

MINUTES
207th Session of the
Pacific Fishery Management Council
March 5-10, 2011

Hilton Vancouver Hotel
301 West Sixth Street, Vancouver, Washington 98660

Table of Contents

A.1	Opening Remarks.....	5
A.3	Executive Director's Report	5
A.4	Agenda	5
A.4.a	Council Action: Approve Agenda.....	6
B.	Open Comment Period.....	6
B.1	Comments on Non-Agenda Items	6
B.1.a	Advisory Body and Management Entity Comments	6
B.1.b	Public Comment.....	6
B.1.c	Council Discussion of Comments as Appropriate	6
C.	Coastal Pelagic Species Management.....	6
C.1	Exempted Fishing Permits (EFP) for 2011 (03/05/11/ 9:36 a.m.)	6
C.1.a	Agenda Item Overview	6
C.1.b	Reports and Comments of Advisory Bodies and Management Entities	6
C.1.c	Public Comment.....	7
C.1.d	Council Action: Adopt EFP Proposals for Public Review.....	8
D.	Marine Protected Areas.....	8
D.1	Olympic Coast National Marine Sanctuary (OCNMS) Management Plan Review (03/05/11; 1 p.m.)	8
D.1.a	Agenda Item Overview	8
D.1.b	Report of the OCNMS	8
D.1.c	Reports and Comments of Advisory Bodies and Management Entities	9
D.1.d	Public Comment.....	9
D.1.e	Council Action: Provide Comments and Recommendations on the Proposed Management Plan	9
E.	Habitat.....	9
E.1	Current Habitat Issues (03/05/11; 1:56 p.m.).....	9
E.1.a	Agenda Item Overview	9
E.1.b	Report of the Habitat Committee	9
E.1.c	Reports and Comments of Advisory Bodies and Management Entities	10
E.1.d	Public Comment.....	10
E.1.e	Council Action: Consider Habitat Committee Recommendations	10
F.	Pacific Halibut Management.....	10
F.1	Report on the International Pacific Halibut Commission Meeting (03/05/2011; 2:30 p.m.).....	10
F.1.a	Agenda Item Overview	10
F.1.b	Meeting Summary.....	10
F.1.c	Reports and Comments of Advisory Bodies and Management Entities	10
F.1.d	Public Comment.....	10
F.1.e	Council Discussion	10

F.2	Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries (03/05/11; 3:13 p.m.)	11
F.2.a	Agenda Item Overview	11
F.2.b	Reports and Comments of Management Entities and Advisory Bodies	11
F.2.c	Public Comment.....	11
F.2.d	Council Action: Adopt Public Review Options for 2011	11
F.3	Preliminary Alternatives for Incidental Catch Retention of Pacific Halibut in the Limited Entry and Open Access Fixed Gear Sablefish Fisheries.....	11
F.3.a	Agenda Item Overview (03/10/11; 8:03 a.m.)	11
F.3.b	Oregon Department of Fish and Wildlife Proposal.....	11
F.3.c	Reports and Comments of Advisory Bodies and Management Entities	12
F.3.d	Public Comment.....	12
F.3.e	Council Action: Review and Guide Any Further Development of Alternatives for Analysis.....	13
G.	Salmon Management	14
G.1	Review of 2010 Fisheries and Summary of 2011 Stock Abundance Forecasts (03/05/11; 8:07 a.m.)	14
G.1.a	Agenda Item Overview	14
G.1.b	Reports and Comments of Advisory Bodies and Management Entities	14
G.1.c	Public Comment.....	15
G.1.d	Council Action: Review and Discuss Relevant Fishery Information and Act on 2011 Abundance Forecasts as Necessary.....	15
G.2	Identification of Stocks Not Meeting Conservation Objectives (03/05/2011; 9:02 a.m.).....	15
G.2.a	Agenda Item Overview	15
G.2.b	Reports and Comments of Advisory Bodies and Management Entities	16
G.2.c	Public Comment.....	16
G.2.d	Council Action: Direct Necessary Actions Required by the Salmon Fishery Management Plan	16
G.3	Sacramento River Fall Chinook Overfishing Assessment (03/06/2011; 9:35 a.m.)	16
G.3.a	Agenda Item Overview	16
G.3.b	Reports and Comments of Advisory Bodies and Management Entities	17
G.3.c	Public Comment.....	17
G.3.d	Council Discussion and Guidance	18
G.4	Identification of Management Objectives and Preliminary Definition of 2011 Salmon Management Alternatives (03/06/11; 1:30 p.m.)	19
G.4.a	Agenda Item Overview	19
G.4.b	Report of the Pacific Salmon Commission	19
G.4.c	Reports and Comments of Advisory Bodies and Management Entities	19
G.4.d	Public Comment.....	20
G.4.e	Council Recommendations for Initial Alternatives for Salmon Technical Team Collation and Description (03/06/11; 4:04 p.m.).....	20
G.5	Council Recommendations for 2011 Management Alternative Analysis (03/07/2011; 3:24 p.m.)	21
G.5.a	Agenda Item Overview	21
G.5.b	Reports and Comments of Advisory Bodies and Management Entities	21
G.5.c	Public Comment.....	21
G.5.d	Council Direction to the Salmon Technical Team and Salmon Advisory Subpanel on Alternative Development and Analysis (03/08/2011; 9:25 a.m.).....	21
G.6	National Marine Fisheries Service Report (03/08/2011; 2:29 p.m.).....	22

G.6.a	Agenda Item Overview	22
G.6.b	Regulatory Activities	22
G.6.c	Fisheries Science Center Activities.....	23
G.6.d	Reports and Comments of Advisory Bodies and Management Entities	23
G.6.e	Public Comment.....	23
G.6.f	Council Discussion	23
G.7	Further Council Direction for 2011 Management Alternatives	23
G.7.a	Agenda Item Overview (03/08/2011; 3:35 p.m.).....	23
G.7.b	Reports and Comments of Advisory Bodies and Management Entities	23
G.7.c	Public Comment.....	23
G.7.d	Council Guidance and Direction.....	23
G.8	Adoption of 2011 Management Alternatives for Public Review.....	24
G.8.a	Agenda Item Overview (03/09/2011; 3:50 p.m.).....	24
G.8.b	Reports and Comments of Management Entities and Advisory Bodies	24
G.8.c	Public Comment.....	24
G.8.d	Council Action: Adopt Management Alternatives for Public Review.....	25
G.9	Salmon Hearings Officers (03/09/2011; 4:21 p.m.).....	25
G.9.a	Agenda Item Overview	25
G.9.b	Council Action: Appoint Hearings Officers	25
H.	Groundfish Management.....	26
H.1	National Marine Fisheries Service Report.....	26
H.1.a	Agenda Item Overview (03/07/11; 8:06 a.m.)	26
H.1.b	Regulatory Activities, including an Update on Implementation of Amendment 20 (03/07/11; 8:39 a.m.).....	26
H.1.c	Fisheries Science Center Activities (03/07/11; 8:11 a.m.).....	26
H.1.d	Reports and Comments of Advisory Bodies and Management Entities (03/07/11; 9:57 a.m.).....	26
H.1.e	Public Comment.....	26
H.1.f	Council Discussion	27
H.2	Process for Implementing 2011-2012 Specifications and Management Measures.....	27
H.2.a	Agenda Item Overview (10:06 a.m.).....	27
H.2.b	NMFS Briefing (03/07/11; 10:13 a.m.).....	27
H.2.c	Reports and Comments of Advisory Bodies and Management Entities	29
H.2.d	Public Comment (1:48 p.m.).....	29
H.2.e	Council Action: Action as Necessary to Implement the 2011-2012 Groundfish Fishery Specifications and Management Measures (03/07/11/ 2:50 p.m.).....	30
H.3	Pacific Whiting Harvest Specifications for 2011 (03/07/11; 4:10 p.m.).....	32
H.3.a	Agenda Item Overview	32
H.3.b	Reports and Comments of Advisory Bodies and Management Entities	32
H.3.c	Public Comment (4:40 p.m.).....	32
H.3.d	Council Action: Adopt Final 2011 Stock Assessment, Allowable Biological Catch, and Optimum Yield (Management Measures will be adopted under Inseason Adjustments, Agenda Item H.4, if needed).....	32
H.4	Consideration of Inseason Adjustments – Part I.....	34
H.4.a	Agenda Item Overview (03/08/11; 4:13 p.m.).....	34
H.4.b	Reports and Comments of Advisory Bodies and Management Entities	34
H.4.c	Public Comment.....	34
H.4.d	Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2011 Groundfish Fisheries (Part II on Thursday, if needed)	34

H.5	Trawl Rationalization Trailing Actions and Allocation Amendments.....	35
H.5.a	Agenda Item Overview (03/09/2011; 8:20 a.m.)	35
H.5.b	Reports and Comments of Advisory Bodies and Management Entities	35
H.5.c	Public Comment (03/09/2011; 10:49 a.m.).....	35
H.5.d	Council Action: Adopt Appropriate Actions as needed and Preliminary Preferred Alternatives for Prioritized Trailing Issues (i.e., Amendment 21 versus Amendment 6; Pacific Halibut Bycatch Allocation; and Whiting Endorsement Severability Issues)	36
H.6	Consideration of Inseason Adjustments - Part II, if needed.....	39
I.	Enforcement Issues	39
I.1	Current Enforcement Issues (03/08/2011; 8:08 a.m.)	39
I.1.a	Agenda Item Overview	39
I.1.b	U.S. Coast Guard Annual West Coast Fishery Enforcement Report	39
I.1.c	Reports and Comments of Advisory Bodies and Management Entities	39
I.1.d	Public Comment.....	39
I.1.e	Council Discussion	39
J.	Ecosystem Based Management.....	39
J.1	Ecosystem Fishery Management Plan (FMP).....	39
J.1.a	Agenda Item Overview (03/08/11; 10 a.m.)	39
J.1.b	Integrated Ecosystem Assessment	39
J.1.c	Report and Recommendations of the Ecosystem Plan Development Team (EPDT) (03/08/11; 10:53 a.m.).....	40
J.1.d	Reports and Comments of Advisory Bodies and Management Entities	40
J.1.e	Public Comment (03/08/2011; 1 p.m.).....	40
J.1.f	Council Discussion	40
K.	Administrative Matters	42
K.1	Legislative Matters.....	42
K.1.a	Agenda Item Overview (03/10; 11:06 a.m.)	42
K.1.b	Legislative Committee Report	42
K.1.c	Reports and Comments of Advisory Bodies and Management Entities	42
K.1.d	Public Comment.....	43
K.1.e	Council Action: Consider Legislative Committee Recommendations	43
K.2	Approval of Council Meeting Minutes	43
K.2.a	Council Member Review and Comments	43
K.2.b	Council Action: Approve March 2010 Council Meeting Minutes.....	43
K.3	Membership Appointments and Council Operating Procedures.....	43
K.3.a	Agenda Item Overview (03/10/11; 11:28 a.m.)	43
K.3.b	Reports and Comments of Advisory Bodies and Management Entities	43
K.3.c	Public Comment.....	43
K.3.d	Council Action: Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies.....	43
K.4	Future Council Meeting Agenda and Workload Planning.....	44
K.4.a	Agenda Item Overview (11:40 a.m.).....	44
K.4.b	Reports and Comments of Advisory Bodies and Management Entities	44
K.4.c	Public Comment.....	44
K.4.d	Council Action: Approve April 2011 Agenda and Provide Guidance on Future Council Meeting Agendas and Priorities for Advisory Body Consideration	44
	ADJOURN.....	45

A.1 Opening Remarks

Mr. Mark Cedergreen, Chairman, called the 207th meeting of the Pacific Fishery Management Council (Council) to order at 9 a.m., Saturday, March 5, 2011. There was a closed session held from 8 a.m. to 9 a.m. to discuss litigation and personnel matters.

A.2 Roll Call

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

Mr. William L. “Buzz” Brizendine (At-Large)
Mr. Mark Cedergreen, Chairman (Washington Obligatory)
Mr. Brian Chambers (US Coast Guard, non-voting, designee)
Mr. David Crabbe (California Obligatory)
Ms. Michele Culver (Washington State Official, designee)
Dr. Dave Hanson, Parliamentarian (Pacific States Marine Fisheries Commission, non-voting designee)
Mr. Frank Lockhart (National Marine Fisheries Service, Northwest Region designee)
Ms. Dorothy Lowman, Vice Chair (Oregon Obligatory)
Mr. Jerry Mallet (State of Idaho Official designee)
Mr. Rod Moore (At-Large)
Mr. Dale Myer (At- Large)
Mr. Herb Pollard, (Idaho Obligatory)
Mr. Tim Roth (US Fish and Wildlife Service, non-voting designee)
Mr. David Sones (Tribal Obligatory)
Mr. Gordon Williams (State of Alaska Official, non-voting)
Mr. Steve Williams (State of Oregon Official, designee)
Mr. Dan Wolford, Vice Chair (At-Large)
Ms. Marija Vojkovich (State of California Official, designee)

The following Council member was absent for the entire meeting:

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

During the week, the following people were present in their designated seats for portions of the meeting: Mr. Phil Anderson (Washington State Official); Mr. Pat Pattillo (Washington State Official designee); Mr. Mark Helvey (National Marine Fisheries Service, Southwest Region designee) Ms. Marci Yaremko (State of California Official designee) and Mr. Dave Ortmann (State of Idaho Official designee).

A.3 Executive Director's Report

Dr. McIsaac briefed the Council on meeting facility details, the recent Council Coordinating Committee meeting, ongoing marine spatial planning issues, plans for live streaming the Council meeting in April, and other logistical and administrative matters.

A.4 Agenda

Chairman Mark Cedergreen asked for approval of the Council meeting agenda.

A.4.a Council Action: Approve Agenda

Mr. Moore moved and Mr. Dave Ortmann seconded a motion (Motion 1) to approve the agenda as shown in Agenda Item A.4, Proposed Council Meeting Agenda, March 2011. Motion 1 passed unanimously.

B. Open Comment Period

B.1 Comments on Non-Agenda Items

B.1.a Advisory Body and Management Entity Comments

None.

B.1.b Public Comment

Mr. Bob Alverson, FVOA, Seattle, WA. Noted concerns regarding a Grays Harbor Canyon deep water mooring site proposed as part of the Ocean Observation Initiative (Agenda Item B.1, Open Comment 1).

B.1.c Council Discussion of Comments as Appropriate

Dr. McIsaac called the Council's attention to Agenda Item B.1, Supplemental Open Comments 2 and 3 concerning initiation of the Ecosystem-Based Management Initiative of the Monterey Bay National Marine Sanctuary (MBNMS). Planning Council consideration of this issue will be covered under Agenda Item K.4, Future Council Meeting Agenda and Workload Planning.

C. Coastal Pelagic Species Management

C.1 Exempted Fishing Permits (EFP) for 2011 (03/05/11/ 9:36 a.m.)

C.1.a Agenda Item Overview

Mr. Kerry Griffin provided the agenda item overview. He noted that although there is no presentation planned, representatives from the Northwest Sardine Survey, Inc. (NWSS) are here to answer questions the Council may have during Council discussion.

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

Dr. Owen Hamel provided Agenda Item C.1.b, Supplemental SSC Report.

Ms. Vojkovich asked for more specifics regarding the length composition and point set distribution referred to in the Scientific and Statistical Committee (SSC) Supplemental Report. Dr. Hamel replied that the SSC is mostly concerned with the length composition distribution, not necessarily with getting point sets across the whole area. He said it's sometimes hard to get point sets everywhere, but the SSC's bigger concern was collecting biological data across the range of the aerial survey.

Ms. Vojkovich asked why information from the Canadian portion of the survey would be unlikely to be used. Mr. Hamel said that it is mostly an issue of timing, because there would not be enough time to

review the data prior to the sardine stock assessment. However, it could possibly be included in following years, after it has been reviewed.

Ms. Culver said that the Coastal Pelagic Species Management Team (CPSMT) was concerned about the additional 600 metric tons being spatially representative, and asked whether the SSC had the same concerns. Mr. Hamel said that yes, the SSC would like to see a good distribution of point sets, but that the SSC is more concerned with the length distribution.

Ms. Lowman asked about the scheduling of the sardine Stock Assessment Review (STAR) Panel meeting. Dr. Hamel replied that the meeting dates had been moved back to October 4-7, as reflected in Agenda Item K.4.

Dr. Bob Emmett provided Agenda Item C.1.b, Supplemental CPSMT Report.

Mr. Steve Williams asked why some of the point sets were not valid. Dr. Emmett replied that the industry has to capture the whole school to be “clean.” Data from partial school captures therefore has to be thrown out.

Mr. Moore noted that there are several recommendations in the CPSMT Report, and asked whether the CPSMT had discussed the recommendations with the applicants. Dr. Emmett said that the CPSMT had been working on the final revision of its statement up to the last minute, so applicants had not yet seen the report.

Ms. Vojkovich asked whether the four items requested by the CPSMT for inclusion in a final report are the same as those from the 2009 STAR Panel report. Dr. Emmett said yes, he believes so.

Mr. Mike Okoniewski provided Agenda Item C.1.b, Supplemental CPSAS Report.

Mr. Helvey asked about the possibility of starting the aerial survey work while the second period fishery was still open. Mr. Okoniewski replied there may be an opportunity to collect some data by jigging, and they could start flying transects. The applicants would like to start flying transects as soon as July 1.

Ms. Culver asked about the fact that the California portion of the survey was not proposed this year. Mr. Okoniewski replied that he had been in contact with Ms. Diane Pleshner-Steele. When the northwest aerial survey principals found out that the south was not going to propose an EFP, the NWSS realized that if more fish were available, they could get another plane. He said that Ms. Pleshner-Steele bounced it off the California Wetfish Producers Association (CWPA), and they were supportive and offered to loan them their camera.

Ms. Culver asked what would happen with the remaining 1,500 metric tons that was set aside in November, but would not be allocated to an EFP. Mr. Okoniewski, Council Staff, and National Marine Fisheries Service (NMFS) clarified that any un-allocated EFP set-aside would be allocated to the third period directed fishery.

C.1.c Public Comment

Mr. Mike Okoniewski, Pacific Seafood Group, Woodland, WA
Mr. Tom Jagielo, Northwest Sardine Survey, Seattle, WA

Ms. Culver asked Mr. Tom Jagielo which, if any of the CPSMT recommendations, he thinks should be changed. Mr. Jagielo said that although many items can be addressed in the report, some pose more challenges than others. He expressed concern about being tied to a strict schedule, knowing that the weather or other factors play a role. He said that an extra plane would make it better and that he would like to have the ability to continue even into the third period, even if that means that the data can't be used in an assessment for this year. It could still be used for the next year. Regarding spatial distribution, he said that's a concern every year, and they will confer with Jerry Thon about landing fish at other plants, maybe further to the north. Maybe even in lieu of that, they could still get length distribution data from a wide spatial range. With regard to the CPSMT's request, #2 (photo analysts), he said this was a new thing, and he wants to have two analysts again. He did not think he could have two analysts analyze every single photo, but could do a subsample, and that would be informative.

Mr. Helvey suggested that if the applicants wish to continue aerial survey work into the third period directed fishery, please put that into the proposal. Mr. Okoniewski stated that it is their intent to fish only during the second period, and not slide into the third period.

C.1.d Council Action: Adopt EFP Proposals for Public Review

Mr. Moore moved and Ms. Culver seconded a motion (Motion 2) to adopt the EFP proposals for public review (Agenda Item C.1.a); with the following changes: include the recommendations from the Coastal Pelagic Species Advisory Subpanel (CPSAS); include the recommendations from CPSMT (all but not #6, and #2); and make the recommendation for 2,700 mt.

Mr. Moore said the motion takes into account the tonnage issue, the public comment, clarification of the number of vessels available versus what is available at any one time, and the CPSMT and CPSAS recommendations.

Ms. Culver moved to amend the motion. Referring to the CPSMT Report, Item #2 (the first #2), that it be worded to read "it would be a priority for the EFP to take place between the 2nd and the opening of the 3rd allocation periods, but could continue into the 3rd period if needed." Mr. Cedergreen seconded the amendment.

The amendment to Motion 2 carried unanimously. Main motion 2 as amended carried unanimously.

D. Marine Protected Areas

D.1 Olympic Coast National Marine Sanctuary (OCNMS) Management Plan Review (03/05/11; 1 p.m.)

D.1.a Agenda Item Overview

Mr. Kerry Griffin provided the agenda item overview.

D.1.b Report of the OCNMS

Mr. George Galasso provided Agenda Item D.1.b, Supplemental OCNMS PowerPoint.

Mr. Moore asked whether fishing is considered a cultural resource. Mr. Galasso responded that the Olympic Coast National Marine Sanctuary (OCNMS) would interpret the issue in the same way that other National Marine Sanctuaries and the NMFS regulations do.

Mr. Moore asked about the request from the fishing Vessel Owners' Association (Agenda Item B.1, Open Public Comment) to the National Science Foundation, requesting a change in location for the proposed ocean observing sentinel sites, in order to minimize displacement of fishing activities. Mr. Galasso said that they are actively exploring it, but they don't have a final definition.

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

Dr. Vidar Westepad provided Agenda Item D.1.c, Supplemental SSC Report. Mr. Joel Kawahara provided Agenda Item D.1.c, Supplemental HC Report.

D.1.d Public Comment

Letter from the Alliance of Communities for Sustainable Fisheries, Agenda Item, D.1.d, Public Comment.

D.1.e Council Action: Provide Comments and Recommendations on the Proposed Management Plan

Ms. Culver noted that the OCNMS worked very hard with its partners to ensure that there wasn't anything that could be construed as "fishery management" in their management plan. She felt they were sensitive to that unlike other sanctuaries. Their heart and intent is in the right place; they seem to be more habitat-related rather than fishery management-related; trying not to give the impression or assert themselves in fishery management Ms. Culver moved (Motion 3) that the Council approve and send the letter to the OCNMS as reflected in the draft letter in Agenda Item D.1.c. Mr. Myer seconded the motion.

Ms. Culver felt that they did a great job in reflecting and addressing discharge by cruise ships, excluding discharge for fishing vessels.

Mr. Moore moved and Mr. Steve Williams seconded to amend Motion 3 by changing the first sentence under the bullet at the top of page 3 of the draft letter to read as follows (changes in bold): "The Council supports the prohibition on discharge of treated and untreated water in the Sanctuary by cruise ships [Section II Part 4], and **agrees** that this regulation **should** not address discharges from other oceangoing vessels, including fishing vessels.

The amendment passed. Mr. Frank Lockhart abstained. Motion 3 passed as amended. Mr. Frank Lockhart abstained.

E. Habitat

E.1 Current Habitat Issues (03/05/11; 1:56 p.m.)

E.1.a Agenda Item Overview

Ms. Jennifer Gilden provided the agenda item overview.

E.1.b Report of the Habitat Committee

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

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

None.

E.1.d Public Comment

None.

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

Mr. Steve Williams agreed with the Habitat Committee's (HC) recommendation to investigate the Army Corps of Engineers' (ACE) levee vegetation policies, and felt that it would be a good idea to prepare a letter to the ACE at an appropriate future date. He suggested the HC look further into the issue and timeline before preparing a letter.

Mr. Roth agreed, and said the HC should return in April with more information on the levee policy.

F. Pacific Halibut Management

F.1 Report on the International Pacific Halibut Commission Meeting (03/05/2011; 2:30 p.m.)

F.1.a Agenda Item Overview

Mr. Chuck Tracy provided the agenda item overview.

F.1.b Meeting Summary

Ms. Michele Culver presented Agenda Item F.1.b, Meeting Summary.

Ms. Vojkovich asked what area would be included in the expanded Pacific halibut survey. Ms. Culver replied that areas between 0 and 20 fathoms, and 275 to 400 fathoms, as well as areas in the Strait of Juan de Fuca and Puget Sound, but no areas further south.

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

Dr. Bruce Leaman presented Agenda Item F.1.c, Supplemental IPHC PowerPoint.

Mr. Tracy read into the record Agenda Item F.1.c, Supplemental GAP Report.

F.1.d Public Comment

None.

F.1.e Council Discussion

None.

F.2 Incidental Catch Regulations in the Salmon Troll and Fixed Gear Sablefish Fisheries (03/05/11; 3:13 p.m.)

F.2.a Agenda Item Overview

Mr. Tracy provided the agenda item overview.

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

Mr. Jim Olson and Mr. Paul Heikkila provided Agenda Item F.2.b, Supplemental Revised REVISED SAS Report.

Ms. Culver asked how 2011 salmon seasons could affect halibut retention. Mr. Heikkila replied that salmon season alternatives had not yet been formulated and the halibut retention alternatives would cover salmon alternatives with either greater or less opportunity.

Mr. Bob Alverson read Agenda Item F.2.b, Supplemental GAP Report.

F.2.c Public Comment

Mr. Dick Good, Washington Trollers Association, Curtis, WA
Mr. Doug Fricke, Washington Trollers Association, Hoquiam, WA

F.2.d Council Action: Adopt Public Review Options for 2011

Ms. Culver asked if the 35 halibut trip limit was effective at limiting halibut catch. Mr. Tracy replied probably not, that the halibut trip limit was not usually reached.

Ms. Culver asked if the effort in the salmon troll fishery south of Cape Falcon would affect halibut catch. Mr. Steve Williams replied yes, that effort south of Cape Falcon in 2011 was expected to increase relative to 2009 and 2010.

Mr. Steve Williams moved (Motion 4) to adopt for public review the options for incidental Pacific halibut retention in the non-Indian commercial salmon troll fishery as shown in Agenda Item F.2.b, Supplemental Revised REVISED SAS Report. Mr. Moore seconded the motion.

Motion 4 carried unanimously.

F.3 Preliminary Alternatives for Incidental Catch Retention of Pacific Halibut in the Limited Entry and Open Access Fixed Gear Sablefish Fisheries

F.3.a Agenda Item Overview (03/10/11; 8:03 a.m.)

Mr. Tracy presented the agenda item overview.

F.3.b Oregon Department of Fish and Wildlife Proposal

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

Ms. Culver asked if halibut bycatch retention could result in additional sablefish discard. Ms. Mattes replied the report did not cover that possibility, but it could be included in future analyses.

Mr. Moore asked if a cap on halibut bycatch allocation would be included when further developing alternatives. Ms. Mattes replied yes, that would be necessary to ensure directed halibut effort would be avoided.

Mr. Cedergreen asked if yelloweye rockfish impacts were currently included in the impacts scorecard. Ms. Mattes replied no, that analysis would have to come later.

Mr. Steve Williams asked if the yelloweye impacts might decrease under a halibut bycatch retention scenario. Ms. Mattes replied that was a possibility if reduction in directed halibut longline sets were not offset by more sablefish sets, or if the directed halibut sets were in areas with more yelloweye than sablefish areas. Mr. Cedergreen added that yelloweye impacts could increase if fishing behavior changed or effort increased with increased opportunity to harvest halibut in open access fisheries.

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

Mr. Gregg Williams, IPHC, presented Agenda Item F.3.c, Supplemental IPHC Letter.

Ms. Vojkovich asked if weight per unit effort from the sablefish fishery could be used in place of, or in addition to, data from the directed halibut fishery. Mr. Williams replied that the data would not be as representative because sablefish fisheries tend to fish deeper areas, which would bias catch to larger halibut.

Mr. Corey Niles presented Agenda Item F.3.c, Supplemental GMT Report.

Mr. Ancona presented Agenda Item F.3.c, Supplemental GAP Report.

Mr. Lockhart announced NMFS has determined an updated National Environmental Policy Act (NEPA) analysis on the Area 2A Pacific halibut Catch Sharing Plan is likely to occur beginning fall of 2011, with NMFS taking the lead and working with the states and tribes. NMFS would include consideration of halibut bycatch retention proposals in the NEPA analysis. The analysis would be brought to the Council in spring of 2012 with implementation of alternatives not before the 2013 fishing season.

Ms. Culver asked if alternatives to the existing allocations between treaty Indian and non-Indian sectors, sport and commercial, and among port areas would be included in the analysis. Mr. Lockhart replied NMFS had not determined the scope of the analysis yet.

Ms. Culver noted there could be implications to the 2012-2014 groundfish specifications from the NEPA analysis, which is scheduled for action in April 2012. Mr. Lockhart replied that would be a consideration in formalizing a schedule for the NEPA review.

Dr. McIsaac asked if the NEPA analysis would be an Environmental Assessment (EA), Environmental Impact Statement (EIS) or Programmatic Environmental Impact Statement (PEIS), and if the Oregon Department of Fish and Wildlife (ODFW) analysis at the EA level would be adequate. Mr. Lockhart replied those issues would be determined through the scoping process, but for efficiency of staff time, combining the two analyses may be the best course.

F.3.d Public Comment

Ms. Leesa Cobb, Port Orford Commercial Fishermen's Action Team, Newport, OR

F.3.e Council Action: Review and Guide Any Further Development of Alternatives for Analysis

10:21 a.m. (03/10/2011)

Mr. Steve Williams moved (Motion 30) to go forward with development of preliminary preferred alternatives for halibut bycatch retention in fixed gear sablefish fisheries, including the discussion points contained in the supplemental Groundfish Advisory Subpanel (GAP) and Groundfish Management Team (GMT) reports; including an alternative confining retention to the limited access sablefish fishery; conducting an analysis of these and the alternatives in the ODFW report; and incorporating the analyses in the NMFS NEPA process. Mr. Moore seconded the motion.

Mr. Steve Williams stated the intent of this proposal was to determine if there were ways to more efficiently utilize the halibut resource, potentially making the fishery more profitable and reducing bycatch discard, particularly given the recent declining trend in Area 2A halibut allocation.

Ms. Culver asked if including the bycatch retention proposal in the NMFS NEPA analysis would result in expanding the scope of the NEPA analysis. Mr. Lockhart replied not necessarily.

Mr. Lockhart requested the motion to be read for the record. Dr. McIsaac reread the motion.

Ms. Vojkovich offered a substitute motion (Motion 31) for the Council to discontinue any further exploration of Pacific halibut bycatch retention in the limited entry fixed gear sablefish and open access fisheries. Ms. Culver seconded the motion.

Ms. Vojkovich acknowledged that bycatch reduction is a priority for the Council, but getting to zero bycatch is costly; the cost in this case may outweigh the long-term benefits. Costs include workload, effort transfer to open-access fisheries, complex regulations, enforcement, and overfished/protected species interactions.

Ms. Culver offered an amendment to Motion 31 to state: for the Council to discontinue any further exploration of Pacific halibut bycatch retention in the sablefish open access fisheries, but continue to explore incidental catch retention of Pacific halibut in the limited entry fixed gear sablefish fishery south of Point Chehalis in a manner that does not result in increased yelloweye rockfish mortality. Mr. Cedergreen seconded the amendment.

Ms. Culver acknowledged the workload implication of continued exploration of this issue, but supports turning bycatch discard into landed catch. Using a portion of the bycatch mortality currently taken off the top of the Area 2A allocation would not result in any additional halibut mortality; however, allowing retention in the open access fishery could increase bycatch of yelloweye and potentially halibut and sablefish as well. Additional data from Washington fisheries should be included in the analysis.

Mr. Cedergreen noted that the amendment addresses the issues of effort increases and yelloweye impacts.

Ms. Vojkovich asked if the effect of the amendment was to eliminate all the alternatives except one that allowed retention only in the limited entry fixed gear sablefish fishery.

Ms. Culver clarified that her amendment would not eliminate consideration of all the alternatives in Mr. Williams' motion (Motion 30), only those components that related to retention in the open access sector.

Amendment to Motion 31 carried. Mr. Pollard, Mr. Ortmann, and Ms. Vojkovich voted no.

Main Motion 31 as amended carried. Mr. Pollard and Mr. Ortmann voted no.

Ms. Culver provided guidance for the Council to address schedule and process issues under Agenda Item K.4.

G. Salmon Management

G.1 Review of 2010 Fisheries and Summary of 2011 Stock Abundance Forecasts (03/05/11; 8:07 a.m.)

G.1.a Agenda Item Overview

Mr. Tracy provided the agenda item overview.

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

Dr. Robert Kope summarized the Review of 2010 Ocean Salmon Fisheries and Preseason Report I. Dr. Kope added that the 2011 preseason exploitation rate estimate for Lower Columbia River (LCR) natural tulle Chinook based on the 2010 fishery structure was 41 percent compared to the 2010 preseason estimate of about 37 percent.

Mr. Wolford asked if using the regression line for the Sacramento Index (SI) forecast would remove the bias noted by the Salmon Technical Team (STT) in Preseason Report I, STT Concerns. Dr. Kope replied that on average there would be no bias, but due to the age structure of the population and the assumptions in the model it will over-forecast abundance in years when there is an increasing trend in abundance and under-forecast abundance in years when there is a decreasing trend.

Mr. Wolford requested the STT label the data points on the graph to see if points below the average were mostly years with increasing abundance. Dr. Kope noted that the most recent two years were below the line.

Mr. Anderson asked why the Lower Columbia River natural tulle exploitation rate was so much higher. Mr. LaVoy responded that there were two reasons: first, the stock composition had fewer Spring Creek tules and more Lower River Hatchery tules; second, an error in the Chinook Fishery Regulation Assessment Model was corrected that resulted in a 2 percentage point difference.

Mr. Anderson asked if the 2011 preseason expectation included an adjustment for 2011 northern fisheries. Mr. LaVoy replied that the expectation was for greater abundance, but the model uses a rate rather than a catch value, so differences should be minimized. However, the Pacific Salmon Commission was considering implementing a total mortality regime rather than the landed catch regime used in the past, which could increase effects from northern fisheries.

Mr. Anderson asked if fisheries south of Cape Falcon were modeled with 2010 impacts. Mr. LaVoy replied yes, resulting in a 2 percent impact on LCR natural tules.

Mr. Tracy read into the record Agenda Item G.1.b, Supplemental SSC Report.

Mr. Wolford asked if the SSC examined the bias in the SI forecast model. Dr. Lawson replied yes, that given the population age structure and model configuration, the bias makes sense analytically, but has not been quantified.

Mr. Steve Williams requested an analysis of the magnitude of the bias in the SI forecast model.

G.1.c Public Comment

None.

G.1.d Council Action: Review and Discuss Relevant Fishery Information and Act on 2011 Abundance Forecasts as Necessary

Ms. Vojkovich asked when and how the Council would address the SI bias issue. Dr. McIsaac replied that the Council could adopt the forecast under this agenda item if the Council were comfortable with it. The next time the issue would come up would be under Agenda Item G.4. At that time the STT could respond to a Council request for additional analysis, and the Council could take precautionary steps when considering alternatives for 2011 seasons if necessary and appropriate, although given the stock mix it may be moot as Sacramento River fall Chinook (SRFC) are unlikely to constrain fisheries in 2011. If the Council is not comfortable with the SI forecast, they can delay approval of the SI forecast.

Mr. Anderson moved (Motion 5) to adopt the stock abundance forecasts as shown in Tables I-1 and I-2 of Preseason Report I. Mr. Steve Williams seconded the motion. Motion 5 carried unanimously.

Mr. Tim Roth requested the STT provide a table of preseason versus postseason SI forecasts.

Mr. Wolford requested the STT point out which years represented an increasing abundance trend on the SI forecast regression graph in Preseason Report I.

Mr. Phil Anderson noted an error in the stock forecast for Willapa Bay Fall Chinook in Preseason Report I, Table I-1, which should be 32,500 for the hatchery stock and 4,300 for the natural stock.

Mr. Moore moved (Motion 6) to reconsider Motion 5. Ms. Lowman seconded the motion. Motion 6 carried unanimously.

Mr. Myer moved (Motion 7) to amend Motion 5 to include changes on Table I-1, page 7 to read Willapa bay Fall Chinook for 2011: 32.5 (thousand) hatchery, and 4.3 (thousand) natural. Mr. Moore seconded the motion. The amendment carried unanimously. Main Motion 5 as amended by Motion 7 carried unanimously.

Mr. Wolford directed the STT to report on the SI forecast bias so the Council could take appropriate action, if necessary.

G.2 Identification of Stocks Not Meeting Conservation Objectives (03/05/2011; 9:02 a.m.)

G.2.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

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

Dr. Kope reviewed Preseason Report I, page 16, and TABLE V-4, Achievement of conservation objectives for key stocks listed in Table 3-1 of the Pacific Coast Salmon Plan.

Dr. Kope reported that Klamath River fall Chinook (KRFC) spawning escapement in 2010 was greater than 35,000 natural area adult spawners, which met the Council's rebuilding criteria for ending the overfishing concern triggered in 2006. The Council's criteria were achieving three of four years with spawning escapement greater the 35,000 or two consecutive years greater than 40,700. During the overfishing concern, the rebuilding plan required an annual management target of 40,700 spawners. With the end of the overfishing concern the Council could manage KRFC for the 35,000 spawner floor in 2011.

Dr. Kope reported that the SRFC triggered an overfishing concern in 2009, but that no Chinook stocks had triggered a conservation alert in 2011. No coho stocks were currently under an overfishing concern or had triggered a conservation alert in 2011. The Western Strait of Juan de Fuca coho stock triggered an overfishing concern in 2008; in 2009 the Council adopted new management objectives for Puget Sound coho, which included a combined Western and Eastern Strait of Juan de Fuca coho stock. The combined stock would have triggered an overfishing concern in 2008 and 2009, but achieved the upper abundance threshold for the revised management objective in 2010. The Council has not adopted status determination criteria for Puget Sound coho, pending input from the state and tribal co-managers and final action on Salmon Fishery Management Plan (FMP) Amendment 16; therefore, the status of Strait of Juan de Fuca coho is currently undetermined.

Mr. Wolford asked what the criteria were for ending the SRFC overfishing concern. Dr. Kope replied the Council had not yet determined the criteria, but the Salmon FMP provides a default criterion of meeting the spawning escapement objective. Mr. Tracy added that the Council would have an opportunity to address the SRFC overfishing concern and criteria for ending the concern under Agenda Item G.3.

Dr. Pete Lawson presented Agenda Item G.2.b, Supplemental SSC Report.

G.2.c Public Comment

None.

G.2.d Council Action: Direct Necessary Actions Required by the Salmon Fishery Management Plan

Mr. Wolford moved (Motion 8) to adopt the STT's recommendation for determining KRFC overfishing concern ended, as contained in Preseason Report I; and confirm implementation of the actions required by the Council's overfishing concern and conservation alert procedures in the salmon FMP. Mr. Steve Williams seconded the motion. Motion 8 carried unanimously.

G.3 Sacramento River Fall Chinook Overfishing Assessment (03/06/2011; 9:35 a.m.)

G.3.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

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

Dr. Kope presented Agenda Item G.3.b, Supplemental SRFC Stock Assessment.

Mr. Wolford asked if an historical comparison of inriver smolt survival and freshwater conditions had been made. Dr. Kope replied no, that the assessment focused on conditions affecting the 2004-2006 broods.

Mr. Wolford asked if the practice of net-pen acclimation was sustainable. Dr. Kope replied that he did not know, but that if inriver survival were better, the practice would be unnecessary.

Mr. Pollard asked if straying issues have resulted in failing to meet hatchery escapement objectives. Dr. Kope replied that while escapement objectives were not always met during the overfishing concern years, egg take was achieved, although there was undoubtedly substantial exchange of fish from various hatchery facilities due to straying.

Mr. Roth asked if there were opportunities to trap and truck wild smolts to increase their survival. Dr. Kope replied no.

Mr. Roth observed that with freshwater survival so low, any time ocean conditions deteriorate, the population can reach a tipping point. Therefore, even though ocean conditions are the proximate cause of the stock collapse, poor freshwater survival is the ultimate cause.

Ms. Vojkovich asked what the criteria for ending the overfishing concern under the current FMP are. Dr. Kope replied the criteria are not explicit, but the results of the assessment need to be considered when the Council makes its determination of what the criteria should be. The assessment determined that SRFC were not overfished based on criteria being considered in Amendment 16, and therefore a rebuilding plan was not necessary. Mr. Tracy added the FMP requires that the Council needs to specify criteria for determining the end of the overfishing concern after receiving the assessment from the STT.

Dr. Pete Lawson presented Agenda Item G.3.b, Supplemental SSC Report.

Mr. Duncan MacLean presented Agenda Item G.3.b, Supplemental SAS Report.

Mr. Joel Kawahara presented Agenda Item G.3.b, Supplemental HC Report.

G.3.c Public Comment

Mr. Doug Demko, San Joaquin River Group Authority (SJRG), Chico, CA
(Presented Agenda Item G.3.c, Supplemental Public Comment PowerPoint.

Dr. McIsaac noted that the written comment submitted by the SJRG were included under Agenda Item G.4, and the recommendations presented under this agenda item both relate more to 2011 management measures than the status of SRFC. He asked if the SJRG had a recommendation for determining the status of SRFC. Mr. Demko replied that the SJRG felt that any harvest was too much, due to the low returns in the San Joaquin Basin.

Mr. Duncan MacLean, PCFFA, El Granada, CA
Mr. Dave Bitts, PCFFA, Eureka, CA

G.3.d Council Discussion and Guidance

Mr. Wolford moved (Motion 9) that the criterion for ending the SRFC overfishing concern be based on the default criterion in the FMP of meeting the minimum spawning escapement objective, which for SRFC is 122,000, and was exceeded in 2010 with an escapement of 125,000; therefore the overfishing concern is ended. Mr. Brizendine seconded the motion.

Ms. Vojkovich supported the motion on a process basis because final action on Amendment 16 has not been taken.

Motion 9 carried unanimously.

Mr. Steve Williams recommended support for the HC report regarding the EFH conservation recommendations. Mr. Cedergreen noted general consensus for Mr. William's recommendation.

Dr. Dygert noted SRFC is currently classified as overfished, which requires development of a rebuilding plan. He recommended the Council consider the STT recommendations regarding overfishing and overfished status and provide recommendations to NMFS for the Report to Congress.

Mr. Wolford stated that with the end of the overfishing concern was the implicit assumption that the stock had been rebuilt. Dr. Dygert replied that NMFS would prefer an explicit recommendation.

Mr. Wolford moved (Motion 10) that based on the STT assessment and recommendations that SRFC was not overfished and is now rebuilt. Mr. Moore seconded the motion.

Mr. Wolford noted that Motion 10 was intended to clarify the intent of the original Motion 9.

Ms. Vojkovich offered a substitute motion (Motion 11) to adopt Alternative 3 from Table 2 in the STT overfishing assessment as overfished criteria for SRFC and Table 3 as overfishing criteria for SRFC, indicating SRFC were not overfished and did not experience overfishing. Mr. Anderson seconded the motion.

Dr. Dygert supported Motion 11.

Mr. Steve Williams asked what effect this action would have on development of regulation alternatives for 2011. Dr. Dygert replied the practical effect of determining the stock is not overfished is that a rebuilding plan will not be required. The motion would support the rationale for managing 2011 fisheries under the current conservation objective.

Mr. Wolford asked if adopting the Amendment 16 criteria would pre-dispose the Council to select these criteria under final action for Amendment 16. Dr. Dygert replied no, that additional information or analysis could support a different decision under Amendment 16.

Motion 11 carried unanimously.

G.4 Identification of Management Objectives and Preliminary Definition of 2011 Salmon Management Alternatives (03/06/11; 1:30 p.m.)

G.4.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

G.4.b Report of the Pacific Salmon Commission

Mr. Gordy Williams reviewed highlights of the recent Pacific Salmon Commission (PSC) meetings, which focused primarily on reviewing 2010 fisheries. Chinook forecasts for 2011 should be available in time for the April Council meeting.

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

Dr. Peter Dygert presented Agenda Item G.4.c, Supplemental NMFS Recommendations and Agenda Item G.4.c, Supplemental NMFS Report.

Dr. McIsaac asked if the coho population above Willamette Falls was taken into account in the 2011 NMFS guidance. Dr. Dygert replied no, that that population is not part of the evolutionarily significant unit (ESU).

Mr. Butch Smith, along with the SAS, provided Agenda Item G.4.c, Supplemental SAS Report.

Mr. Steve Williams asked why there were different opening dates for the June Chinook mark-selective-fishery north and south of Leadbetter Point. Mr. Smith replied the longer June season north of Leadbetter allowed access to Chinook that were present in the area and the shorter Chinook fishery south of Leadbetter Point allowed an earlier start to the all-salmon fishery to access available coho.

Mr. Wolford asked if there was any interest expressed in extending the recreational fishery south of Pigeon Point through Labor Day. Mr. Pierce replied the SAS had received no input on the matter.

Mr. Sones presented Agenda Item G.4.c, Supplemental Tribal Report 2.

Mr. Chris Williams of the Umatilla Tribe, Mr. Wilbur Slockish Jr, of the Yakama Nation, Mr. Emerson Squiemphen of the Warm Springs Tribes, and Herb Jackson of the Nez Perce Tribe presented testimony on behalf of the four Columbia River treaty tribes (Agenda Item G.4.c, Supplemental Tribal Report).

Mr. Steve Williams asked if the non-Indian share of the up-river fall Chinook harvest was less than fifty percent. Mr. Ellis replied yes, that in 2010 the non-Indian share was about 25 percent and the treaty Indian share was somewhat greater.

Ms. Vojkovich reported the time required for the California Fish and Game Commission regulation process would preclude opening California recreational ocean salmon fisheries before late May. The Commission could initiate emergency action to open these fisheries on a March 14 teleconference to consider an option that allows for an April opening for the recreational fishery in California.

Ms. Vojkovich summarized public input from a March 1 public meeting on 2011 commercial and recreational salmon fisheries sponsored by California Department of Fish and Game (CDFG).

Mr. Steve Williams asked what the earliest date would be for opening fisheries in the California Klamath Management Zone (KMZ). Ms. Vojkovich replied that the emergency action contemplated did not include the KMZ, so the earliest would be in May.

Mr. Tracy asked if opening Federal waters would be a possibility if state waters could not be opened in a timely manner. Ms. Vojkovich replied yes, but that a primary objective of opening in April was to provide opportunity in the Monterey area where success is better early in the season; however, due to the geography of that area, most of the productive fishing area is within state waters, unlike areas to the north.

Mr. Steve Williams reported on the March 3 Oregon Salmon Industry Group public meeting sponsored by ODFW.

Mr. Anderson reported on the March 1 public meeting sponsored by Washington Department of Fish and Wildlife (WDFW).

Mr. Anderson presented Agenda Item G.4.c, Supplemental WDFW/Tribal Recommendations.

G.4.d Public Comment

Mr. Duncan MacLean, PCFFA, El Granada, CA

Mr. Jim Yarnall, Humboldt Area Salt Water Anglers, Eureka, CA

Mr. Butch Smith, Ilwaco Charterboat Association, Ilwaco, WA

Mr. Jim Olson, Washington Trollers Association, Auburn, WA

Mr. Joel Kawahara, salmon troller, Quilcene, WA

G.4.e Council Recommendations for Initial Alternatives for Salmon Technical Team Collation and Description (03/06/11; 4:04 p.m.)

Mr. Anderson directed the STT to collate and tentatively analyze the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon presented in Agenda Item G.4.c, Supplemental SAS report, with changes reflected in Agenda Item G.5.b, Supplemental STT Report.

Mr. Steve Williams directed the STT to collate and tentatively analyze the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item G.4.c, Supplemental SAS report, with changes reflected in Agenda Item G.5.b, Supplemental STT Report.

Ms. Vojkovich directed the STT to collate and tentatively analyze the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.4.c, Supplemental SAS report, with changes reflected in Agenda Item G.5.b, Supplemental STT Report. Shifting opportunity from San Francisco and Monterey commercial fisheries to the Fort Bragg and the California KMZ commercial fisheries is intended to explore alternatives for economic stimulus in northern ports.

Mr. Wolford recommended changing the Fort Bragg recreational fishery opening in 2012 to February 18 and changing the opening date for the California and Oregon KMZ recreational fishery to May 7 in Alternative 1. Ms. Vojkovich and Mr. Steve Williams agreed.

Mr. Sones directed the STT to collate and tentatively analyze the alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.4.c, Supplemental Tribal Report 2.

Mr. Tracy asked if there was guidance for assumptions in Central Valley freshwater fisheries. Ms. Vojkovich replied that the STT should assume historical seasons and associated impacts.

Mr. Turner requested the STT to provide a postseason model run of lower Columbia River natural tule exploitation rates for 2010 and 2009.

G.5 Council Recommendations for 2011 Management Alternative Analysis (03/07/2011; 3:24 p.m.)

G.5.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

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

Dr. Robert Kope presented Agenda Item G.5.b, Supplemental STT Report.

Ms. Vojkovich asked if there was information on average fall fishery impacts on KRFC and SRFC. Dr. O'Farrell replied there are records available.

Ms. Vojkovich asked if a 28 inch size limit in the commercial Fort Bragg alternatives would change impacts in the models. Dr. O'Farrell replied it would change KRFC impacts, but only slightly for age-4 impacts, which is the primary constraint in 2011.

Mr. Sones asked if inside pink fishery impacts are reflected in the impacts table for Interior Fraser coho. Mr. Anderson replied only the Area 7/7A fisheries were included.

Dr. Mike O'Farrell summarized the information in Agenda Item G.5.b, Supplemental STT PowerPoint on potential bias in the SI predictor. He concluded the SI predictor showed signs of bias associated with relative strength of consecutive year jack returns, but recommended using the existing predictor in 2011 while providing a qualitative concern about bias. The constraints on KRFC provide a buffer for meeting the SRFC conservation objective and NMFS guidance in 2011. For example, an abundance forecast of half the SI forecast with a 50 percent exploitation rate would still achieve about 182,000 spawners in 2011.

Ms. Vojkovich recommended continuing Agenda G.5 the next morning to provide time for additional discussion with constituents. Mr. Steve Williams and Mr. Anderson concurred.

G.5.c Public Comment

None.

G.5.d Council Direction to the Salmon Technical Team and Salmon Advisory Subpanel on Alternative Development and Analysis (03/08/2011; 9:25 a.m.)

Mr. Steve Williams asked if the STT had completed the postseason model runs on lower Columbia River natural tule exploitation rates for 2010 and 2009. Dr. Kope replied yes, that the exploitation rates were 34.9 percent in 2010 and 36.6 percent in 2009.

Dr. McIsaac asked if the STT investigated the cause of these rates being below the preseason expectations. Dr. Kope replied that it was probably because quotas were not fully attained.

Mr. Anderson directed the STT to analyze the tentative alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon presented in Agenda Item G.5.b, Supplemental STT Report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report.

Mr. Steve Williams directed the STT to analyze the tentative alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item G.5.b, Supplemental STT report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report. The changes included recommendations for inseason action delaying the commercial opening from March 15, 2011 to April 15, 2011.

Ms. Vojkovich directed the STT to analyze the tentative alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.5.b, Supplemental STT report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report. The changes included recommendations for inseason action opening the recreational fishery south of Horse Mt. on April 2, 2011.

Mr. Sones directed the STT to analyze the tentative alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.5.b, Supplemental STT report, with changes reflected in Agenda Item G.7.b, Supplemental STT Report.

G.6 National Marine Fisheries Service Report (03/08/2011; 2:29 p.m.)

G.6.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

G.6.b Regulatory Activities

Ms. Allison Purcell presented information on the Mitchell Act Draft Environmental Impact Statement (DEIS) process. NMFS will be updating the baseline data and including effects from current management agreements within the Columbia Basin. The next step will be to identify a preferred alternative and provide example implementation scenarios for all alternatives. The process should be completed by the end of 2011.

Dr. Peter Dygert presented Agenda Item G.6.a, Regulation Booklet Proposal.

Dr. Peter Dygert presented Agenda Item G.6.a, Supplemental Amendment 16 Update.

Mr. Bob Turner provided an update on ESA consultation for Southern Resident Killer Whales as related to salmon abundance in Puget Sound.

Dr. McIsaac asked if there would be more specificity to NMFS guidance for 2012 Council-area fisheries relative to killer whale effects. Mr. Turner replied all fisheries that affect killer whales would be subject to consideration in 2012.

Mr. Randy Fisher, Pacific States Marine Fisheries Commission (PSMFC) provided an update on the California hatchery scientific review group. The process is similar to the hatchery review process in the

Columbia Basin. The Klamath/Trinity review should be completed in April 2011, the Central Valley review should be completed in September. The final report is due at the end of 2011.

Dr. McIsaac asked if there would be a public review draft available. Mr. Fisher replied yes, for both the basin reports and the final report.

Dr. Peter Dygert presented Agenda Item G.6.a, Klamath Chinook Petition.

G.6.c Fisheries Science Center Activities

Dr. Peter Lawson and Dr. O'Farrell presented Agenda Item G.6.b, Supplemental GSI PowerPoint and also demonstrated a new Project Collaborative Research on Oregon Ocean Salmon (CROOS) portal based on Google maps.

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

None.

G.6.e Public Comment

Mr. Doug Fricke, Washington Trollers Association, Hoquiam, WA

G.6.f Council Discussion

None.

G.7 Further Council Direction for 2011 Management Alternatives

G.7.a Agenda Item Overview (03/08/2011; 3:35 p.m.)

Mr. Tracy presented the agenda item overview.

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

Dr. Kope presented Agenda Item G.7.b, Supplemental STT Report.

G.7.c Public Comment

Mr. Kent Martin, commercial gillnetter, Skamokawa, WA

G.7.d Council Guidance and Direction

Mr. Steve Williams was not prepared to offer additional guidance and requested more time to meet with their constituents.

Dr. McIsaac recommended suspending Agenda Item G.7 and take G.7.d as the first item on Wednesday, March 9, 2011. The Council concurred.

The Council reconvened Agenda Item G.7.d on May 9, 2011 at 8:06 a.m..

Mr. Patillo directed the STT to analyze the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon presented in Agenda Item G.7.b, Supplemental STT report, with minor editorial changes reflected in Agenda Item G.8.b, Supplemental STT Report.

Mr. Steve Williams directed the STT to analyze the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item G.7.b, Supplemental STT report, with minor editorial changes reflected in Agenda Item G.8.b, Supplemental STT Report.

Ms. Vojkovich directed the STT to analyze the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.7.b, Supplemental STT report, with minor editorial changes reflected in Agenda Item G.8.b, Supplemental STT Report.

Mr. Sones directed the STT to analyze the alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.7.b, Supplemental STT report, with minor editorial changes reflected in Agenda Item G.8.b, Supplemental STT Report.

Dr. McIsaac asked if it would be acceptable for alternatives to be adopted for public review that did not meet all of the conservation objectives and NMFS guidance. Mr. Turner replied yes, that the alternatives have elements that the public should have an opportunity to comment on, as long as it is clear to the public that the Council does not expect to adopt final management measures that do not meet all of the conservation objectives and ESA consultation standards. Mr. Tracy added that if the Council did anticipate adopting final management measures that did not meet the conservation objectives, they would have to provide justification for an emergency rule to enact the regulations.

Ms. Vojkovich asked if inseason action would be taken to open fisheries prior to May 1, 2011. Mr. Turner replied that NMFS would meet with the appropriate state managers to take inseason action necessary to implement early season openings as directed by the Council, and report to the Council under Agenda Item G.8.

G.8 Adoption of 2011 Management Alternatives for Public Review

G.8.a Agenda Item Overview (03/09/2011; 3:50 p.m.)

Mr. Tracy presented the agenda item overview.

G.8.b Reports and Comments of Management Entities and Advisory Bodies

Dr. Kope presented Agenda Item G.8.b, Supplemental STT Report.

Mr. Emerson Squiemphen of the Warm Springs Tribes, Mr. Chris Williams of the Umatilla Tribe, and Mr. Wilbur Slockish Jr, of the Yakama Nation presented testimony on behalf of the four Columbia River treaty tribes (Agenda Item G.8.b, Supplemental Tribal Report).

G.8.c Public Comment

None.

G.8.d Council Action: Adopt Management Alternatives for Public Review

Mr. Patillo moved (Motion 26) to adopt for public review the alternatives for non-Indian commercial and recreational fisheries north of Cape Falcon presented in Agenda Item G.8.b, Supplemental STT Report. Mr. Myer seconded the motion.

Motion 26 carried unanimously.

Mr. Sones moved (Motion 27) to adopt for public review the alternatives for treaty-Indian commercial fisheries north of Cape Falcon presented in Agenda Item G.7.b, Supplemental STT Report. Mr. Moore seconded the motion.

Motion 27 carried unanimously.

Mr. Steve Williams moved (Motion 28) to adopt for public review the alternatives for non-Indian commercial and recreational fisheries between Cape Falcon and the Oregon/California border presented in Agenda Item G.8.b, Supplemental STT Report. Mr. Moore seconded the motion.

Motion 28 carried unanimously.

Ms. Vojkovich moved (Motion 29) to adopt for public review the alternatives for non-Indian commercial and recreational fisheries south of the Oregon/California border presented in Agenda Item G.8.b, Supplemental STT Report. Mr. Crabbe seconded the motion.

Motion 29 carried unanimously.

Mr. Steve Williams noted NMFS had taken inseason action with regard to early season openings. Mr. Tracy added that NMFS has taken action to open California recreational fisheries and delay the opening of the commercial fisheries in Oregon, as reflected in the alternatives in Agenda Item G.8.b, Supplemental STT Report.

G.9 Salmon Hearings Officers (03/09/2011; 4:21 p.m.)

G.9.a Agenda Item Overview

Mr. Chuck Tracy presented the agenda item overview.

G.9.b Council Action: Appoint Hearings Officers

The following people were appointed to staff the Council-sponsored public hearings on the alternatives for 2011 salmon management measure:

March 29, 2011, Eureka, California - Mr. David Crabbe as hearings officer, Ms. Melodie Palmer-Zwahlen for the STT, Mr. Chuck Tracy for Council staff.

March 28, 2011, Coos Bay, Oregon - Mr. Rod Moore as hearings officer, Mr. Craig Foster for the STT, Ms. Peggy Busby for NMFS, Mr. Chuck Tracy for Council staff.

March 28, 2011, Westport Washington - Mr., Phil Anderson as hearings officer, Mr. Doug Milward for the STT, Dr. Peter Dygert for NMFS.

U.S. Coast Guard and other representatives would be appointed prior to the hearings.

H. Groundfish Management

H.1 National Marine Fisheries Service Report

H.1.a Agenda Item Overview (03/07/11; 8:06 a.m.)

Ms. Kelly Ames provided the agenda item overview.

H.1.b Regulatory Activities, including an Update on Implementation of Amendment 20 (03/07/11; 8:39 a.m.)

Mr. Frank Lockhart introduced Ms. Sarah Towne and Mr. Kevin Ford from the permitting division at NMFS. Mr. Lockhart presented information on the rationalized trawl fishery included in Agenda Item H.1.b, Supplemental NMFS TIQ PowerPoint. Mr. Richard Kang spoke in greater detail regarding the specifics of the individual quota (IQ) database.

Mr. Lockhart said the Northwest Region (NWR) hired a new aquaculture coordinator, Ms. Laura Hoberecht. He noted the administration's new draft aquaculture policy which is out for comment. Ms. Hoberecht spoke to the advisory bodies about that matter. More information can be found at www.aquaculture.noaa.gov.

Mr. Lockhart spoke briefly about the Pacific Whiting Treaty, which was signed January 4, 2011. He noted that a Federal Register notice will be published soliciting nominations for the advisors. Individuals previously nominated should confirm their interest. Mr. Lockhart will provide more information at the April meeting.

Mr. Lockhart said NMFS is working on potential tribal allocation formulas for the proposed rule which is anticipated for publication in the next two weeks.

Mr. Lockhart spoke to the partial disapproval of Amendment 23 (Agenda Item H.1.b, Attachment 1). In sum, NMFS came to the conclusion it would be more appropriate to deal with removing species in the groundfish Fishery Management Plan in a more comprehensive analysis and discussion.

H.1.c Fisheries Science Center Activities (03/07/11; 8:11 a.m.)

Dr. John Ferguson and Dr. John Stein provided a presentation on the Northwest Fishery Science Center activities (Agenda Item H.1.c, Supplemental NWFSC PowerPoint).

H.1.d Reports and Comments of Advisory Bodies and Management Entities (03/07/11; 9:57 a.m.)

Mr. Corey Niles provided Agenda Item H.1.d, Supplemental GMT Report.

H.1.e Public Comment

None.

H.1.f Council Discussion

Mr. Moore and Mr. Lockhart discussed data discrepancies noted in the GMT report and the desire to ensure the correct data were used by both the GMT and NWR.

Ms. Culver stated that the Council recommendation to remove dusky rockfish and dwarf red rockfish under Amendment 23 was based on landings data as well as the productivity and susceptibility analysis (PSA) conducted by the GMT, yet the partial disapproval letter only spoke to the landings analysis. She asked Mr. Lockhart if NMFS had concerns regarding the later analysis. He said there were no concerns with the PSA analysis and felt it was an appropriate approach for evaluating this issue in the future.

Ms. Vojkovich noted that the GMT and NMFS should also review recreational data sources during future analyses.

H.2 Process for Implementing 2011-2012 Specifications and Management Measures

H.2.a Agenda Item Overview (10:06 a.m.)

Ms. Ames provided the agenda item overview.

H.2.b NMFS Briefing (03/07/11; 10:13 a.m.)

Mr. Frank Lockhart said that during the review of the draft Environmental Impact Statement (EIS), NMFS came to the conclusion it was necessary to add a new alternative (Agenda Item H.2.b, Supplemental NMFS Report). The new NMFS-preferred alternative for 2011 and 2012 has a 17 metric ton (mt) annual catch limit (ACL) for yelloweye rockfish and a 3 mt cowcod ACL. Mr. Lockhart said the agency believes no new management measures are necessary to keep impacts within the NMFS-preferred harvest specifications. The remaining harvest specifications contained in the NMFS-preferred alternative are the same as the Council's final preferred alternative. Management measures contained in the NMFS-preferred alternative are the same as the Council's final preferred alternative, except the NMFS-preferred alternative does not include modifications to the Cowcod Conservation Area (CCA) recommended by the Council, which would have changed the CCA boundary from 20 to 30 fathoms and provided for the retention of shelf rockfish. The NMFS-preferred alternative was analyzed and included in the final EIS, which should publish on March 11, 2011.

Mr. Lockhart said the agency believes the NMFS-preferred alternative is consistent with the Magnuson Stevens Act (MSA) provisions on rebuilding overfished species and the Ninth Circuit Court order from 2010. The agency also felt the NMFS alternative was necessary to cover an appropriate range of alternatives, per the National Environmental Policy Act (NEPA).

Mr. Lockhart said NMFS is expected to use its emergency authority to implement harvest specifications related to Amendment 16-5 for 2011, and asked the Council to reconsider Amendment 16-5 for implementation of the 2012 specifications and management measures. The final rule for 2011 and 2012 measures not related to Amendment 16-5 are expected to be implemented by April 29, 2011.

Mr. Lockhart said NMFS believes the simplest way forward is for the Council to use the final EIS and adopt harvest specifications for 2012 consistent with the April NMFS rulemaking. If the Council chooses something other than the specifications in the April NMFS rule or an alternative outside the range

analyzed in the final EIS, the timeline for implementation is less certain and potentially an additional NEPA document would be required.

Ms. Vojkovich asked about the relationship between the Amendment 16-5 disapproval and the potential disapproval of the CCA management measures. Mr. Lockhart said the agency has not made a final decision on the final rule, they must wait 30 days after the Notice of Availability before the final EIS is issued, which is no earlier than April 11, 2011. Any agency decision must be within the range analyzed in the final EIS. Mr. Lockhart said if something unrelated to Amendment 16-5 is disapproved in the final rule, for example the CCA measures you mentioned, he supposes the Council could make a recommendation on those matters.

Mr. Lockhart said this is a difficult process. The agency wants to provide the Council an opportunity to comment on the final EIS and the final rule package. Specifically, the agency would like comments on the yelloweye rockfish and cowcod ACLs as well as the CCA management measures. Those comments would be considered by the agency in the final decision-making process.

Dr. McIsaac asked if NMFS could still consider the full range of alternatives in the final EIS and then adopt the Council-preferred alternative for the final rule. Mr. Lockhart said yes, the final decision has not been made.

Ms. Culver asked Mr. Lockhart if the NMFS-preferred alternative is identified in the final EIS. Mr. Lockhart said yes.

Ms. Culver asked for further clarification regarding the rule-making and the reconsideration for 2012. Mr. Lockhart said the measures related to Amendment 16-5 (rebuilding plans and flatfish status determination criteria for assessed species) would be issued via emergency authority and be in effect through 2011; everything else would be in effect through 2012. The Council could choose to address almost anything in the reconsideration, yet the implications for a scope that large are unknown. Mr. Lockhart said that at a minimum the Council needs to address the matters related to Amendment 16-5.

Ms. Culver asked which specifications would be in place for 2012, if the Council did not take further action relative to Amendment 16-5. Ms. Mariam McCall said NMFS has the authority to implement Amendment 16-5 through an emergency rule for a specified amount of time (no longer than one year); however MSA states that the Council is the appropriate body to deal with long-term actions, such as rebuilding plans. The statute requires that the agency return to the Council with the reasons for the disapproval and request reconsideration. The Council then has the opportunity to re-submit a revised amendment. The statute states that if the Council fails to act within a reasonable amount of time or fails to act in an appropriate way, the Secretary has the authority to implement a Secretarial amendment.

Ms. Culver asked Mr. Lockhart about the schedule for reconsidering Amendment 16-5. Mr. Lockhart said the final EIS has the full range of alternatives and additional guidance on the three areas that have given the agency pause. In April, the Council could adopt a preliminary preferred alternative based on the information contained in the final EIS and schedule final action in June. However, the final rule may not be issued in time for the April Council meeting. An alternate schedule would be June and September. If the Council chooses the same specifications as issued in the April rulemaking, the process would be relatively straight forward.

Ms. Culver noted that few people have seen the final EIS and asked Mr. Lockhart to provide a summary of the rationale behind the NMFS-preferred alternative. Mr. Lockhart said the NMFS alternative was needed to 1) address the NEPA concerns relative to an appropriate range of alternatives, 2) address the MSA requirements to rebuild as quickly as possible while taking into account the needs of fishing

communities, and 3) respond to the 2010 court order which put in place harvest specifications for yelloweye, cowcod, and darkblotched. The court order specified a 14 mt OY for yelloweye and 4 mt for cowcod for 2010. Further, the court spoke to their concerns regarding yelloweye and cowcod. Mr. Lockhart said when the agency considered the MSA requirements and the court order, they felt the Council's final preferred alternative of a 17 mt annual catch target (ACT) and 20 mt annual catch limit (ACL) might be inconsistent. Mr. Lockhart said moving from 14 mt to 20 mt was quite a jump and required the agency to take a hard look at the analysis in the EIS needed to support that decision. NMFS came to the conclusion that a new alternative with an intermediate value of 17 mt was necessary. For cowcod, the NMFS alternative is a 3 mt ACL. It's important to note that the ACLs in the NMFS alternative result in shorter T_{targets} for both of these species. Additionally, the agency believes the NMFS-preferred alternative does not require additional management measures compared to the Council's final preferred alternative; projected harvest of these species are well below both the Council's and NMFS-preferred alternative ACLs. Relative to the CCA management measures mentioned previously, the agency highlighted those management measures since the court has given a lot of scrutiny to cowcod. NMFS felt it prudent to develop an alternative that excluded those measures.

Dr. McIsaac noted the Council-preferred alternative contained an ACT for yelloweye rockfish recommended to address management uncertainty, particularly in the recreational fisheries. He asked Mr. Lockhart to speak to the lack of an ACT in the NMFS-preferred alternative. Mr. Lockhart said the rationale for that difference is related to the management measures. NMFS attempted to limit the differences between the Council's preferred alternative and the NMFS-preferred alternative to minimize impacts. The agency considered an alternative with an ACT on a 17 mt ACL; however, the agency felt that additional management measures would be necessary. Mr. Lockhart said the Council could still recommend an ACT if they felt it was important, but it may require additional management measures and potentially more NEPA analysis.

Mr. Moore asked if NMFS considered the International Pacific Halibut Commission (IPHC) survey re-design and potential for significant increased impacts to yelloweye rockfish. Mr. Lockhart said he thought the IPHC could accomplish the re-design with a similar amount of impacts as they have now.

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

Ms. Culver reviewed the WDFW letter. Mr. Steve Williams reviewed the ODFW letters. Ms. Vojkovich reviewed the CDFG letter.

Mr. Tommy Ancona read Agenda Item H.2.c, Supplemental GAP Report. Mr. Corey Niles read Agenda Item H.2.c, Supplemental GMT Report.

H.2.d Public Comment (1:48 p.m.)

Ms. Karen Garrison, NRDC, San Francisco, CA

Mr. Jeff Russell, NRDC, San Francisco, CA

Mr. Ray Monroe, Pacific City Dorymen's Association, Pacific City, OR

Mr. Gerry Richter, Pt. Conception Groundfish Fishermens' Association, Santa Barbara, CA

Mr. Joe Villareal, SAC, Ventura, CA

Mr. Daniel Platt, STMA, Fort Bragg, CA

Mr. Michael Deach, longliner, Lopez, WA

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

Ms. Heather Mann, Community Seafood Initiative, Newport, OR

H.2.e Council Action: Action as Necessary to Implement the 2011-2012 Groundfish Fishery Specifications and Management Measures (03/07/11/ 2:50 p.m.)

Ms. Culver preferred that the Council complete this agenda item today and did not see a need for further information from the GMT. Other Council members agreed.

Ms. Culver moved (Motion 12) that the Council reaffirm the harvest specifications for yelloweye rockfish at a 20 mt ACL and 17 mt ACT. Mr. Moore seconded the motion.

Ms. Culver said the Council's management approach has been more precautionary for yelloweye rockfish than any other species; the fact that yelloweye catches have been 65 percent of planned catch since 2002 reflects that approach. She did not want to comment on the rationale provided by Mr. Lockhart relative to the NMFS-preferred alternative, the range of alternatives required by NEPA, and the adequacy of the EIS. Ms. Culver felt it was valuable to extend the public comment period to address NMFS' concerns regarding the yelloweye and cowcod ACLs. The agency's rationale for developing the NMFS-preferred alternative related to MSA mandates. Ms. Culver referred to the WDFW comment letter referencing National Standard 1 and the MSA. Ms. Culver said MSA describes the purpose of the minimum stock size threshold (MSST), used to delineate overfished status, to prevent the stock from dropping below levels that jeopardize the stock's capacity to produce maximum sustainable yield (MSY) on a continuing basis. National Standard 1 advises that MSST can be set as low as half of the abundance expected to produce MSY; therefore, the overfished threshold for yelloweye rockfish could be $B_{20\%}$, rather than $B_{25\%}$. Ms. Culver noted the current status of the yelloweye stock is above $B_{20\%}$.

With regard to MSA provisions to rebuilding in as short as time as possible, Ms. Culver noted that the T_{target} for 14 mt is 2067; 17 mt is 2074; and 20 mt is 2084. By achieving a 20 mt average over the rebuilding period, the T_{target} is 2067. An ACT of 17 mt keeps us at or below the 20 mt average.

Relative to taking into account the needs of fishing communities, Ms. Culver interprets that to mean that the Council should rebuild as quickly as possible but not without regard to the cost of doing so. National Standard 8 requires the Council to achieve conservation objectives of rebuilding while providing for sustained participation of fishing communities, and to aim to minimize negative economic impacts of rebuilding. Ms. Culver said the cost of conservation should not be disproportionate to the benefits expected. To put the costs into perspective, Ms. Culver said the 2009 rebuilding analysis states that yelloweye catch has been reduced by 95 percent from historical levels. Therefore, to reduce catches further means to further reduce the remaining 5 percent. She said given that the stock is stable and increasing in abundance, and already at 80 percent of estimated MSY, the 20 mt ACL and 17 mt ACT is very reasonable relative to the MSA requirements.

Ms. Culver spoke to the 20 mt ACL and 17 mt ACT as it related to the 2010 court order. The court order was based on the ramp down strategy, which was based on an earlier assessment and scheduled a 14 mt optimum yield for 2010. The ramp down strategy was scheduled to terminate at the end of 2010. She said the rebuilding plan stated that beginning in 2011, the OY (or ACL) would be based on the best available science. The ACL of 20 mt and the ACT of 17 mt is based on the most recent assessment and the best available science.

Ms. Vojkovich moved to amend the main motion (Motion 12) to include the Council's preferred cowcod ACL at 4 mt. Mr. Brizendine seconded the amendment.

Ms. Vojkovich said the 4 mt ACL adopted by the Council reflects revisions to the rebuilding plan, including a correction to an error in the updated 2009 assessment. She noted that NMFS has not spent a lot of time on the cowcod technical issues and there is reason to ask NMFS to reconsider. Failure to

revise the rebuilding plan to reflect the revisions in the model would be in conflict with National Standard 2 and the MSA because the harvest rate would not reflect the best available science. Effective management measures include prohibition on retention, depth restrictions, and large closed areas that are all in place to hasten the rebuilding of cowcod stocks. Cowcod bycatch impacts have been variable from 1.0 to 3.4 mt from 2004-2009, necessitating a higher ACL to accommodate fluctuations in trawl fishery impacts without disrupting the fishery. The Council-recommended trawl bycatch allowance of 1.8 mt of cowcod under the 4 mt ACL is essential to allow access to healthy stocks while maintaining a buffer for uncertainty from disaster tows which could cost 4 million dollars to coastal communities if the fishery is shut down south of Cape Mendocino. Out of the 4 mt ACL, 1 mt has not been allocated to any sector to act as a buffer for management uncertainty relative to the projected impacts, resulting in a defacto ACT of 3 mt. Maintaining this buffer is essential as the trawl fishery adjusts to the rationalized fishery structure. Cowcod constrain the depth restrictions in the southern California recreational fishery to 60 fm.

Amendment to Motion 12 carried. Mr. Lockhart abstained.

Mr. Wolford asked Ms. Culver if the motion includes direction to Council staff to send the supporting materials for the Council's preferred alternatives. Ms. Culver said yes.

Main Motion 12 as amended carried. Mr. Lockhart abstained.

Ms. Vojkovich moved (Motion 13) to reaffirm the Council's final preferred management measures for 2011-2012 relative to the CCA in southern CA; to allow retention of shelf rockfish in the current 20 fm depth restriction, which is a separate issue from moving the CCA boundary from 20 to 30 fm. Currently the fish are being discarded and wasted. This management measure would allow for those species to be retained. Further, she moved the Council re-affirm the management measure that would expand the available fishing area in the CCA from 20 to 30 fm. Mr. David Crabbe seconded the motion.

Ms. Vojkovich said the CDFG and GAP reports state that the impacts have already been assumed and projected within the current impacts. That is, no new impacts are expected for these changes to management measures. The way we have been modeling all along is over-estimating the impacts, and we heard NMFS should reconsider their recommendation because there is new information.

Motion 13 carried. Mr. Lockhart abstained.

Dr. McIsaac noted that the schedule for reconsidering Amendment 16-5 and 2012 harvest specifications will be discussed under Agenda Item K.4.

Mr. Sones said that the community of Neah Bay is not well-represented in the Council process; the Makah Tribe is located out of Neah Bay and they do not have advocates in this process. The actions taken to date relative to yelloweye rockfish have virtually eliminated the non-Indian landings in this port. We have felt the impacts of these decisions. To further reduce yelloweye may impact the opportunity to land dogfish into Neah Bay and provide jobs, as mentioned under public comment. We are in dire straits, the infrastructure is going down and the tribes are looking at any opportunities to support their communities. We also believe the implementation of trawl rationalization will further disadvantage Neah Bay. The tribes also support more research to learn more about yelloweye rockfish; we are making big decisions with very little information. We need to also look across the border to Canada and in some way, incorporate their information into our process.

H.3 Pacific Whiting Harvest Specifications for 2011 (03/07/11; 4:10 p.m.)

H.3.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview.

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

Dr. Martin Dorn provided Agenda Item H.3.b, Supplemental SSC Report. Mr. Niles and Dr. Jason Cope provided Agenda Item H.3.b, Supplemental GMT Report. Mr. Ancona provided Agenda Item H.3.b, Supplemental GAP Report.

Mr. Moore asked about the GMT recommendation for yield set-asides and the high value of 2,808 mt of whiting bycatch in the pink shrimp fishery. Mr. DeVore explained that estimate came from the 2007 total mortality report produced by the Northwest Fisheries Science Center.

Mr. Moore asked if the GMT considered the change in Oregon regulations to mandate smaller hard grates in pink shrimp trawls, which is anticipated to significantly reduce whiting bycatch and Mr. Niles said no.

Mr. Moore asked if a probability of overfishing (P^*) of 0.125 is precautionary for a tier 1 stock and Dr. Cope said it is much lower (i.e., more risk-averse) than a P^* of 0.45.

H.3.c Public Comment (4:40 p.m.)

Mr. Joe Bersch, Phoenix Processor LPs, Seattle, WA
Mr. David Jincks, commercial trawler, Newport, OR
Mr. Brent Paine, United Catcher Boats, Seattle, WA
Mr. John Bundy, Glacier Fish Company, Seattle, WA
Mr. Mike Hyde (with John Bundy), American Seafoods/Glacier Fish, Seattle, WA
Ms. Donna Parker, Arctic Storm, Seattle, WA
Mr. Steve Hughes, Gold Alaska Fisheries, Seattle, WA

H.3.d Council Action: Adopt Final 2011 Stock Assessment, Allowable Biological Catch, and Optimum Yield (Management Measures will be adopted under Inseason Adjustments, Agenda Item H.4, if needed)

Mr. Moore asked Mr. Lockhart if an ACL was set equal to the overfishing limit (OFL), would that violate National Standard 1 (NS1) guidelines given the treaty exemption for whiting. Mr. Lockhart said scientific uncertainty still needs to be considered.

Mr. Moore asked if the new Amendment 23 terminology or the old terminology should be used for harvest specifications and Ms. Sheila Lynch said either terminology can be used, just be clear about the intent and what harvest specification is recommended.

The actions taken from the situation summary were posted on the board.

Mr. Anderson asked Mr. DeVore if the first action should be to adopt the stock assessment and Mr. DeVore replied it would be appropriate to adopt the stock assessment with the two models that were recommended by the SSC.

Mr. Anderson moved and Mr. Moore seconded a motion (Motion 14) to adopt the whiting stock assessment that incorporates the two models as recommended by the SSC (Agenda Item H.3.a, Supplemental Attachment 1) as the best available science to be used for managing the 2011 whiting fishery.

Motion 14 carried unanimously.

Mr. Anderson moved and Mr. Myer seconded a motion (Motion 15) to adopt a 2011 coastwide (U.S. plus Canada) Pacific whiting ABC (i.e., OFL under the new Amendment 23 FMP terminology) of 973,700 mt.

Mr. Anderson said this specification is a blended-model result derived by integrating the SS3 and corrected TINSS models as recommended by SSC.

Motion 15 carried unanimously.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 16) to adopt a coastwide (U.S. plus Canada) 2011 Pacific whiting OY of 393,751 mt.

Mr. Anderson explained the assessment presented evidence of a strong 2008 year class, the strength of which is still relatively uncertain. However, further analysis indicated an OY of less than 400,000 mt is still precautionary given the more certain estimates of the relatively strong 2005 and 2006 year classes. This is evident in the decision tables provided in Agenda Item H.3.a, Supplemental Attachment 3.

Mr. Lockhart asked for clarification on the ABC and OY terminology of this motion and Motion 15. He asked if this is the old terminology prior to adoption of Amendment 23 and Mr. Anderson said yes. Under the new Amendment 23 terminology, the MSY harvest level is referred to as the overfishing limit (OFL), not the ABC, and the OY is referred to as the annual catch limit (ACL).

Motion 16 carried unanimously.

Mr. Moore asked Mr. Lockhart if NMFS had guidance on a tribal whiting set-aside value and Mr. Lockhart said a Council recommendation on a tribal whiting set-aside could be made. Mr. Anderson asked when the proposed rule for the whiting allocation is due and Mr. Lockhart said that will come out shortly. The final rule is expected to be published no earlier than April 11 coincident with publication of the 2011 specifications final rule. Mr. Lockhart said the Council could recommend a set-aside for research and incidental bycatch in the shrimp fishery and recognize that NMFS will later decide the tribal fishery set-aside after negotiations with the tribes are concluded.

Mr. Sones recused himself from any vote on a tribal set-aside since he participates in the tribal whiting fishery.

Mr. Moore moved and Mr. Myer seconded a motion (Motion 17) to adopt a research and incidental catch set-aside of 3,000 mt of Pacific whiting.

Mr. Moore explained that the use of smaller hard grate excluders in shrimp trawls will significantly reduce bycatch in that fishery.

Motion 17 carried unanimously.

The Council elected to not go forward with adopting a Pacific whiting set-aside to accommodate 2011 tribal whiting fisheries because they did not have any information regarding the NMFS and tribal

negotiations. Mr. Anderson said his reluctance to vote on a tribal set-aside in no way means he is opposed to a tribal set-aside. Without any consultation with the tribes and NMFS, he is not qualified to make such a decision at this time.

H.4 Consideration of Inseason Adjustments – Part I

H.4.a Agenda Item Overview (03/08/11; 4:13 p.m.)

Ms. Ames provided the agenda item overview.

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

Mr. Niles and Ms. Lynn Mattes summarized Agenda Item H.4.b, Supplemental GMT Report 1, Supplemental GMT Report 2, and Agenda Item H.4.b, Supplemental GMT PowerPoint. Mr. Tommy Ancona provided Agenda Item H.4.b, Supplemental GAP Report.

H.4.c Public Comment

None.

H.4.d Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2011 Groundfish Fisheries (Part II on Thursday, if needed)

Ms. Culver moved (Motion 19) to adopt Option 2 from the GMT report for the limited entry fixed gear daily trip limit fishery for sablefish north of 36° N. latitude, which includes a 7,000 lb/2 months limit for periods 1-3 and 6,500 lb/2 months for periods 4-6, maintaining the 2,000 lb weekly limit (see Table 3). Mr. Myer seconded the motion.

Ms. Culver said the GMT outlined the issue in the report and she hopes the data error in Pacific Fishery Information Network (PacFIN) will be resolved shortly; in the interim this was an appropriate step. She noted the Council can take additional action in June, if necessary.

Mr. Lockhart requests NMFS have the flexibility to implement this inseason change through the most appropriate rulemaking process. Ms. Culver concurred.

Motion 19 carried unanimously.

Mr. Moore moved (Motion 20) beginning in period 2 to adopt a modified 200 fm seaward boundary and a 100 fm shoreward boundary of the trawl RCA from 40°10' to 48°10' N. latitude. NMFS can decide the best regulatory process for implementation. Mr. Crabbe seconded the motion.

Ms. Ames asked Mr. Moore for further clarification based on Table 1, page 4 in the GMT report. Mr. Moore said he was trying to follow the GAP recommendation and withdrew and re-offered his motion; seconder agreed.

Mr. Moore moved (Motion 21), as listed in the GAP statement for period 2, implement a seaward boundary for the trawl RCA as a modified 200 fm line in the area between 40°10' N. latitude and 48°10' N. latitude; in the same area and period the shoreward boundary of the trawl RCA would be 100 fm. Mr. Crabbe seconded the motion.

Mr. Moore said the intent of the trawl IQ program was to make fishermen responsible for their actions. We have allocated target and overfished species. In exchange for carrying the burden of the rationalized fishery, we should provide the flexibility to allow successful harvest.

Mr. Lockhart said the Council made a lot of changes for the rationalized trawl fishery, yet there were some components that the Council purposely did not change – like Rockfish Conservation Areas (RCAs). He was uncomfortable opening up the area right now; there is not enough information available. Mr. Lockhart was open to consider RCA adjustments in the future, but at this time we are only 7 weeks into the program.

Mr. Moore understands Mr. Lockhart's concerns. He noted that his motion would modify the RCA for less than one two-month period by the time the inseason adjustment would take place. The deepwater portion that would be opened by this motion has been regularly fished; it is not unfamiliar territory. It has been a few years since we had a shoreward boundary of 100 fm. He referred to Table 1 of Supplemental GMT Report 1, page 3, which shows low landings of overfished species.

Motion 21 failed (7 no, 5 yes, 1 abstention).

Ms. Ames informed the Council the inseason agenda item was finished and Agenda Item H.6 Consideration of Inseason Adjustments, Part 2 is unnecessary.

H.5 Trawl Rationalization Trailing Actions and Allocation Amendments

H.5.a Agenda Item Overview (03/09/2011; 8:20 a.m.)

Mr. Jim Seger provided the agenda item overview. Mr. DeVore went over Amendment 21 implementation versus Amendment 6 allocations and set-asides. Mr. Seger then went through some slides that summarized the alternatives.

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

Mr. Lockhart spoke about the rulemakings that had implemented the trawl rationalization program and the topics that NMFS proposes to cover in the first trawl rationalization program improvement and enhancement (PIE) rulemaking. In April, NMFS will provide specific proposal for the issues to be covered in the PIE rule. These issues will include the requirements and limitations on moving between limited entry and open access fisheries (particularly with respect to nongroundfish trawl), catch accounting, clarifying requirements on the timing for submission of e-tickets, and the possibility of suspending accounts or fishing at the end of the year to allow for determination of carryover quota pound (QP) amounts. Other issues might be added, such as modifying provisions related to observers remaining on board until offloading has been completed or providing more flexibility for gear modifications. NMFS believes this rule is important and would like this to be a priority for Council action.

(10 a.m.)

Mr. Corey Niles presented Agenda Item H.5.b, Supplemental GMT Report. Mr. Ancona presented Agenda Item H.5.b, Supplemental GAP Report. Mr. Dayna Matthews presented Agenda Item H.5.b, Supplemental EC Report.

H.5.c Public Comment (03/09/2011; 10:49 a.m.)

Mr. Brett Hearne, trawler, Newport, OR

Mr. Bryan Belay, MRAG Americas, Anchorage, AK
Mr. Gary Ripka, F/V Western Breeze, Newport, OR
Mr. Brent Paine, United Catcher Boats, Seattle, WA
Mr. Paul Kujala, trawler, Warrenton, OR

Break from 11:45 a.m. to 1 p.m.

Mr. Kevin Dunn, commercial trawl fisherman, Astoria, OR
Mr. Mike West, MRAG Americas, Anchorage, AK
Ms. Heidi Happonen, Ocean Gold Seafoods, Westport, WA
Mr. Steve Hughes, United Catcher Boats, Seattle, WA
Mr. Mike Hyde, American Seafoods, Seattle, WA
Mr. Joe Sullivan, Environmental Defense, Seattle, WA
Mr. Merrick Burden, Environmental Defense, Seattle, WA

H.5.d Council Action: Adopt Appropriate Actions as needed and Preliminary Preferred Alternatives for Prioritized Trailing Issues (i.e., Amendment 21 versus Amendment 6; Pacific Halibut Bycatch Allocation; and Whiting Endorsement Severability Issues)

The Council discussion focused first on the question of whether there was sufficient specificity in the portion of Alternative 2 which focused on flexibility in the inseason management of set-asides and sufficient analysis on this issue in Amendment 21. Mr. DeVore identified that there had been some extensive discussion of set-aside flexibility in the EIS which supported Amendment 21. If it was covered in Amendment 21 it might be appropriately included in the PIE Rule. During the Council discussion a need was identified to be clear about the differences between allocations and set-asides and what can and cannot be done with each during the preseason and inseason processes. There was particular focus on the difference between tribal set-asides and non-tribal whiting set-asides. As the Council moves forward and gives further definition to the issue of flexibility with respect to set-asides, it will be important to involve the tribes in these discussions.

Ms. Vjokovich moved (Motion 22) that the Council select as its preliminary preferred alternative, Alternative 1 contained in Agenda Item H.5.a, Attachment 2, page 3. Mr. Crabbe seconded the motion. She indicated her understanding that the issue of whether or not the Amendment 21 allocations superseded the Amendment 6 allocations is one of process and that the set-aside issues covered in Alternative 2 can be separated and discussed in another amendment or regulatory process.

Ms. Culver amended the motion (Amendment #1 to Motion 22) to allow for flexibility for changes made to the tribal whiting set-aside, with the understanding that if doing so would further complicate the action on this so that we could not achieve a 2012 implementation, that we could separate it out and still move forward with the Amendment 21 allocations superseding Amendment 6. Mr. Myer seconded the motion.

Ms. Culver noted that the considerable discussion of rollover in Amendment 20 and 21 had centered on rollover of whiting amongst the non-tribal sectors. There was little to no discussion of the rollover of unharvested whiting between the tribal and nontribal sectors. That is a mechanism that had been available prior to the implementation of Amendment 20 and it was a surprise to learn that beginning in 2011 that mechanism would not be available. She is looking for the means to get that flexibility back. It would not be a mechanism that is prescriptive or hardwired, but would operate in much the same manner that it did in the past, whereby NMFS would contact the sectors to see whether or not they planned to harvest their remaining whiting and if not they could independently provide for a rollover outside of the Council process. It would not be automatically triggered but would be the result of consultation between NMFS and the four coastal treaty tribes.

Mr. Moore moved to amend Amendment #1 to Motion 22 (Amendment #2) to add in allowing flexibility for research estimates, incidental open access, and EFP set-asides. Mr. Mallet seconded the motion. Mr. Moore stated that this would follow the same process: if they become too complicated and additional work is required they can be dropped off and we can keep the intent of the original motion which prioritized Amendment 21 superseding Amendment 6. The motion did not include the flexibility for managing set-asides for the at-sea whiting fisheries. Amendment #2 carried unanimously. Amendment #1 carried unanimously. Motion 22 as amended carried unanimously.

Mr. Lockhart indicated that it was his intent to work with Council staff as quickly as possible after this meeting to address some of the issues such as NEPA coverage and regulatory details so we could come back as soon as possible.

Break.

Ms. Culver moved (Motion 23) that for the trawl halibut bycatch allocation, adopt Alternative 1 as the preliminary preferred alternative. Mr. Moore seconded the motion. She supported her motion noting the objectives for this action were cited in the GMT statement and that Alternative 1 accomplished all of the objectives. She indicated that Alternative 1 explicitly set out how halibut bycatch will be calculated each year, provides an overall cap, and allows for flexibility to adjust the percentage allocated, should the Council want to revise that through the biennial specifications process. With respect to the alternative introduced by the GAP, an alternative without a cap on the trawl allocation, she noted that this would conflict with the Council goal of reducing the trawl halibut bycatch mortality by 50 percent. For the other sectors that harvest halibut, including tribal, hook-and-line, and recreational, all quotas have been decreased by 40-50 percent except for the sablefish fishery north of Point Chehalis (which has been reduced by 100 percent for two years). If the total catch exploitation yield (TCEY) was as high as it was in 2004 through 2007 and there is no cap, the amount of trawl set-aside would be two to three times the amount allocated now and reduce the amount allocated to other sectors, sectors which have already been reduced by 40-50 percent. As the program moves ahead, the Council will learn more about the trawl sector's need for halibut bycatch mortality and will be able to make better, more informed decisions. Motion 23 carried unanimously.

Mr. Myer moved (Motion 24) that the Council select as their preliminary preferred alternative, Alternative 1 of H.5.a, Attachment 4, page 5, including bullets a, b, c, and d. Ms. Culver seconded the motion. Mr. Myer spoke to the motion indicating that under the rationalization program consolidation is expected and that trading is needed to boost efficiencies. Severability allows for efficiency, flexibility and stability. Stability is created because allowing endorsement transferability allows people to trade their catch history on a permanent basis rather than having to become a member of the co-op each year and lease to other co-op members. Mr. Lockhart indicated that some of his earlier concerns had been addressed and would support the motion but that he remained concerned about workload. Ms. Culver moved to amend the motion (amendment to Motion 24) such that in item d) the last sentence would read "Such endorsements together with the catch history could later be transferred away from the permit." Mr. Cedargreen seconded the motion. The amendment to Motion 24 carried unanimously. Motion 24 as amended carried unanimously.

Mr. Lockhart urged that the Council give NMFS and Council staff leeway to consider all that the Council has done and pick the appropriate pathways for consideration of these actions. This would not alter Council priorities.

The Council discussed convening an ad hoc committee along the lines recommended by the GAP in order to look at issues that can be addressed relatively quickly and easily but need input from NMFS, enforcement staff, etc. There are potentially a number of small changes that would allow fishermen to take advantage of the IFQ program as the Council intended. Concern was also expressed that some changes, such as specifying the details of the completion of e-fish tickets by first receiver, including the reporting of exvessel values, may not be as simple as they appear.

There was some question as to whether or not NMFS will be able to have all of the material needed for cost recovery ready for the April Council meeting. If it is not ready then, it will be ready by June.

The PIE rule will be brought forward to the Council in the NMFS report at the April meeting. The PIE rule may or may not be ready for adoption as a preliminary preferred alternative at that time. The target implementation for the PIE rule would be January 1, 2012. At this time NMFS expects to move the PIE rule forward as a whole but there is some chance that some parts may be separated out. NMFS believes that Amendment 21 superseding Amendment 6, halibut trawl allocation, cost recovery and the PIE rule are the highest priority items. Given workload constraints it appears something may have to be set as a lower priority in order to address these highest priority items.

Ms. Culver moved (Motion 25), working off Agenda Item H.5.a, Attachment 1, the items that the Council will consider in April (and all items will be couched as informational unless cost recovery happens to be ready for preliminary preferred alternative) would be cost recovery, PIE, QS/QP control rule safe harbor for community fishing associations (CFAs), risk pools, lenders, and adaptive management plan (AMP) pass through. Ms. Lowman seconded the motion. Ms. Culver clarified with respect to the term "informational" that this could include the provision of Council guidance on further development of the analysis and motions but not formal action. Motion 25 carried. Ms. Vojkovich voted no.

Mr. Williams indicated his intent to bring forward in April the possibility of the inclusion of the at-sea processing of fish caught under the IFQ program as part of the PIE rule. Council members also expressed hope that the PIE rule would take up the issues of observers having to remain on the vessel until the offload is completed. Mr. Lockhart indicated that the intent of the PIE rule is to address things within the intent of the Council. These will include things that do not need to come back to the Council, things that clearly need some Council input, and things that NMFS will discuss with Council staff as to whether or not there is need for further Council input. NMFS is open to discussion of things that need to be addressed urgently and whether they should be included in the PIE rule or whether there should be a second follow-on rule.

Dr. McIsaac indicated that if the Council is interested in putting together a committee to look at minor but urgent regulatory changes this could be put on the April agenda to consider membership and when they would meet. Ms. Lowman indicated that she would like to see the composition of a work group be placed on the April Council agenda. The group would work on the next set of priorities that would be taken up in the biennial specifications or some follow-on process. This would be a continuing process for a few meetings as we identify, prioritize, and schedule some of these actions. Mr. Wolford proposed that this was the sense of the Council. There were no objections. Ms. Culver concurred and stated that her intent for this group is that they would not be discussing policy or allocation issues but rather technical issues associated with implementation of the existing programs and the regulations we have in place. She asked that the Council have a draft to look at in April on the intent and composition of the group.

The Council agreed to take up the issue of having a special session on risk pools under future meeting agenda planning.

H.6 Consideration of Inseason Adjustments - Part II, if needed

This is agenda item was not needed and therefore canceled (See Agenda Item H.4).

I. Enforcement Issues

I.1 Current Enforcement Issues (03/08/2011; 8:08 a.m.)

I.1.a Agenda Item Overview

Mr. Jim Seger provided the agenda item overview.

I.1.b U.S. Coast Guard Annual West Coast Fishery Enforcement Report

RADM Blore shared some comments regarding the United States Coast Guard (USCG) initiatives, partnerships, and challenges to the success of the fisheries management programs. He spoke about experiences which showed commercial fishing is one of the most dangerous occupations. He noted that the USCG just started partnerships with Oregon and Washington and are participating in more interagency patrols.

LCDR Brian Chambers along with Mr. Dan Hardin, Fishing Vessel Safety Coordinator, presented Agenda Item I.1.b, Supplemental USCG PowerPoint. Mr. Hardin's presentation emphasized the safety requirements that vessels will be required to meet under the Coast Guard Reauthorization Act.

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

None.

I.1.d Public Comment

None.

I.1.e Council Discussion

Council members asked questions of the USCG and expressed their appreciation for the job the USCG does and the assistance they provide in our fishery management.

J. Ecosystem Based Management

J.1 Ecosystem Fishery Management Plan (FMP)

J.1.a Agenda Item Overview (03/08/11; 10 a.m.)

Mr. Mike Burner provided the agenda item overview.

J.1.b Integrated Ecosystem Assessment

Dr. John Stein introduced Dr. Francisco Werner the new Southwest Fisheries Science Center Director. Dr. Stein and Dr. Werner provided Agenda Item J.1.b, Supplemental IEA PowerPoint on the integrated

ecosystem assessments (IEA) and responded to Council questions on scoping, public outreach, and anticipated applications of the IEA. Dr. Stein noted that the IEA appreciates the feedback provided at this meeting and that the late-March deadline for input is flexible and that NOAA will be interested in continuing an iterative process with the Council.

**J.1.c Report and Recommendations of the Ecosystem Plan Development Team (EPDT)
(03/08/11; 10:53 a.m.)**

Ms. Yvonne deReynier presented Agenda Item J.1.c, Supplemental EPDT PowerPoint. She also walked the Council through Agenda Item J.1.c, Supplemental EPDT Report.

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

Mr. Dan Waldeck presented Agenda Item J.1.d, Supplemental EAS Report. Dr. Martin Dorn provided Agenda Item J.1.d, Supplemental SSC Report. Mr. Larry Hanson read Agenda Item J.1.d, Supplemental HC Report.

J.1.e Public Comment (03/08/2011; 1 p.m.)

Mr. Ben Enticknap, Oceana, Portland, OR

Mr. Ken Hinman, National Coalition for Marine Conservation, Leesburg, VA

J.1.f Council Discussion

Mr. Burner reviewed the Council tasks and requested guidance in the Agenda Item Situation Summary and confirmed that no Council action is required at this meeting.

Mr. Moore asked Mr. Judson Feder, National Oceanic and Atmospheric Administration General Counsel (NOAA GC), whether MSA biological and management benchmarks (OFL, ABC, ACL, etc.) would be required for an Ecosystem Fishery Management Plan (EFMP) with management unit species which are included to protect their ecological role, such as forage species. Mr. Feder said yes, if the species are part of the management unit for fisheries then the answer is yes.

Mr. Feder clarified for Vice Chairman Wolford that species listed in an EFMP as Ecosystem Component species would not be subject to the same requirements because they are not part of the management unit, but they would also not be considered part of the regulatory regime or subject to significant management under the plan.

Ms. Culver stated that it was her understanding from Ecosystem Plan Development Team (EPDT) documents and discussions that if the Council went forward with an EFMP, the EFMP would need some management unit species that were actively managed before being able to identify ecosystem component species. Mr. Feder agreed that this would be the case for a formal FMP, but not for other, largely strategic or informational plans such as an FEP.

Ms. Culver moved (Motion 18) and Mr. Tim Roth seconded a motion to adopt the following on ecosystem:

1. As recommended by the Ecosystem Advisory Subpanel (EAS), schedule an EAS meeting for April 2011 to prepare information for the June Council meeting about alternative approaches to incorporating ecosystem management into the Council process, the pros and cons of those alternatives, and guidance on a recommended approach.

2. Schedule Council action at the June 2011 meeting to:
 - o Provide guidance on whether the Ecosystem Plan should have regulatory authority and management unit species or not
 - o Adopt the purpose and need of the Plan
3. In preparation for the June 2011 meeting, request Council Advisory Bodies review the Ecosystem Plan Development Team's (EPDT's) draft purpose and need statement (Sept 2010), and discussion document (March 2011) and provide comments and recommendations.
4. Schedule an EPDT meeting to review the comments from the Council's Advisory Bodies on these items and develop recommendations on the proposed action described in item # 2 above at the June Council meeting.
5. Schedule a meeting of the SSC Ecosystem-Based Subcommittee in mid-April and provide a report in June.
6. Request the EPDT identify, review and discuss how Integrated Ecosystem Assessments (IEAs) and other analytical tools or processes, could be used by the Council to assess and better understand the effects of fisheries and proposed Council actions on the California Current Ecosystem across the Council's FMPs, and provide a preliminary progress report in September 2011.

Ms. Culver spoke to the motion saying it is intended to include the recommendations by our advisory bodies and the public. She felt the Council should move forward with the development of this plan and should address the key policy questions regarding its regulatory authority and managed species. These recommendations should be coupled with Council guidance on the plan's purpose and need to help guide the EPDT and the Council into the next phase. The motion is also supportive of advisory body recommendations to coordinate a meeting schedule for review and discussion of these important topics and supporting documents.

Mr. Steve Williams and Mr. Moore raised questions about the coordination of the EPDT, the SSC, and the EAS under this motion. Ms. Culver and Mr. Burner clarified that the recommendations came largely from the EAS and other advisory bodies and that the EPDT would have a difficult time meeting before June and that several EPDT members were planning to attend the April EAS and SSC sessions that are partly planned as joint sessions between groups. It is anticipated that advisory body comments on the issues raised in their respective March 2011 reports would be addressed through these meetings, reported in the June 2011 Briefing Book, and considered by the EPDT at the June Council meeting.

Mr. Roth expressed support for the motion and noted that it lines up well with the HC's recommended tasks.

Mr. Lockhart asked about the motion's treatment of the EPDT recommendations on the IEA (#6 in the motion). Ms. Culver noted that the IEA team is planning to present a preliminary progress report at the September Council meeting. The proposed June Council guidance on the type of plan desired would help guide the preliminary IEA report accordingly.

Mr. Wolford asked what documents are included in item #3 in the motion. Specifically, does the motion exclude the comments submitted by Oceana on the plan's purpose and need? Ms. Culver stated that the focus would be on the EPDT reports from the September 2010 Council meeting (Agenda Item H.1.b, Attachment 1) and this meeting (Agenda Item J.1.b, Attachment 1) and that the motion did not intend to exclude any materials.

Mr. Wolford moved and Chairman Cedergreen seconded an amendment (Amendment #1 to Motion 18) to include the draft purpose and need statement received from Mr. Ben Enticknap of Oceana under public testimony (Agenda Item J.1.e, Supplemental Public Comment 2) in the review materials. Mr. Wolford

felt the Oceana perspective should be considered in the proposed advisory review to help us focus on the purpose and needs of this plan.

The Council confirmed for Mr. Burner that the intent of the motion as amended is to focus, but not limit, the review to particular reference materials.

Amendment #1 to Motion 18 carried unanimously.

Ms. Culver clarified for Ms. Yaremko that the proposed June Council decisions in the motion would not necessarily be permanent and noted that the motion was intentionally worded as Council “guidance” on the matter. However, Ms. Culver expressed the desire to be as open and candid as possible in June on what the Council wants the plan to be; that is, not to completely close the door to alternatives, but to send a strong position on the purpose and intent of the plan to the EPDT and the EAS.

Mr. Steve Williams recommended that the advisory bodies focus their June reports to the Council on the pros and cons of the variety of plan approaches available.

Ms. Yaremko expressed concerns that the motion prematurely schedules significant Council guidance and moved (Amendment #2 to Motion 18) to sever the first bullet “*Provide guidance on whether the Ecosystem Plan should have regulatory authority and management unit species or not*” from Item #2 of the main motion. Mr. Rod Moore seconded the amendment for discussion purposes. Ms. Culver recognized the significance and complexity of the proposed June Council action and stated that Item #2 is a focal point of the motion. She felt that the EPDT and other advisory bodies are asking for this Council guidance to move forward on matters of substance after years of working on the initial phase of the plan. Mr. Lockhart and Mr. Williams agreed with Ms. Yaremko that this will be a difficult decision, but they also agreed that the item is an important part of the motion and an important part of the future development of the plan. Amendment #2 to Motion 18 did not pass.

Motion 18 as amended carried unanimously.

K. Administrative Matters

K.1 Legislative Matters

K.1.a Agenda Item Overview (03/10; 11:06 a.m.)

Mr. Burner provided agenda item overview.

K.1.b Legislative Committee Report

Mr. Burner read Agenda Item K.1.b, Supplemental LC Report.

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

Mr. Tim Roth presented Agenda Item K.1.b, Supplemental HC Report. Ms. Culver asked Dr. Hanson if he had any concerns with including the recommendations of the HC with those of the LC in a single letter from the Council. Dr. Hanson responded that he did not have concerns so long as the Council was in agreement.

K.1.d Public Comment

None.

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

Dr. Hanson moved and Mr. Moore seconded a motion (Motion 32) to adopt Agenda Item K.1.b, Supplemental Legislative Committee Report and the recommendations of the Habitat Committee in K.1.c, Supplemental Habitat Committee Report. Motion 32 carried. Mr. Lockhart abstained.

K.2 Approval of Council Meeting Minutes

K.2.a Council Member Review and Comments

Mr. Moore and Ms. Culver provided corrections under Council action.

K.2.b Council Action: Approve March 2010 Council Meeting Minutes

Mr. Moore moved and Mr. Mallet seconded a motion (Motion 33) to approve the March 2010 Council meeting minutes as shown in Agenda Item K.2.a, Attachment 1, with the following correction: on page 32, the fourth sentence in the second paragraph from the bottom of the page should read “Mr. Moore stated that the motion accurately reflects the current allocation among the three sectors.” Ms. Culver moved to amend Motion 33 (seconded by Mr. Moore) to include the following additional change: on page 34 under F.1.e, the point of contact should be changed from “Alaska Fisheries Science Center” to “Northwest Fisheries Science Center.” Motion 33 as amended carried unanimously.

K.3 Membership Appointments and Council Operating Procedures

K.3.a Agenda Item Overview (03/10/11; 11:28 a.m.)

Dr. John Coon provided the agenda item overview which listed the need for Council consideration of two advisory body positions. In addition, he noted the need to solicit nominations for a processor and northern open access position on the Groundfish Advisory Subpanel (GAP).

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

None.

K.3.c Public Comment

Mr. Tommy Ancona, Tommy’s Marine Service, Ft. Bragg, CA

K.3.d. Council Action: Consider Changes to Council Operations and Procedures and Appointments to Advisory Bodies

Ms. Vojkovich moved and Mr. Brizendine seconded a motion (Motion 34) for the Council to appoint Ms. Deb Wilson-Vandenberg to the California Department of Fish and Game position on the Ecosystem Plan Development Team. Motion 34 passed unanimously.

Mr. Steve Williams moved and Mr. Moore seconded a motion (Motion 35) for the Council to confirm the appointment of LT David Anderson to the Oregon State Police position on the Enforcement Consultants. Motion 35 passed unanimously.

The Council further directed staff to solicit nominations for the vacant GAP positions with a deadline to allow consideration of the positions at the June Council meeting. Chairman Cedergreen appointed Ms. Susan Chambers to act as an interim appointment to the processor position on the GAP. No interim appointment was made for the northern open access position. In the interim, the southern open access position (Mr. Dan Platt) and Mr. Gerry Richter (fixed-gear at-large position) will serve to represent the needs of the northern open access fishery.

K.4 Future Council Meeting Agenda and Workload Planning

K.4.a Agenda Item Overview (11:40 a.m.)

Dr. Don McIsaac reviewed the standard supplemental attachments 3 and 4 (year-at-a-glance and April Council meeting agenda) and the supplemental public comment (regarding the economic analysis of the North American albacore industry). He noted that the new items that had been added to the April agenda were: approval of a new CPS methodology, a risk pool briefing, and a briefing on the MBNMS Ecosystem-Based Management Initiative.

Mr. Lockhart stated that there will be no new information to provide the Council at the April meeting regarding action to implement the 2011 and 2012 groundfish specifications and management measures. Ms. Culver suggested scheduling the ecosystem agenda item in September rather than November and also delaying the MBNMS Ecosystem-Based Management Initiative to September.

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

Mr. Mike Burner read Agenda Item K.4.b, Supplemental SSC Report (regarding workload for the groundfish process improvements, CPS methodologies, and sardine assessment).

K.4.c Public Comment

None.

K.4.d Council Action: Approve April 2011 Agenda and Provide Guidance on Future Council Meeting Agendas and Priorities for Advisory Body Consideration

Council members expressed concern with the length of Council meetings and the complexity of the issues. Ms. Culver proposed that the April Council meeting could be handled in five days rather than six. She proposed the following changes to make that possible: delay the HMS NMFS report to September and the albacore management item to June, remove the marine spatial planning (MSP) item or have it as an information report, delay the Marine Protected Areas agenda item (MBNMS Ecosystem-Based Management Initiative) to September, move the first groundfish inseason adjustment to Monday to allow a day between it and the second part, shorten the time for the risk pool briefing and have it in conjunction with the trawl rationalization item, and put the program improvement and enhancement issues in a separate agenda item.

Ms. Lowman expressed concern with removing the MSP item since there is an MSP meeting coming up and the Council's place in the process is not assured. We need to be actively involved at this time. Mr. Helvey noted a need to keep the albacore item on the April agenda.

Dr. McIsaac agreed that the MBNMS item doesn't seem that urgent and could wait until September. He noted that Mr. Lockhart had indicated providing a report on planning for the Pacific halibut programmatic environmental impact statement at the April meeting. Ms. Culver stated that issue should not come up again until March 2012. Mr. Steve Williams agreed with Ms. Culver and suggested Mr. Lockhart could give a short prescoping summary in the NNMFS report.

Regarding the 2012 groundfish measures, Mr. Lockhart indicated there would likely be no new information by April and that agenda item could be dropped.

In response to questions by Dr. McIsaac, Ms. Culver stated that she preferred the meeting start at 8:00 a.m. on the first day and be five full days rather than extending to six days with some half day sessions. Other Council members expressed some concern with trying to compress the meeting to five days. However, by dropping or delaying some of the items identified above, it appeared possible to do.

Regarding workload, Ms. Vojkovich proposed that the primary issue for the GMT should be inseason management, followed by the 2013-14 groundfish management process, and the trawl rationalization trailing actions. She wasn't sure the GMT would need to be involved much in the groundfish essential fish habitat issue and that the whole team would not have to stay for all of the trailing actions. The Council was in general agreement.

Dr. McIsaac stated he would use the Council's advice on agenda planning to aim for a five-day meeting.

ADJOURN

The Council adjourned at 12:45 p.m. on Thursday, March 10, 2011.



Mark Cedergreen
Council Chairman

June 13, 2011

Date