care of the recommendation to monitor whiting vessels fishing in the RCA with 100% observer coverage. Ms. Ames deferred to NMFS and Mr. Lockhart said he was not sure. Ms. Cooney said she was unsure if the analysis of this issue was in the Amendment 10 EA.

Ms. Culver asked about the recommendation to consider a more conservative lingcod retention limit than 4 lingcod per trip in the salmon troll fishery. Ms. Ames said there has not been enough discussion to recommend a specific lingcod limit.

Ms. Culver asked if the states require charter logbooks and Ms. Ames said this is only mandated in California.

Mr. Lockhart was unsure why the GMT was recommending a 0-1 bronzespotted rockfish limit and Ms. Ames said there is no GMT recommendation, but the GMT was recommending this be included in the biennial specifications and management measures analysis.

Ms. Fosmark asked about lingcod retention in the salmon troll fishery and wanted to know the recommendation. Ms. Ames said further analysis is needed.

Ms. Vojkovich asked about the four categories of management measures and the recommendation not to require release devices and Ms. Ames said this is legal and could be encouraged.

Ms. Vojkovich asked why there is no discussion about the cost and data maintenance of limited entry fixed gear logbooks. Ms. Ames said the GMT did discuss this, thought it was a good idea, and the costs should be explored further.

Ms. Culver asked about the redefinition of at-sea processing. At-sea processing of whiting is currently allowed, but there are requirements if this was done. However, at-sea processing of sablefish is prohibited. Ms. Ames said these issues need to be explored and the GMT needs guidance. Ms. Cooney said one of the issues is what exceptions need to be put in regulations. Analyses need to address the context and the purpose of the action.

Ms. Culver wanted to know GMT-recommended trawl and non-trawl RCAs and Ms. Ames said the GMT intends to bring some of this information forward under Agenda Item H.7. The GMT did start to analyze trawl RCA alternatives, but the rest of the analyses are forthcoming.

SSC Report

Dr. Steve Ralston provided Agenda Item H.5.c, Supplemental SSC Report.

Ms. Culver asked about the statement that current estimates of discard mortality may be overly high. She asked if the new recommended discard mortalities would be risk-averse or risk-neutral and Dr. Ralston said they would be risk-neutral.

GAP Report

Ms. Heather Mann provided Agenda Item H.5.c, Supplemental GAP Report. Ms. Mann said the GAP is also recommending analysis of depth management for whiting fisheries as a high priority. This issue was inadvertently left out of the GAP statement.

Mr. Williams asked why the GAP is recommending against analyzing mandatory charter logbooks. Ms. Mann said there was concern that maintaining mandatory logbooks could detract from shoreside sampling with limited resources.

Mr. Williams asked about the recommendation to consider redefining at-sea processing and Ms. Mann said the GAP is concerned that current regulations do not allow the cutting of whiting tails at sea.

Mr. Moore asked if the GAP discussed finer spatial scale management with the EC and Ms. Mann said the GAP discussed this with Mr. Dayna Matthews, but not the entire EC.

Mr. Moore asked if the GAP does not want to see a whiting slope fishery bycatch option and Ms. Mann said that model has already been developed. Mr. Moore asked why the GAP was recommending dropping the analysis of “one gear on board” and Ms. Mann said the GAP does not believe this is an issue.

Mr. Moore asked why closing the whiting fishery upon projection of attainment of a bycatch cap was not recommended by the GAP and Ms. Mann said this is anticipated to be done already. Mr. Moore asked if this is recommended if not covered by Amendment 10 and Ms. Mann said yes.

Mr. Moore said recommendation number 15 may need an EFP and Ms. Mann said there is expected public comment on this.

Mr. Myer asked if there were details on sector-specific caps and Ms. Mann said no. Mr. Myer asked if any mothership representatives discussed this with the GAP and Ms. Mann said there was some discussion with them but more is needed before recommendations come forward under Agenda Item H.7.

Ms. Culver asked why the GAP is recommending against overall whiting fishery bycatch caps if there are sector-specific bycatch caps and should there be rollover provisions and Ms. Mann said there has been no GAP discussion on this.

EC Report

Mr. Brian Corrigan provided Agenda Item H.5.c, Supplemental EC Report. Mr. Dayna Matthews added that electronic fish tickets and logbooks are being explored. Electronic fish tickets have been employed in the shoreside whiting fishery with a 48-hour turn around. Electronic fish tickets were modeled using state fish tickets as a template. Electronic logbooks will be tested this year with some trawlers and the difference is the reporting will be done electronically. NOAA OLE is working with Archipelago to develop hardware to capture logbook information (e.g., deployment and haul-back times and locations) automatically. Therefore, these issues are being explored and may be available by 2010.

Mr. Williams asked about small and large Groundfish Fishing Areas and how big is appropriate. Mr. Matthews said this was discussed in the EFH discussions in 2005 and the size and speed of vessels limits VMS tracking relative to the size of closed or open fishing areas.

H.5.d Public Comment

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR
Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR
Ms. Donna Parker, Arctic Storm, Seattle, WA
Mr. Bob Alverson, Fishing Vessel Owners Association, Seattle, WA
Mr. Mike Okoniewski, Pacific Seafood, Woodland, WA
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR
Mr. Steve Wilson, Washington Trollers Association, Federal Way, WA
Mr. Ron Wright, Jensen Communications, Warrenton, OR
Mr. Kenyon Hensel, Hensel's, Crescent City, CA

H.5.e Council Action: Adopt a Preliminary Range of Management Measures for Analysis

Mr. Moore asked if the length endorsement in limited entry permits requires an FMP amendment and Ms. Cooney said the length endorsement concept is in the FMP and details are in the regulations. Mr. Moore said if eliminating length endorsements for all permits is contemplated in the trawl rationalization process, then there is no problem.

Mr. Moore asked for the best way to address the whiting at-sea processing issue and Ms. Cooney advised deciding an exception to the at-sea whiting processing rule would be easiest. Mr. Moore asked if this could be done in the biennial specifications process or whether it should be done in a separate process and Ms. Cooney said it sounds like a connected action and could probably be done in the specifications process.

Mr. Moore asked about the supplemental EIS language that the same purpose and need will be followed and asked if that limits the action. Mr. Lockhart said the initial information from the Council appeared to support a supplemental EIS. However, new initiatives contemplated in this process, such as those that would require an FMP amendment, no longer support a supplemental EIS.

Mr. Myer wanted to make sure the quota for the contemplated at-sea whiting processing exception, if enacted, will ensure those catches come off the shoreside whiting quota. Ms. Culver said there may be a need to change the at-sea processing definition for all sectors. Mr. Warrens said we may want to do this for other species and sectors as well and Mr. DeVore exhorted the Council to define the scope of this action this week. He cautioned that there is already a considerable workload and the Council should carefully consider adding to the workload by increasing the scope of this action.

Ms. Culver moved and Mr. Myer seconded a motion (Motion 20) to adopt Agenda Item H.5.e, Supplemental WDFW Motion in Writing.

Mr. Moore asked if the GMT had flexibility to consider other lingcod retention options if there is a yelloweye savings and Ms. Culver said that was her intent.

Mr. Moore asked if the one gear on board in the trawl fishery will also explore the economic consequences of this measure to trawl fishermen and Ms. Culver said yes.

Ms. Culver said the maximum lingcod limit in the salmon troll fishery matches the 400 lbs/month open access limits and is therefore conservative.

Mr. Moore moved and Mr. Warrens seconded a motion to amend Motion 20 (Amendment #1 to Motion 20) to have the GMT consider differential limits for limited entry and open access fixed gear sectors using pots/traps and hook and line gears. Mr. Moore said the intent is to reduce bycatch of rockfish species of concern.

Amendment #1 to Motion 20 carried unanimously.

Ms. Fosmark asked if the lingcod limit in the salmon troll fishery allows trollers to fish in the RCA and Ms. Culver said yes.

Mr. Myer said the seasonal release of bycatch caps is a good measure to explore.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion to amend the main motion (Amendment #2 to Motion 20) to remove the bronzespotted rockfish bag limit options from the analysis. Ms. Vojkovich believes there are already protections for bronzespotted and this analysis is not needed. Mr. Moore said his understanding is that the Cowcod Conservation Areas provide that protection and Ms. Vojkovich said that is the case.

Amendment #2 to Motion 20 carried unanimously.

Mr. Wolford asked if the whiting bycatch cap carry-over provision would carry over to the next season and Ms. Culver said yes, but the cap yields would not carry over to the next calendar year.

Mr. Moore moved and Mr. Williams seconded a motion to amend the main motion (Amendment #3 to Motion 20) to change the definition of at-sea processing of whiting to allow tailing for shoreside whiting vessels that are 75 feet in length or less.

Mr. Moore said he wants to limit this exception and to not affect any other sectors than the shoreside whiting sector. Mr. Myer said he will support the amendment and he believes 75 feet is a good threshold length. The details will come out in the analysis. Ms. Culver said she will support the motion and she wants the public to know the specific intent of the motion. Mr. Lockhart said that NMFS will help the GMT craft the analysis and the intent is clear. Ms. Vojkovich wants enforcement to be involved in the analysis.

Amendment #3 to Motion 20 carried unanimously.

Mr. Moore asked if the dates and percentages for seasonal release of the whiting bycatch caps should be considered as guidelines and Ms. Culver said yes.

Motion 20 as amended carried unanimously.

Ms. Vojkovich provided direction to the GMT to apportion the yelloweye harvest guidelines using the 2006 apportionment between the states and have CDFG staff hind cast predicted impacts using 2004-2005 data and the California RecFISH model.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 21) to include the management measures in Agenda Item H.5.b, Supplemental CDFG Report with the following exceptions:

- management areas and depth restrictions are appropriate and complete,

- strike differential limits for shore and boat anglers,
- strike bullets under the second set of RCG bullets,
- prioritize status quo size limits, and
- include YRCAs on page 5 for commercial fisheries as well.

Ms. Vojkovich said her intent is to preserve status quo if possible and minimize the risk of inseason closures of California recreational fisheries.

Ms. Fosmark asked if the YRCAs for commercial would be for all commercial fisheries and Ms. Vojkovich said it would apply to all commercial groundfish fisheries.

Ms. Culver asked, if the second set of bullet points on the bottom of page 3 were struck, would this allow canary retention and Ms. Vojkovich said yes, this would be for analysis. Ms. Culver asked what would be the use of the alternative yelloweye apportionment methods and to please clarify the second apportionment method. Ms. Vojkovich explained there were flaws in the modeling of past season impacts. The current impact projection model (RecFISH) has been updated and she would like to redo the impact projections of past seasons to inform yelloweye catch sharing decisions for the next two years.

Ms. Culver asked about the non-trawl RCA boundaries in the GMT analysis and Ms. Ames said the RCAs in 2007 were the starting point in analyses.

Ms. Culver said she would support the alternative apportionment methodologies for analysis. She said WDFW will have public meetings and the message is to not relax measures to protect yelloweye.

Ms. Culver moved and Mr. Myer seconded a motion to amend the motion (Amendment #1 to Motion 21) to include the seaward non-trawl RCA boundaries north of 40°10' N latitude of 125 fm and 150 fm in GMT analyses.

Ms. Culver asked if the start of the primary sablefish season is set in the FMP and in regulations and Ms. Cooney said she believes so, but she would check and verify.

Ms. Culver said she would like to see the results of the 2006 yelloweye apportionment analysis.

Amendment #1 to Motion 21 carried unanimously.

Ms. Culver moved and Mr. Myer seconded a motion to amend the main motion (Amendment #2 to Motion 21) to move the primary sablefish season start date to March 1 as an alternative for analysis.

Amendment #2 to Motion 21 carried unanimously. Motion 21 as amended carried unanimously.

Mr. Steve Williams moved and Mr. Moore seconded a motion (Motion 22) to adopt the management measures in Agenda Item H.5.b, ODFW Report for analysis.

Motion 22 carried unanimously.

H.6 Final Consideration of Inseason Adjustments (if Needed)

This agenda item was cancelled (no proposals for inseason adjustment).

H.7 Part II of Management Measures for 2009-2010 Fisheries (04/12/08; 9:36 am)

H.7.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

H.7.b Agency and Tribal Comments

Mr. Lockhart mentioned that he would speak to competing workload issues when the time was right.

H.7.c Reports and Comments of Advisory Bodies

GMT Report

Ms. Ames provided Agenda Item H.7.c, Supplemental GMT Report. She corrected information in Table 4 on page 18 of the report.

Mr. Moore asked about the workload associated with analyzing the status quo yelloweye ramp-down strategy for the 2007-2008 specifications process. Mr. Merrick Burden said the development of the analysis took about two months and another three weeks to analyze the consequences. Further work was required to address all the uncertainties and risks.

Mr. Moore asked if the 20 mt yelloweye alternatives were analyzed to estimate rebuilding parameters and Ms. Ames said that analysis is pending.

Mr. Moore asked what is the 2008 whiting OY and Mr. DeVore said the U.S. OY is 269,545 mt and all those specifications are appended to the GMT report in Tables 2-1a and 2-1b.

Ms. Vojkovich asked if new ramp-down strategies would require the same workload and Mr. Burden said the concepts are there, but a lot of thought would be required to develop new ramp-down strategies.

Mr. Moore asked if the GMT considered new tribal proposals for whiting fisheries and the implications of new entrants to the fishery in terms of widow rockfish bycatch and Ms. Ames said no.

Mr. Williams asked about the new, less aggressive ramp-down strategies and how low the future harvests might be. Mr. Burden said those analyses are not complete and need to be reviewed for quality assurance before they are revealed.

Mr. Lockhart asked about the GMT interpretation on widow impacts in whiting fisheries and Mr. Burden said Table 3 on page six of the GMT report shows the estimated widow impacts relative to alternative whiting OYs.

Mr. Lockhart asked if the yelloweye impacts are accounted for in mixed target trips in Washington recreational fisheries and Ms. Ames explained that Washington constituents decided the trade off of earlier depth restrictions was preferable to eliminating retention of bottom fish during halibut fishing days.

Mr. Wolford asked about the different predicted yelloweye rebuilding times by OY alternative and Mr. DeVore explained these estimates came from the 2007 rebuilding analysis. Alternatives 2 and 4 are constant harvest rate strategies beginning in 2009 and Alternative 3 is the status quo ramp-down rebuilding plan.

Mr. Anderson asked about the concern for options allowing commercial targeting of lingcod in winter months and what sectors are involved. Ms. Ames said these would be the limited entry fixed gear and open access sectors. Mr. Anderson asked if the concerns were mapped to any particular alternatives and Ms. Ames said this was a general concern.

Mr. Anderson asked if the concern for some retention of overfished species is based on retention options relative to status quo and Ms. Ames said yes.

Mr. Anderson asked about the GMT recommendation to analyze non-retention of bottom fish during Washington halibut trips and Ms. Ames said the GMT wanted to explore a range of potential impacts. Mr. Anderson asked if there would be a suggestion to use Washington impacts in a different way and Ms. Ames said no, the GMT simply wanted to address a range of potential impacts. Mr. Anderson asked if there was discussion of the unique nature of the northern Washington halibut fishery (e.g., increased comingling of overfished species with Pacific halibut in the north) and Ms. Ames said no.

Mr. Anderson asked if the GMT reviewed whiting fishery impacts intermediate to a 371 mt and a 522 mt widow OY alternative and Ms. Ames said no.

Mr. Williams asked about proposals for new latitudinal management lines and Ms. Ames said these lines need to be brought forward for analysis if they are part of contemplated federal regulations.

GAP Report

Ms. Heather Mann provided Agenda Item H.7.c, Supplemental GAP Report.

Mr. Moore asked about management measures associated with yelloweye OY/rebuilding alternatives and the best way to allocate the burden of reducing yelloweye harvest. Ms. Mann explained the majority of the GAP recommends the status quo harvest sharing, although some expressed concern that those who have reduced bycatch may be punished by catch sharing contemplated in 2009 and 2010 based on higher bycatch of yelloweye in the south.

Mr. Brian Corrigan thanked the GAP for addressing safety concerns in their statement.

EC Report

Mr. Dayna Matthews provided an oral report recommending progress in developing electronic fish tickets and logbooks. A Council nod of approval will help secure funding for development. Mr. Lockhart thought this would be helpful and a discussion in the specifications and management measures EIS would also be helpful.

H.7.d Public Comment

Mr. Bob Ingles, Golden Gate Fishermen's Association, Hayward, CA

Mr. Dave Seiler, sport fisherman, Olympia, WA

Mr. Rhett Weber, Westport Charterboat Association, Westport, WA

Kenyon Hensel, Hensel's, Crescent City, CA

Mr. Bill James, fisherman, Salem, OR

Mr. Bob Alverson, Fishing Vessel Owner's Association, Seattle, WA

H.7.e Council Action: Adopt a Range of Refined Management Measures and, if Possible, a Preferred Alternative for Public Review

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 28) to adopt final preferred 2009-2010 ABCs for all species and complexes recommended by the SSC and GMT and found in tables in Agenda Item H.7.c, Supplemental GMT Report and final preferred OYs as follows:

- canary rockfish: 105 mt for 2009 and 2010
- darkblotched rockfish: 300 mt in 2009 and 306 mt in 2010
- widow rockfish: 475 mt in 2009 and 2010
- longnose skate: 1,349 mt for 2009 and 2010
- yelloweye rockfish: 17 mt in 2009 and 14 mt in 2010

There is little difference in the time to rebuild the canary rockfish stock across all the OY alternatives. The 44 mt OY has caused us to forego significant harvest of healthy stocks and has been a struggle to manage. There is more optimism in rebuilding canary with the new assessment, but some precaution is still warranted. This OY meets the standard of rebuilding in as short a time as possible.

The latest assessment of the darkblotched rockfish stock is slightly more pessimistic. The OY recommendation maintains the status quo SPR rate, has a target rebuilding year of 2030 and a probability of achieving that target of 76%. Recent harvest levels have been over 300 mt, but this preferred OY strikes a balance between the need to rebuild in as short a time as possible while not causing significant economic harm to coastal fishing communities.

It appears the widow rockfish stock will be rebuilt by 2009, but a new stock assessment will be needed to confirm that result. A 475 mt OY balances the needs of the whiting fishery by providing a reasonable opportunity for harvesting whiting quotas at a level similar to status quo.

The preferred OY for longnose skate is 50% of the ABC and is risk-averse.

The recommendation to maintain the status quo yelloweye rockfish rebuilding plan by adopting a 17 mt OY in 2009 and a 14 mt OY in 2010 is a more reasonable approach since a less aggressive rebuilding strategy risks future fishing opportunities and this rebuilding plan is subject to ongoing litigation. However, this is going to be a difficult harvest level to manage in 2010.

Mr. Anderson deferred to others to adopt preferred OY alternatives for bocaccio and cowcod. The motion includes removing the new alternative yelloweye rockfish harvest rate ramp-down strategies from the analysis.

Mr. DeVore asked if the motion included a coastwide OY for lingcod and Mr. Anderson said he intended to address lingcod specifications under a different motion.

Mr. Moore said it will be very important for NMFS to work with the tribes interested in getting into the whiting fishery to develop a sound bycatch plan that will not overly impact widow rockfish. Mr. Lockhart said preliminary discussions with the tribes have been started.

Ms. Vojkovich asked if the reasons for removing the two new yelloweye ramp-down strategies weighs litigation risk over potential risks to future fishing opportunities. Mr. Anderson said he is most concerned with the risk in subsequent years despite the hardship associated with the status quo rebuilding plan. The status quo ramp down is still a topic being discussed in litigation and a less aggressive strategy could have an adverse impact in the litigation proceedings. Ms. Vojkovich believes the less aggressive ramp-down

would not reduce future harvest opportunity as much as some believe. She is concerned that the 2010 OY could cause the complete shut down of some fisheries. She thought pushing the needs of fishing communities was even more important in the yelloweye rebuilding strategy. She is not sure if she can support the motion for those reasons. Mr. Anderson suggested there could be an analysis of the effect of a 2010 OY of 17 mt. He is hopeful of a more thorough exploration of the data in the next full assessment.

Ms. Vojkovich moved and Mr. Wolford seconded a motion to amend the main motion (Amendment to Motion 28) to analyze an alternative ramp-down strategy of 17 mt in 2009 and 2010.

Mr. Moore asked if the option would be required to have a rebuilding probability of greater than 50% and Ms. Vojkovich said yes. Mr. Steve Williams asked what the associated workload would be and Mr. DeVore said he thought there would be little difference in biological outlooks and future OYs with this option. The socioeconomic analyses may simply use the 2009 estimated impacts. Mr. Lockhart asked Mr. Burden what types of socioeconomic analyses would be done and he said they would be largely qualitative but likely different than done in Amendment 16-4.

The Amendment to Motion 28 carried unanimously.

Motion 28 as amended carried unanimously.

Mr. Anderson said he was not sure how to approach harvest specifications for the “Other Fish” complex. He thought the first step would be to decide a preferred OY for longnose skate, which the Council has just done. Mr. DeVore recommended the Council wait until June before deciding whether to manage longnose skate with its own harvest specifications or within the Other Fish complex. He thought the Council needed more information and analysis before making that decision.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 29) to adopt the recommended final preferred ABCs for bocaccio and cowcod as depicted in the tables in the supplemental GMT report and final preferred OYs as follows:

- bocaccio: an ABC of 793 mt in 2009 and 2010 and an OY of 288 mt in 2009 and 2010
- cowcod: ABCs of 13 mt in 2009 and 14 mt in 2010 and an OY of 3 mt in 2009 and 2010

Ms. Vojkovich explained the proposed bocaccio OY maintains the status quo SPR harvest rate, which allows for rebuilding. A higher widow rockfish OY will have an associated bycatch of bocaccio, which is why a higher OY than status quo is needed. She believes maintaining the lower 2009 bocaccio OY in 2010 relative to the alternative 3 OYs will still meet the needs of coastal fishing communities. The recommended cowcod OY accommodates recent bycatch and she believes there is not much more that can be done to rebuild the stock without a huge impact on California fisheries.

Mr. DeVore asked for target rebuilding years and SPR harvest rates for bocaccio and cowcod. He suggested the Alternative 3 rebuilding specifications may be appropriate for bocaccio but new analysis of a three mt cowcod OY is needed. Ms. Vojkovich said to use the bocaccio rebuilding specifications (i.e., target rebuilding year and SPR harvest rate) under Alternative 3 in the GMT report and defer a decision on cowcod rebuilding specifications until a new rebuilding run can be provided in June.

Motion 29 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 30) to manage lingcod with a coastwide OY (Alternative 2 OYs were decided under Agenda Item H.1).

Motion 30 carried unanimously.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 31) to have the GMT analyze alternative nearshore management RCA lines for routine management use in 2009 and 2010.

Mr. DeVore said there may be enough observer data to analyze alternative non-trawl offshore RCA lines as well. Mr. Anderson and Ms. Vojkovich agreed to withdraw the motion.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 32) to analyze any new potential RCA management lines for routine management use in 2009 and 2010.

Motion 32 carried unanimously.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 33) to analyze the alternative yelloweye apportionments on page 18 of the GMT report. Mr. Anderson said these alternative apportionments were already adopted for analysis. Mr. DeVore confirmed that this was the case. Ms. Vojkovich and Ms. Fosmark withdrew the motion with the understanding these alternative catch sharing options have already been adopted for analysis.

Mr. Sones moved and Mr. Anderson seconded a motion (Motion 34) to have the GMT analyze the 2009-2010 tribal management proposals presented under Agenda Item H.5. Mr. Anderson asked if these would be preliminary proposals analyzed and considered for final adoption in June and Mr. Sones said yes.

Motion 34 carried unanimously.

Ms. Vojkovich said she was still unsure whether she should move the yelloweye apportionment alternatives listed on page 18 of the GMT report. Mr. DeVore explained that the apportionment alternatives listed on page 18 were the GMT's interpretation of alternatives already adopted for analysis.

Mr. Anderson said the thoughts regarding effects of retention of overfished species and higher lingcod limits need to be sector-specific and area-specific. In northern Washington, there is co-occurrence of yelloweye and Pacific halibut, which is why they are not considering higher lingcod limits or allowable canary retention there. He is not interested in opportunities that increase targeting of these species.

Mr. Anderson said that WDFW has been crafting recreational fisheries that try to reduce yelloweye impacts. The north coast Pacific halibut fishery may be 4-5 days long and WDFW allows bottom fish retention during halibut days due truly to co-occurrence of halibut and groundfish. The Neah Bay fleet is moving further south to target halibut and the bycatch of groundfish species is truly incidental. WDFW allows retention of groundfish in the north coast Pacific halibut fishery because they do not believe there is mixed targeting of groundfish and halibut. WDFW will not be providing quantitative analysis of groundfish non-retention during halibut days since they are not sure how they would do this nor do they believe they would save any rockfish impacts by adopting non-retention regulations for this fishery.

Mr. Steve Williams moved and Mr. Warrens seconded a motion (Motion 35) to adopt the management measures for analysis in Agenda Item H.5.b, ODFW Report with the following refinements:

- analyze a 3 lingcod bag limit alternative
- analyze season options as per Agenda Item H.7.b, Supplemental ODFW Report
- analyze a January and February lingcod retention alternative as described in Agenda Item H.7.b, Supplemental ODFW Report 2

- analyze a 58:42 black rockfish OY catch sharing alternative between OR and CA as described in Agenda Item H.7.b, Supplemental Joint ODFW/CDFG Report

Motion 35 carried unanimously.

Mr. Anderson said he supports a process where ODFW and WDFW are invited to the table in negotiating the Quileute and Quinault plans for entry into the whiting fishery. Mr. Lockhart said NMFS is still in the planning stages on this issue and will be in touch.

Mr. Moore explained his motion under Agenda Item H.5 to analyze differential limits for longline and pot/trap gears included differential limits for sablefish and other target species. Mr. DeVore thanked Mr. Moore for that clarification.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 36) to adopt the management measures under Agenda Item H.7.b, Supplemental CDFG Report for analysis.

Motion 36 carried unanimously.

I. MARINE PROTECTED AREAS

I.1 Marine Protected Area “Need Criteria” for the Monterey Bay National Marine Sanctuary (04/11/08; 9:25 am)

I.1.a Agenda Item Overview

Mr. Burner provided the agenda item overview.

I.1.b MBNMS Report

Mr. Paul Michel, MBNMS Superintendent and Dr. Lisa Wooninck, MBNMS Regional Resource Protection Specialist gave the MBNMS report.

Mr. Michel provided background on the MBNMS process and goals and objectives. He focused on comments on three topics; 1) building a close relationship between the Sanctuary and the Council to facilitate coordination as ecosystem protections are considered, 2) describing the Sanctuary decision on MPAs and providing rationale for that decision, and 3) attaining Council feedback on the appropriate process and timeline for a collaborate consideration of MPA alternatives.

He reviewed successful partnerships between the Sanctuary, the State of California, and the Council including fishery restrictions at the Davidson Seamount and Cordell bank, krill harvest prohibitions, and restrictions on white shark chumming. He noted the Sanctuary is not interested in regulating fisheries due to the complexity and geographic extent of fishery management. He contrasted the Council focus on single-species management for sustainable yield across a wide range of areas with the Sanctuary’s place-based focus on a wide array of resources.

Mr. Michel stated there was considerable misunderstanding on the Sanctuary’s February determination and he stressed the Sanctuary’s intent to create a collaborative evaluation process for MPAs. He continued to say that the Sanctuary would be remiss in its Congressionally-mandated responsibilities if it did not consider the MPAs as a tool for meeting its objectives. He expressed the Sanctuary’s

determination on February 15 as an initiative to evaluate and employ MPAs as a tool for Sanctuary management rather than a determination that the Sanctuary will be implementing new MPAs. The Sanctuary is interested in starting a collaborative process to review existing MPAs and determine if there is a need to modify or expand existing management measures or to create new MPAs to reach the Sanctuary's ecosystem protection goals. He likened the Sanctuary's determination to the Council's conclusion in 2000 that MPAs can be a useful tool in fishery management.

Mr. Michel noted that ecosystem protection is central to the NMSA and highlighted the three principal needs as follows: 1) there is a need to preserve unique and rare areas in their natural state for the benefit of future generations, 2) there is a need to preserve areas where natural ecosystem components are maintained and restored; and 3) there is a need for research areas to differentiate between natural variation and anthropogenic effects. He noted that these needs form the basis for the rationale to move forward with MPA consideration and said the Sanctuary will elaborate on these needs in a document to be presented to the Sanctuary Advisory Council on April 15. The Sanctuary intends to share the document with the Council and welcomes comments. At this early stage, the Sanctuary is particularly interested in discussing ways to best collaborate in this effort.

Ms. Fosmark referenced the February 15, 2008 letter to the Sanctuary Advisory Councils (Agenda Item I.1.b, Attachment 2) and noted the letter implies a final decision has been made that there is a need for additional MPAs and that the Sanctuary is moving ahead with designing MPAs. Mr. Michel stated it is a matter of semantics and that the intent of the language is to convey the decision to review existing management and MPAs with the help of the Council and to see if they meet the Sanctuary's goals and objectives, if they need to be modified, or if new MPAs need to be established. In this sense, the "need" determination is final, but the application of this need in the Sanctuary is a subject of interpretation.

Ms. Fosmark noted her past participation and experience with the Sanctuary MPA Working Group and expressed a frustration among fishery participants on the Working Group who felt they had no real say in the process. She asked what will be different if a new Working Group is formed. Mr. Michel is hopeful that fisherman will participate and that the Sanctuary intends to reconvene and expand the Working Group and to create a stand-alone science panel, both with strong representation in the process.

Ms. Fosmark asked why the Sanctuary feels the existing no-take MPAs in State waters and the prohibition on bottom-contacting gear at the Davidson Seamount provide inadequate protection of wilderness areas. Mr. Michel said the question is a good one and is one of the central parts of the evaluative process the Working Group will be focused on. He also stated the State MPAs only represent three percent of the Sanctuary and the other closures in place either have different objectives or are temporary. Additionally, the Davidson Seamount is not yet part of the Sanctuary.

Dr. McIsaac thanked Mr. Michel and Ms. Wooninck for coming and meeting with the Council. Regarding feedback from the Council on the proposed process, he asked if the dates presented by the Sanctuary are rigid or if they could be adjusted in response to Council input. Mr. Michel stated the dates are a proposal and that the Sanctuary would appreciate Council comments.

Mr. Moore noted the earlier dialogue regarding the need for MPAs and asked Mr. Michel if the determination of need for MPAs has been made. Mr. Michel said it has. Mr. Moore also noted that the stated impacts to habitat and the ecosystem seem to be focused on fishery impacts. Mr. Michel noted that the Sanctuary will consider all anthropogenic and climatic impacts to the Sanctuary, but that impacts from fishing are better known. Mr. Moore further asked if there have been baseline studies on the existing status of habitat, fish populations, etc. Ms. Wooninck noted the Sanctuary has a research team that is working on projects, some of which could be characterized as baseline studies. In addition the Sanctuary is studying the existing State water MPAs and the groundfish EFH closures in the Sanctuary. Mr. Michel

noted that as a start the Sanctuary is engaged in a habitat mapping project to, in part, assess the current status of fishing habitat.

Mr. Michel confirmed for Ms. Culver that the analysis of proposed MPAs would include a thorough examination of the existing closures under a “status quo” alternative and that the NEPA process is currently scheduled to begin in July of 2009 for an estimated 24 months before a final rule is in place. Ms. Culver asked how the Sanctuary envisions Council participation in the process, specifically the Working Group and the Science Advisory Panel. Mr. Michel said the Sanctuary would welcome and will request Council participation and felt SSC participation on the Science Advisory Panel would be very helpful.

I.1.c Agency and Tribal Comments

Mr. Helvey provided NMFS comments. He said that the agency does operate as “one NOAA” but with two different missions under NMFS and NOS. He noted Ms. Wooninck formally worked for the Santa Cruz Lab of the SWFSC prior to moving to the Sanctuary Staff and NMFS sees this move as a very positive contribution to this process. The SWR has had several positive discussions with the MBNMS regarding their designation document recently.

Mr. Sones introduced Mr. Steve Joner who provided tribal comments. He appreciated the comments of Superintendent Michel and can understand the focus of the Sanctuary’s process, but he remains concerned that cooperation between all the interested parties could be improved. There is disappointment that the Sanctuary has seemingly made a determination on the need for MPAs prior to significant dialogue with the Council. He referenced the “round table” discussion from November of 2006 where there were pledges of additional coordination made. He referenced Washington’s Intergovernmental Policy Council and its ability to resolve differences and improve coordination between the Tribes, the State, and the OCNMS. He urged the other West Coast Sanctuaries to develop a similar process. He agreed with the SSC’s comments that the Sanctuary’s determination on the need was premature and should not be made until a thorough analysis of the alternatives is complete.

I.1.d Reports and Comments of Advisory Bodies

Dr. Ralston read Agenda Item I.1.d, Supplemental SSC Report. Mr. Burner read Agenda Item I.1.d, Supplemental HC Report. Mr. Duncan MacLean read Agenda Item I.1.d, Supplemental SAS Report. Mr. John Holloway read Agenda Item I.1.d, Supplemental GAP Report. Mr. Fricke read Agenda Item I.1.d, Supplemental HMSAS Report.

I.1.e Public Comment

Mr. Steve Scheiblauser, City of Monterey, Monterey, CA
Dr. Richard Parrish, provided slide presentation
Ms. Meghan Jeans, Ocean Conservancy, San Francisco, CA
Mr. Bill James, Salem, OR
Mr. Steve Fosmark, HMSAS, Pebble Beach, CA

I.1.f Council Action: Provide Council Comments on the “Need Criteria”

Ms. Culver offered some guidance and suggestions for the Council to consider:

Ms. Culver noted that the Sanctuary staff had mentioned that additional rationale and justification will be coming forward by April 15 and she recommended that that document be reviewed by the Council and

the SSC at the June Council meeting. Ms. Culver concurred with the last sentence of the third paragraph of Agenda Item I.1.d, Supplemental SSC Report and recommended that the Council draft a letter to MBNMS that expands on the SSC recommendation that the evaluation of alternatives include a formal evaluation of status quo. Regarding Davidson Seamount, Ms. Culver referred to Mr. Michel's statement about the Davidson Seamount not being a part of the MBNMS at this time and recommended that the Council letter request that the formal evaluation include an analysis of what the Davidson Seamount closure would add to meeting Sanctuary objectives. It seems reasonable to assume that the Davidson Seamount will be included in the Sanctuary at some point during this long MPA process. In looking at the timeline for decisions in Agenda Item I.1.b, Attachment 3, Ms. Culver recommended that, between June 2008 and March of 2009, evaluation criteria be developed for the purpose of siting potential MPAs and assessing the ways in which such proposal meet the objectives. She recommends that the SSC have the opportunity for timely review of the products coming out from the MPA Working Group and Sanctuary Advisory Council. Finally, she recommended that at the June 2009 Council meeting, the Council Advisory Bodies would have the chance to review the alternatives and provide comments to the Council. If, at that time, the Council recommends any of the alternatives as they relate to fishing regulations, the Council could adopt those regulations through the appropriate FMP.

Mr. Moore noted the SSC recommendation that several members of the SSC be appointed to the Sanctuary's Science Advisory Panel and asked Ms. Culver if that aspect of the statement was intended to be included in her guidance. Ms. Culver asked Dr. McIsaac to expand on the SSC's role and the Council's ability to support those activities.

Dr. McIsaac said there are considerations beyond the budgeting of time and funds when Council Advisory Body members participate in activities outside the Council forum. There are also policy issues such as Advisory Body members being perceived as speaking for the Council. In the past the Council has preferred to have materials come to the Advisory Bodies and then to the Council for final adoption to reduce any confusion regarding who is speaking on the Council's behalf. Mr. Moore agreed with Dr. McIsaac's comments, but felt the SSC statement was speaking to the ability of SSC members (particularly those in the Monterey area) to participate in the Sanctuary process, to provide their expertise, and get a first hand experience that can be brought back to the Council process, not an expectation that they would be speaking for the Council.

Ms. Vojkovich said she expects the Sanctuary will put out a call for nominations and will ultimately choose the representation on their advisory groups and some of the nominees may be on Council Advisory Bodies. She felt that under any scenario, she would prefer that the analysis and science involved in the process come before the SSC and the Council as well.

Mr. Warrens and Mr. Helvey stressed the importance of accurately compiling the variety of existing area management and the variety of closure types in place so that everyone has a clear understanding of where we stand and understands the permanency of the existing closed areas. A thorough analysis of the status quo needs to be included before any determination is made that additional MPAs are necessary. Ms. Culver noted that the RCAs are likely to be in place for a long time when you consider the rebuilding time frames many of these species require.

Ms. Fosmark noted the important relationship between this issue and the Council's effort to complete an Ecosystem Fishery Management Plan and recommends the Council send the letter to Vice Admiral Lautenbacher requesting information on the Council request for funding to move forward with that plan's development.

Mr. Wolford said he is encouraged by the Sanctuary's interest in coordination with the Council and recommends that the Council and the Sanctuary review the schedule and find opportunities between now and the final steps to update the Council on progress and foster collaboration.

I.2 Olympic Coastal National Marine Sanctuary (OCNMS) "Condition Report"

I.2.a Agenda Item Overview (04/11/08; 1:05 pm)

Mr. Cedergreen chaired this agenda item. Mr. Burner provided the agenda item overview.

I.2.b OCNMS Report

Ms. Carol Bernthal, OCNMS Superintendent and Dr. Steve Gittings from the National Marine Sanctuary Program presented the OCNMS Report and Agenda Item I.2.b, Supplemental Draft OCNMS Condition Report. Ms. Bernthal thanked the Council and its Advisory Bodies for their review of the draft. She briefly reviewed the document and its purpose. She noted that the report and the Council's review are very timely because the OCNMS plans to enter a Management Plan review process in the fall of this year. Early coordination on the first draft was important and informative. The Sanctuary appreciates the input provided by the Council and its Advisory Bodies this week and plans to use the comments to improve the document.

Mr. Lockhart noted that the Northwest Region and the Sanctuary have a good working relationship and he attributed a lot of that to Ms. Bernthal.

Phil Anderson echoed Mr. Lockhart and commended Ms. Bernthal for reaching out to the Council, the State of Washington, and the tribes.

Dr. Gittings spoke briefly to the national effort to complete Condition Reports for all of the Sanctuaries and he thanked the Council for the input he received during the week. Mr. Lockhart asked how the Condition Reports are developed, how the broad format was chosen, and if there are plans to follow up on the reports in the future with more detailed scientific exploration. Dr. Gittings explained that the Condition Reports are intended to be updated every five years and to identify gaps in our understanding that could evolve into action plans and more detailed descriptions of scientific needs. He spoke to the rating scales and color codes and acknowledged that the color system can be misleading. This aspect of the reports could be changed in the future and he encouraged reviewers to concentrate more on the text of the report rather than the ratings.

I.2.c Agency and Tribal Comments

Mr. Sones noted that the tribes are participating in Washington's Intergovernmental Policy Council and will be working with the OCNMS to provide comments.

I.2.d Reports and Comments of Advisory Bodies

Mr. Burner read the following reports: Agenda Item I.2.d, Supplemental SSC Report; Agenda Item I.2.d, Supplemental HC Report; Agenda Item I.2.d, Supplemental GAP Report.

I.2.e Public Comment

None.

I.2.f Council Action: Provide Council Comments on the “Condition Report”

Mr. Lockhart asked Ms. Bernthal to describe the process for completing the Report. Ms. Bernthal said the comment period is open until April 25th. The document will be modified that will go through a peer review process through June with final revisions done by September to be used as a supporting document for public meetings scheduled for late-September. This will be the first time that a Condition Report will be used in this capacity.

Mr. Anderson referenced the SSC Report and confirmed with Ms. Bernthal that the SSC comments will be considered as the next draft of the Condition Report is completed. Ms. Bernthal noted that the peer review process that follows will follow the peer review standards set forth by the Office of Management and Budget. Mr. Anderson asked if there was an opportunity for public comment on the second draft. Ms. Bernthal stated that the second draft will go through an internal, not public review process.

Ms. Bernthal said the next step in the Management Plan Review starts with a scoping phase, followed by an issue prioritization and rating process, the formation of Working Groups, and then a full NEPA analysis before final decision-making. The full process takes over two years.

J. Highly Migratory Species Management (HMS)

J.1 NMFS Report (04/11/08; 1:55 pm)

J.1.a Southwest Region Activity Report

Mr. Mark Helvey reviewed Agenda Item J.1.a Attachment 1, National Marine Fisheries Service Southwest Region Report Highly Migratory Species.

J.1.b Reports and Comments of Advisory Bodies

Mr. Doug Fricke read Agenda Item J.1.b, REVISED Supplemental HMSAS Report.

J.1.c Public Comment

Ms. Meghan Jeans, Ocean Conservancy, San Francisco, CA
Mr. Bob Osborn, United Anglers of Southern California, Surfside, CA
Mr. Peter Flournoy, International Law Offices, San Diego, CA

J.1.d Council Discussion

None.

J.2 Recommendations to the U.S. Section of the Inter-American Tropical Tuna Commission (IATTC)

J.2.a Agenda Item Overview (04/11/08; 2:35 pm)

Dr. Dahl provided the agenda item overview.

J.2.b Reports and Comments of Advisory Bodies

Ms. Leeanne Laughlin provided the HMSMT Report. Mr. Doug Fricke read the HMSAS Report.

J.2.c Public Comment

None.

J.2.d Council Action: Develop Recommendations for the Conservation and Management of Eastern Pacific HMS Stocks for Consideration by the U.S. Section of the IATTC

Ms. Vojkovich moved (Motion 23) to make the following recommendations to the U.S. Section of the IATTC:

- For bigeye and yellowfin tuna, the U.S. should continue to negotiate strongly for conservation and management measures for these stocks. If the IATTC proposes adopting conservation and management measures that close the purse seine fishery, the U.S. delegation should ask the IATTC to consider the implications of an exemption for class I-V purse seine vessels.
- For striped marlin, the U.S. should encourage the development of a new stock assessment, since the last one was completed in 2003, and convey to the IATTC our growing concern that there is currently not enough information about the status of the stock.
- For albacore, the U.S. should encourage the IATTC to request information on how other nations are complying with the existing conservation and management measures for this stock. In negotiations with other countries the U.S. should encourage the open communication of information relative to the requirements of the relevant resolution (C-05-02).

Ms. Fosmark seconded the motion.

Motion 23 passed unanimously.

J.3 Exempted Fishing Permit (EFP) for Longline Fishing in the West Coast Exclusive Economic Zone

J.3.a Agenda Item Overview (4/10/08; 2:58 pm)

Dr. Dahl provided the agenda item overview.

J.3.b Reports and Comments of Advisory Bodies

Ms. Leeanne Laughlin read Agenda Item J.3.b, HMSMT Report. Mr. Fricke read Agenda Item J.3.b, Supplemental HMSAS Report.

J.3.c Public Comment

Mr. Bob Osborn, United Anglers of Southern California, Surfside, CA

Ms. Meghan Jeans, Ocean Conservancy, San Francisco, CA

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

J.3.d Council Action: Adopt Final EFP Recommendations to NMFS

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 24) to recommend that NMFS approve the EFP to allow one vessel to fish with shallow-set longline gear within the West Coast EEZ in 2008, subject to terms and conditions in Agenda Item J.3.a, Attachment 1, with the following change: the applicable dates in condition #5 should read "September 1st and December 31st, 2009".

Mr. Warrens seconded the motion.

Mr. Warrens asked if the reductions in incidental take and mortalities with the use of new gear and methods, as reported by NMFS at the September 2007 meeting, would still apply to this EFP. Mr. Helvey said that the reductions would still apply. Mr. Warrens then spoke in support of the EFP.

In response to a question, Mr. Moore clarified that his modification to condition #5 should be to change the applicable dates to September 1st, 2008, and December 31st, 2009. As per the other terms and conditions, the applicant could still only make four trips during this period.

Ms. Culver spoke against the motion. She expressed her admiration for the applicant and his abilities as a fisherman. However, she did not see this EFP as part of a well conceived plan leading to an environmentally sustainable fishery, particularly with respect to a potential increase in bycatch of non-target species and sea turtles.

Ms. Fosmark spoke in support of the motion. She said the Council and NMFS have worked very hard on this EFP proposal. She noted that the gear and methods proposed for use in the EFP have been demonstrated to substantially reduce bycatch elsewhere. The Council can use the information that would be derived from the EFP.

Mr. Moore responded to Ms. Culver's concerns by noting that the Council has routinely approved EFPs that would increase the bycatch of overfished species in order to explore innovative methods to make groundfish fisheries more sustainable. This Council is not trying to increase bycatch but rather in the long run to develop a more sustainable fishery.

Mr. Wolford spoke against the motion. He felt that the EFP would not gather enough information on bycatch to make it useful and therefore does not meet the various criteria the Council laid out for EFPs.

Mr. Helvey said this is not an experiment, but an exploratory fishery as pointed out by the HMSMT. He also said that although the Environmental Assessment (Agenda Item J.3.a, Attachment 2) makes some estimates of bycatch, we don't know what the actual bycatch will be. The purpose of the EFP is to contribute some information about that. Mr. Wolford reiterated his previous point that the EFP is not designed to address that question.

Motion 24 passed on a roll call vote, 8 in favor, 5 opposed. Ms. Culver, Mr. Wolford, Ms. Vojkovich, Mr. Myer, and Mr. Cedergreen voted no.

ADJOURN

The 193rd Council meeting was adjourned at 12:50 pm on Saturday, April 12, 2008.



Council Chairman

November 7, 2008

Date