

MINUTES

Pacific Fishery Management Council
Hyatt Regency Mission Bay
1441 Quivira Road
San Diego, California 92109
November 4-9, 2007

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A. Call to Order

A.1 Opening Remarks, Introductions

Mr. Don Hansen, Council Chair, called the 191st Council Meeting to order on Monday, November 5th at 10:15 am. A closed session was held from 9 am to 10 am.

A.2 Roll Call

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

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

The following Council member was absent from the entire meeting:

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

A.3 Executive Director's Report

Dr. McIsaac provided a run down on logistics for the week during hotel construction, reminded Council members about stating recusals for the voting record, and provided a brief overview of the eight Informational Reports. Mr. Moore provided a brief summary of his activities and the recent meeting concerning management of bottom fisheries in the high seas of the North Western Pacific which responds to requirements of United Nations General Assembly Resolution 61/105. Mr. Mark Helvey elaborated on Informational Report 8, a letter from the Office of Management and Budget raising concerns about the Council's Amendment 12 to the Coastal Pelagic Species Fishery Management Plan which deals with krill management. He indicated the Southwest Region would be developing an alternative to respond to the concerns so that NMFS can proceed with final approval of the amendment.

A.4 Council Action: Approve Agenda

Mr. Rod Moore moved and Mr. Curt Melcher seconded a motion to approve the agenda as shown in Minutes
November 2007 (191st Council Meeting)

Agenda Item A.4, Council Meeting Agenda (Motion 1). Motion 1 passed unanimously.

B. Open Public Comment

B.1 Comments on Non-Agenda Items (11/05/07; 10:35 am)

B.1.a Public Comment

Mr. Butch Smith, Co-Ho Charters, Ilwaco, Washington, provided comments on behalf of the Salmon Advisory Subpanel (Agenda Item B.1.a Supplemental Open Public Comment 4) concerning the Bureau of Reclamation Klamath Project Biological Assessment.

Mr. William Daspit, fisheries consultant, Brier, Washington. Mr. Daspit spoke about the bycatch estimate model and how discard rates are computed. He believes that the discard estimates of the fleet are inconsistent, not computed or applied properly, logbook data is incomplete, and an effort based method would be superior to the current methods being used.

Ms. Laura Deach, fisherman, Lopez, Washington. Ms. Deach provided written comments in Agenda Item B.1.a Supplemental Open Public Comment 1. She requested that the Council and NMFS immediately begin a thorough analysis of their present and past groundfish management. She felt that a comprehensive review is long overdue. Ms. Deach commented that this review is particularly pertinent at this time due to the Council's desire to extend this management to Open Access. She felt that if this management regime has not accomplished the desired goals and objectives in the limited entry fishery, then continuing and expanding this management is both pointless and destructive.

Mr. Doug Fricke, fisherman, Hoquiam, WA. Mr. Fricke stated he had been asked by drift gillnet fishermen to prevail upon the Council to go forward with development of the high seas shallow-set longline amendment to help provide alternative fisheries with less bycatch impacts. He also spoke about international fisheries issues with regard to controlling illegal high seas drift gillnet fishing as more net marks have been seen lately on salmon. We are finding out that some of our chinook stocks are migrating all the way out to the Bering Sea. The USCG also observed and made contact with Chinese ships off the Japanese Coast that were believed to be illegally gillnetting albacore which may soon be overfished.

It was also noted that there were written comments under Agenda Item B.1.a, Supplemental Open Public Comment 2 (open access fishery issues) and Agenda Item B.1.a, Supplemental Open Public Comment 3 (a request for focusing on creating a limited entry drift gill net fishery rather than expending that energy on the shallow-set longline amendment; and a concern about the selection of Informational Reports in the Council's briefing book).

B.1.b Council Discussion of Comments as Appropriate

None.

C. Administrative Matters

C.1 Future Council Meeting Agenda Planning (11/05/07; 10:56 am)

C.1.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview and highlighted the critical points in Agenda Item C.1.a, Attachments 1 through 3.

C.1.b Reports and Comments of Advisory Bodies

None.

C.1.c Public Comment

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

C.1.d Council Discussion of Future Council Meeting Agenda Topics

Council members worked with Council staff and the Executive Director to propose ideas and comments on the future Council meeting agenda topics. Ms. Michele Culver did not see any session for the review of groundfish essential fish habitat (EFH) and wondered if that should be listed in June. Council staff agreed to review that issue and include it in the Friday session. Mr. Moore suggested having the meeting start earlier and move the Legislative Committee meeting to Sunday. Ms. Vojkovich said it is a high priority to have open access limitation added to the March agenda. Other Council members made various suggestions that will be taken into account and finalized in a more thorough fashion on Friday, November 9, under Agenda Item C.6.

C.2 West Coast Governors' Agreement (WCGA) on Ocean Health

C.2.a Agenda Item Overview (11/06/07; 8:07 am)

Ms. Heather Brandon provided the agenda item overview.

C.2.b WCGA Report and Comments

Mr. Helvey introduced a letter from NMFS, supporting the PFMC's motion to initiate development of an Ecosystem Fishery Management Plan (http://www.pcouncil.org/bb/2007/1107/C2b_NMFS_sup.pdf). Dr. McIsaac hoped this letter could help make the argument for additional funding for the Council to take on this task.

C.2.c Reports and Comments of Advisory Bodies

Mr. John Holloway provided Agenda Item C.2.c, Supplemental GAP Report. Mr. Butch Smith provided Agenda Item C.2.c, Supplemental SAS Report.

C.2.d Public Comment

Mr. Ben Enticknap, Oceana, Portland, OR
Mr. Shems Jud, Environmental Defense, Lake Oswego, OR

C.2.e Council Action: Review and Provide Comments on the Proposed Action Plan

Ms. Brandon referenced Agenda Item C.2.b, Supplemental Attachment 2 as a possible guide the Council members could use to make comments using the fast track process.

Regarding the Governors' Action Plan Priority 1: Ms. Vojkovich said she supports finding funding outside of the State's purview.

Mr. Melcher said he liked what Mr. Enticknap said, that we are already doing a lot of the things listed in the Governors' Action Plan, and Mr. Enticknap's suggestions need to be incorporated in our comments.

Mr. Moore complemented the Governors' working together, but pointed out that there is an interaction between what goes on in state waters and federal waters.

Regarding the Governors' Action Plan Priority 2: Ms. Fosmark stated that fisheries management should remain under existing authorities. She was concerned that in the future we may be faced with difficult decisions, and industry should be involved as well. She did not see industry specified in Priority 2, or that PFMC would be part of that workshop, but they should be included. Ms. Fosmark was happy to see fisheries enhancement as part of the Action Plan.

Mr. Wolford felt both Priority #1 and #2 are closely related. Habitat should be included all the way inland, and not just habitat in coastal waters.

Mr. Warrens stated that the Governors' themselves should go to the Congressional delegations of the west coast states to seek funding for these priorities, especially bathymetric mapping. Mapping should start with areas of habitat that are unknown. Bottom mapping is an extremely expensive piece of the Action Plan, but a much needed piece of information. Please appropriately phrase this in the Council's comments.

Mr. Helvey stated that the Council's comments so far have been made about how the Action Plan focuses on protection, but after looking at the Governors' vision statement, it does not seem that sustainable use is a focus. That phrase, sustainable use, should be included in the Council comments on the Action Plan, and that the uses will not be lost among the protection and conservation priorities.

Regarding the Governors' Action Plan Priority 3: Mr. Moore felt it was important to look at the cumulative impacts of everything that is occurring in and around the ocean and coasts, and to look at effects to ocean ecosystems in both state and federal waters. Whether effects are positive or negative, when making decisions, there is the need to assess cumulative effects.

Mr. Wolford said he did not think that the Council has done that bad of a job, and felt we should make this an opportunity to show our successes in the Council comments to the Governors.

Dr. McIsaac said unless otherwise noted, we will presume the Council is in support of the WCGA Plan. We also would presume that the letter would include what was said on the record at the last Council meeting.

Regarding the Governors' Action Plan Priority 4: Mr. Moore felt the previous comments on priority #3 apply to this as well. Mr. Melcher asked if we know what the objective of this workshop in 2008 is? Who is invited? Ms. Brandon, looking in the action plan, said we would get back to the Council later on that (see below).

Regarding the Governors' Action Plan Priority 6: Mr. Moore said it would be helpful to point out the strong work the SSC does on a lot of these issues, and urge them to coordinate with our SSC research priorities and needs. Mr. Anderson said for clarification, the Governors would coordinate with the Council and not the SSC, and the Council would trickle that down to the SSC.

Regarding the Governors' Action Plan Priority 7: Mr. Moore again suggested that the Governors should coordinate through the Council to the Economic Subcommittee of the SSC on any issues that would arise.

Mr. Moore observed that staff left out any discussion to Action Plan Priority 5, which is outreach and public information. Mr. Moore noted that the Council staff has put together excellent materials on the Council website that are helpful to the public, not only related to Council actions, but scientific and fisheries issues as well.

Mr. Anderson, back on Priority #3, stated that regarding the single species approach statement in the Action Plan, he would prefer a more positive wording, like "fisheries management must focus on ecosystem management as a whole" rather than focus on a single species.

Mr. Anderson then noted the WCGA in part stressed regional plans be developed to achieve some of the recommendations contained in the U.S. Commission on Ocean Policy Report to Congress. He is struck by the number of entities involved in fisheries resources. We have the sanctuaries and MSA, and the Governors engaging with plans written and proposed. WDFW has provided comments to the Governor internally. Mr. Anderson's observation is that it is a lot easier to write a plan than to implement a plan. A lot of the items listed as actions in the Governors' Action Plan, the Council has discussed many times in the past, but could not address those items due to funding. This Action Plan will take multi-millions of dollars; and yet we cannot get enough money to quantify our catches. He supports the Governors putting this together and their concern for the long-term management of the resources. The Council has been pretty much the only game in town for this, and Washington is hoping we can do more here. The Governors can collaborate to get information and data needed to better manage the resources.

Vice-Chair Ortmann had similar thoughts to Mr. Anderson. Over the years these types of efforts come and go. He noticed a status report from the Governors will be done in two years, but the intent of the Action Plan seems to be one of a long-term, lasting effort. The draft WCGA plan is vague, and should address the long-term aspect of the actions.

Mr. Mallet stated that the Council's comment should make the Governors' staffs aware of our products. For example, for Priority #2 - outline our EFP efforts; for Priority #3 - discuss our developing ecosystem fishery management plan; for Priority #6 - indicate what we are doing as far as research, what kind of research and data plan we have, and provide a current copy of the 5-year research plan. Stress that a lot of funding is needed to do our priority research, but funding has not been forthcoming. It is important to get these needs into the record, articulate what we are doing, and demonstrate some of the products we have put out recently.

Mr. Williams asked if offshore aquaculture was discussed by the Governors for inclusion in the Action Plan? Ms. Brandon had heard that the states did not agree on that issue and chose to exclude it from the Action Plan.

Ms. Fosmark spoke about the California Coastal Commission, and suggested the states to get together and work with the Commission on issues.

Dr. McIsaac said staff will put together the comments in a draft letter on a fast track process.

Ms. Brandon then answered Mr. Melcher's earlier question about which federal agencies were working with the states on the alternative energy workshop mentioned in the Action Plan. Action 4.2 lists FERC and Mineral Management Services (MMS) on page 32 of the Action Plan. Fisheries related agencies and the Council are not listed.

Mr. Anderson stated that we need to include a strong message that we have been and will continue to be in the leadership role to address fishery related items in the WCGA Plan.

Ms. Brandon asked to clarify if the Council would like to include aquaculture in the Council comments to the Governors. Mr. Williams said it seems that the states could agree upon something to reduce environmental impacts of offshore aquaculture development. Mr. Anderson said that in the internal Washington state process, the issue of aquaculture was brought up and discussed. The conclusion to be silent on aquaculture in the Action Plan was strategic and Mr. Anderson recommended the Council be silent, too.

Mr. Helvey said the letters coming from the two regions to the Governors are likely to mention aquaculture.

C.3 Magnuson-Stevens Act Reauthorization Implementation (11/09/07; 7:45 pm)

C.3.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview.

C.3.b NMFS Report

Regarding the September workshop on the reauthorization of the MSA, Mr. Lockhart noted a written report of the workshop will be available shortly and recommended the Council hear brief reports from workshop attendees. Mr. Anderson said the portions of the proceedings he found most interesting were discussions regarding the role of the SSCs in setting ABCs and the introduction of new terms such as annual catch targets and the relationships between these targets, annual catch limits, and ABCs. Mr. Anderson noted that RFMCs have varying definitions of these terms and noted the intent is to capture both scientific and management uncertainty in harvest specification determinations. The application of these new provisions to the Council's management of Pacific salmon was discussed several times and additional resolution is needed before this process can be applied.

Mr. Cedergreen concurred with Mr. Anderson and noted that a considerable part of the workshop was spent grappling with the definition of terms and the identification of the best questions to take on. Mr. Ortmann added that presentations on ecosystem-based management in the North Pacific were very interesting.

C.3.c Reports and Comments of Advisory Bodies

Dr. McIsaac presented supplemented materials under Agenda Item C.3.c, Supplemental SSC, SAS, and HMSAS Reports.

C.3.d Public Comment

None.

C.3.e Council Action: Adopt SSC Council Operating Procedure (COP) and Direct Planning and Action on New Requirements as Needed for Timely Implementation

Mr. Moore moved and Mr. Curt Melcher seconded a motion (Motion 38) to adopt changes to COP 4 and COP 12 as shown in Agenda Item C.3.a, Attachment 1 and Agenda Item C.3.a, Attachment 2, including the additional change to COP 12 as suggested by the SSC (Agenda Item C.3.d, Supplemental SSC Report).

Mr. Anderson moved and Ms. Vojkovich seconded an amendment to the motion (Amendment #1 to Motion 38), regarding COP 4, page 1, in item #1, four lines from the bottom, strike the phrase “annual catch limits”; and on page 4 change the number of at-large positions to 7 instead of 6.

Amendment #1 to Motion 37 passed unanimously.
Motion 38 passed unanimously.

C.4 Fiscal Matters (11/09/07; 8:03 pm)

C.4.a Agenda Item Overview

Dr. John Coon provided the agenda item overview.

C.4.b Budget Committee Report

Mr. Jerry Mallet provided the Budget Committee report. Ms. Fosmark noted and expressed concern about the delayed Council staff involvement in open access limitation and the high seas shallow-set longline amendment. Dr. McIsaac said that while there were Council staff limitations for working on these issues, they could still move ahead under state and NMFS leadership. The CDFG has contracted Mr. LB Boydston to lead the open access amendment which is moving forward, and the SWR and SWFSC with HMSMT help could lead the longline amendment.

C.4.c Reports and Comments of Advisory Bodies

None.

C.4.d Public Comment

None.

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

Mr. Mallet moved and Mr. Ortmann seconded a motion (Motion 39) to approve the Budget Committee recommendations as shown in Agenda Item C.4.b, Supplemental Budget Committee Report. Motion 39 passed unanimously.

C.5 Membership Appointments and COPs (11/09/07; 8:13 pm)

C.5.a Agenda Item Overview

Dr. Coon provided the agenda item overview.

C.5.b Reports and Comments of Advisory Bodies

None.

C.5.c Public Comment

None.

C.5.d Council Action: Appoint Council Officers and Appropriate Advisory Body Members, and Consider Changes to COPs as Needed

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 40) to amend COP 1 to have one chairperson and two vice chairs. Motion 40 passed unanimously.

Mr. Anderson moved to amend COP 1 to change the term for chair/vice chair from a calendar year to an annual term of August 11 thru August 10 of the following year (beginning in 2009). Ms. Vojkovich seconded the Motion (Motion 41). Motion 41 passed unanimously.

Mr. Anderson moved (Motion 42) to suspend COP 1 on the number of consecutive terms a chair/vice chair may serve. Ms. Vojkovich seconded the motion. Motion 42 passed unanimously.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 43) to appoint Don Hansen as chair and Dave Ortmann and Mark Cedergreen as vice chairs for the term beginning January 1, 2008 through August 10, 2009. Motion 43 passed unanimously.

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 44) to appoint Ms. Carol Henry to replace Mr. Brian Culver as the WDFW representative on the CPSMT. Motion 44 passed unanimously.

Mr. Lockhart moved and Ms. Vojkovich seconded a motion (Motion 45) to appoint Ms. Gretchen Arentzen to replace Ms. Becky Renko as one of the two NW Region representatives on the GMT. Motion 45 passed unanimously.

Mr. Anderson moved and Ms. Vojkovich seconded a motion (Motion 46) to appoint Mr. Corey Niles to replace Mr. Brian Culver as one of two WDFW representatives on the GMT. Motion 46 passed unanimously.

Mr. Moore moved and Mr. Melcher seconded a motion (Motion 47) to appoint Mr. Pierre Marchand to serve on the Highly Migratory Species Advisory Subpanel (HMSAS) as the Processor North of Cape Mendocino for the remainder of the 2007-2009 term. Motion 47 passed unanimously.

Ms. Vojkovich moved and Mr. Melcher seconded a motion (Motion 48) to appoint the following people to fill the at-large vacancies on the SSC: Mr. Vidar Wespestad, Ph.D., and Ms. Selina Heppell, Ph.D. Motion 48 passed unanimously.

The Council approved the creation of an ad hoc Trawl Rationalization Tracking and Monitoring Committee with the Council Chair to appoint the appropriate members from nominations provided by NMFS and the states.

C.6 Future Council Meeting Agenda Planning and Workload Priorities (11/09/07; 8:22 pm)

C.6.a Agenda Item Overview

Dr. McIsaac provided the agenda item overview and reviewed the attachments, highlighting changes from Agenda Item C.1 attachments. He noted that the new attachments provide for longer Council meetings to include all of the proposed agenda items and also include the April agenda. Bearing in mind the Council's desire not to burn portions of two weekends, he tried to set the March meeting to occur over only one. Based on hotel meeting space availability for March, he could not move it backward and meeting space was also not available until Sunday of the first weekend. Therefore, the proposed agenda for the March meeting starts the Council on Sunday and goes through Friday. Dr. McIsaac noted that we will contact the hotels for future meetings and ask for six or seven day meetings rather than five day meetings.

C.6.b Reports and Comments of Advisory Bodies

The following items were noted as supplemental materials for consideration in setting the future Council meeting agendas and workload items: Agenda Item C.6.b, Supplemental CDFG Report; Agenda Item C.6.b, Supplemental SSC Report; Agenda Item C.6.b, Supplemental HMSMT Report; Agenda Item C.6.b, Supplemental HMSAS Report, and Agenda Item C.6.b, Supplemental GMT Report.

C.6.c Public Comment

None.

C.6.d Council Guidance on Three Meeting Outlook, March 2008 Council Meeting Agenda, Council Staff Workload, and Priorities for Advisory Body Consideration

Council members worked with the Executive Director and Council staff to develop the March 2008 Council agenda, provide guidance on the three-meeting outlook, and develop priorities for advisory body consideration. Suggestions from the Council included starting the Legislative Committee at a later time and considering combining the public comment periods for the shallow-set longline EFP and FMP amendment.

D. Groundfish Management

D.1 National Marine Fisheries Service Report (NMFS) (11/05/07; 1:05 pm)

D.1.a Regulatory Activities

Mr. Frank Lockhart provided the NMFS Report of regulatory activities. The open access vessel monitoring system (VMS) rule is close to finalization. He asked Mr. Dayna Matthews to provide an update on the VMS rule. Mr. Matthews said the open access VMS rule will be published in the Federal Register around mid-December. There will then be a 60-day cooling off period; therefore, expected implementation of the rule will be about mid-February. Reimbursements for the three VMS units that have received NMFS type approval will be coordinated through the Pacific States Marine Fisheries Commission. NMFS will be hosting nine or ten coastwide meetings to disseminate information on this new program, starting next week. He will have a brochure available on the program out on the public tables.

Mr. Moore asked if the approved VMS units were suitable for small vessels and Mr. Matthews stated two of the three type-approved units could work well on small vessels. One of the units may draw too much amperage to work well on small vessels. The reimbursable program will require installment by a trained technician.

Mr. Moore asked if the logistics for the coastwide meetings has been set up and Mr. Matthews said yes. They wanted to do these meetings in the last two weeks of November before the crab season opener on December 1.

Ms. Fosmark asked if the type-approved VMS units are capable of email. Mr. Matthews said all three units are capable of two-way communication.

Mr. Melcher asked if the Port Orford and Newport meetings were scheduled for Nov. 15 and Mr. Matthews said yes. Mr. Matthews then explained the locations of the other coastwide meetings.

Mr. Warrens asked if the VMS installation fee is included for reimbursement and Mr. Matthews said it depends on which vendor is selected.

Ms. Fosmark asked when the Federal Register notice on the VMS units that were type approved was published and Mr. Matthews said it was about two weeks ago.

Mr. Lockhart explained the whiting season was re-opened in early October. Bycatch and directed catch has been low. The emergency rule will be extended since it lapses in mid-November. The Amendment 10 process is top priority for the region at the moment. There will be a challenge to implement the amendment by the start of next year's whiting fishery. The Office of Management and Budget announced they will review Amendment 15, which could delay implementation beyond the start of next year's whiting fishery. Implementation of the whiting treaty is imminent. NMFS is now soliciting nominations for the new whiting advisory panel. NMFS can start to decide the make-up of other panels and commissions once the whiting treaty is ratified in Canada. There may be a delay in Canadian ratification. It is expected that implementation of the new whiting treaty will not occur for next year's fishery, but will likely be in place for the 2009 fishery.

Mr. Melcher asked for more information on implementation of Amendment 10. Mr. Lockhart explained that the monitoring problems encountered in this year's fishery have complicated the Amendment 10 process, which could delay implementation. Mr. Melcher asked if an EFP would be needed for the 2008 fishery and Mr. Lockhart said no. Mr. Moore noted there were a few glitches in the processor reporting requirements and fish ticket programming. He asked if the processors could help to fix these glitches and Mr. Lockhart thought this would be helpful and wanted to include PSMFC in those discussions.

Mr. Myer asked how long the whiting advisory panel nomination process would be open and Mr. Lockhart said the call for nominations ends on November 23.

Mr. Anderson asked if there was a letter sent to the states regarding whiting fishery monitoring needs under Amendment 10 and Mr. Lockhart said there was a letter sent. Mr. Anderson said he hadn't seen the letter. Ms. Vojkovich said the letter was asking what it cost the states to monitor the fishery.

D.1.b Science Center Activities

Dr. Elizabeth Clarke provided an update of NMFS science center activities. The hake assessment review process will be similar to the STAR process done previously. The SSC needs to name a chair for the whiting STAR panel. The NWFSC goal is to have one jointly developed assessment model brought

forward to next year's STAR panel. There was a stock assessment mop-up panel in early October. The NWFSC has requested that Dr. Patrick Cordue, this year's CIE reviewer at STAR panels, be available for a teleconference during the stock assessment review workshop to offer his insights. The bottom trawl survey is completed. She noted that the process for deciding the next suite of stock assessments is scheduled on the Council's March agenda. She asked if the NWFSC should coordinate with the SWFSC to bring forward a three-cycle outlook of proposed stock assessments.

Mr. Moore asked if there are tentative dates for next year's whiting STAR panel and she said there are, but she did not remember the dates. She said she would get back to Mr. Moore.

Ms. Vojkovich asked if NMFS scientists are involved in the scheduled Sea Grant workshops to decide research priorities that are part of the West Coast Governors' agreement. Dr. Clarke said she is aware of the workshops, but she is not sure if NMFS scientists are involved.

Dr. McIsaac said the Council looked at a multi-year stock assessment schedule the last time they decided which stocks would be assessed. He welcomed NWFSC coordination with the SWFSC and others to bring similar information forward next year. Dr. Clarke explained the intent would be to get the discussion started, not to decide a final list of stock assessments.

D.1.c Reports and Comments of Advisory Bodies

None.

D.1.d Public Comment

None.

D.1.e Council Discussion

None (beyond the previous discussion).

D.2 Exempted Fishing Permits (EFPs) for 2008 (11/06/07; 9:33 am)

D.2.a Agenda Item Overview

Mr. John DeVore provided the agenda item overview.

Mr. Moore asked Mr. DeVore if the proposed EFP bycatch caps for the overfished species could be accommodated in the 2008 scorecard or will we run into a disconnect on this agenda item and inseason management? Mr. DeVore said any EFP bycatch caps would count against OYs specified for next year. The GMT anticipates some concerns for canary rockfish and the GMT statement for this agenda item will speak to that. The 2008 bycatch scorecard is still a draft work in progress for the GMT and they have draft recommendations to address the canary bycatch concerns.

D.2.b Agency and Tribal Comments

None.

D.2.c Reports and Comments of Advisory Bodies

GMT Report

Ms. Kelly Ames provided Agenda Item D.2.c, Supplemental GMT Report.

Mr. Moore asked for elaboration on the recommended need to provide more information on observer logistics in the Fosmark EFP. Ms. Ames explained there is a need for 100% observer coverage and the EFP application did not explain how that would be coordinated. Mr. Lockhart said those logistics need to be coordinated with the NMFS Northwest Fisheries Science Center.

Mr. Moore asked about the recommendation to decrease the sablefish daily-trip-limit (DTL) limits in 2008 for the Conception area open access fleet. Mr. DeVore explained that the GAP discussed this and they believe the increased sablefish catch rate in the Conception area this year came from the open access fleet this summer and that any 2008 limit decreases should be made for that sector. Most of the effort increase in the Conception area came from northern open access vessels shifting to the south, but some of the effort increase came from new entrants to the fishery.

Mr. Moore asked Ms. Ames about inseason proposals for 2008 and the 2008 scorecard. What initial information on 2008 impacts will be brought forward and how might we make a decision on EFPs that might influence directed fisheries next year. Ms. Ames said the GMT does not have a recommendation on the process the Council should take, and will talk about the 2008 scorecard during the Wednesday inseason agenda item.

Ms. Fosmark explained she would recuse herself from the vote on the Fosmark EFP since she has a financial interest in that proposal. She said she would like the opportunity to participate in the discussions.

Mr. Wolford asked if the recreational EFP activity allowed selling their catch and Ms. Ames said no.

Ms. Culver asked if access to chilipepper has been limited by co-occurring overfished species catch, particularly bocaccio, and Ms. Ames said that was correct. Ms. Culver asked if there was available data to evaluate current bycatch rates in association with chilipepper and Ms. Ames said data was limited. Ms. Culver asked the GMT to determine the data gaps so this evaluation could be done later.

Mr. Melcher asked if the GMT was endorsing the observer plan in The Nature Conservancy (TNC) EFP and Ms. Ames said yes, this observer plan was better coordinated than in the Fosmark EFP. Mr. Melcher said he would raise the question about observer coordination during Council discussion and action.

Ms. Vojkovich asked if the Council has conditionally approved EFPs in the past if deficiencies were addressed and Ms. Ames said yes, such coordination occurs after Council approval by applicants and NMFS staff.

Ms. Culver noted the GMT supported the technical merits of the TNC EFP, but such comments were not made for the other three EFPs. Ms. Ames said the concluding statement is that all EFPs would provide useful information for management.

GAP Report

Ms. Heather Mann provided Agenda Item D.2.c, Supplemental GAP Report. Mr. Gerry Richter joined her at the podium.

Ms. Mann clarified the discussion regarding decreasing 2008 open access DTL limits was an inseason discussion and, if there are sablefish concerns in the Conception area next year, the decreases should be in the open access fishery which expended their catches this year. The GAP does not recommend decreasing limits to accommodate the TNC EFP. Mr. Gerry Richter provided the quota species monitoring (QSM) catch reports for the Conception area this year. The catch increases were in the open access fishery and the sablefish OY may be attained for the first time in years in the Conception area. Ms. Vojkovich asked about the implications of providing 50 mt of sablefish to accommodate the TNC EFP and Mr. Richter said the limits would be decreased to the point of unprofitability.

Mr. Moore asked about the enforcement issues associated with the Recreational Fishing Alliance (RFA) EFP and Ms. Mann said there are apparent enforcement concerns and the GAP recommends these concerns be addressed by the applicants and enforcement personnel.

Mr. Lockhart asked about the statement in the GAP report that the TNC EFP would negatively impact current Conception area fishermen. Ms. Mann said the contemplated sablefish limit reductions in next year's open access fishery concern the GAP regardless of the EFP. Mr. Lockhart asked if the amount of sablefish for the TNC EFP were less, would there be less concern and Ms. Mann said any amount of sablefish would negatively impact fishery participants in this area.

Mr. Lockhart asked for elaboration on the statement that the TNC EFP activities/request is solely allocative. Ms. Mann said the GAP believes this is a special accommodation to TNC that has allocative aspects. Mr. Lockhart asked for further elaboration on the GAP concern that this EFP request would be annual for the foreseeable future and Ms. Mann said the majority of the GAP has this concern.

Mr. Lockhart asked if the GAP agrees with the GMT that the increase in current fishing activity in the Conception area is due to open access and Ms. Mann said yes.

Mr. Moore asked if the GAP discussed whether the fishermen in the TNC EFP could instead participate in the Conception area open access fishery. Ms. Mann said if the EFP is approved, these fishermen could participate in both the EFP and the open access fishery, hence "double-dipping" could occur.

Ms. Culver asked what the average open access vessel could land in the Conception area during the year. Could six vessels take 50 mt of sablefish? Mr. Richter said six vessels could take 40 mt in two months.

Ms. Vojkovich asked for an explanation of the recommendation that vessels under existing management measures could form a regional fishing association. Ms. Mann said this was apparently legally viable under the Magnuson-Stevens Act according to NOAA General Counsel, but the details of how this could work were not discussed.

D.2.d Public Comment (11/06/07; 10:28 am)

Newport Dory Fleet Group (Sam Azari, Steve Murachi, two more gentlemen), Newport Beach, CA

Mr. August Felando, Fisheries Attorney, San Diego, CA

Mr. Tony D'Amato, D'Amato Commercial Fishing, San Diego, CA

Mr. Mike D'Amato, D'Amato Commercial Fishing, San Diego, CA

Mr. Giacomo D'Amato, D'Amato Commercial Fishing, San Diego, CA

Mr. Mike Truong, King Fisher Fisheries, San Diego CA

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

Mr. Gerry Richter, B&G Seafoods, Santa Barbara, CA

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

Minutes

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Mr. Jeffrey Blumenthal, Food and Water Watch, San Francisco, CA
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR
Ms. Karen Garrison, NRDC, San Francisco, CA
Mr. Gregg Hoss, staffer for Congresswoman Louis Capps, Santa Barbara, CA
Mr. Ed Ewing, fisherman, Morro Bay, CA
Mr. Brent Cunningham, fisherman/local fish buyer, Morro Bay, CA
Mr. Phil Schenk, fisherman, Westminster, CA
Mr. Michael Bell, The Nature Conservancy, San Luis Obispo, CA
Mr. Rick Algert, Morro Bay Harbormaster, Morro Bay, CA
Mr. Bill Ward, Morro Bay/Port San Luis Commercial Fishing Organizations, San Luis Obispo, CA
Mr. Rod Fujita, Environmental Defense, Oakland, CA
Mr. Kirk Sturm, Port San Luis Harbor District, Avila Beach, CA
Mr. Drew Brandy, Port San Luis Harbor Commissioner, Avila Beach, CA
Mr. Chris Kubiak, Morro Bay Commercial Fishermen's Association, Los Osos, CA
Mr. John Penisi, Penisi Bros. Fishing, Monterey, CA
Mr. Steve Fosmark, F/V Seeadler, Pebble Beach, CA
Mr. John Holloway, Oregon Anglers/Oregon RFA, Portland, OR
Mr. Bob Osborn, United Anglers of Southern California, Surfside, CA
Ms. Margaret Spring, The Nature Conservancy, Monterey, CA

D.2.e Council Action: Adopt Final Recommendations for EFPs (11/06/07; 3:05 pm)

Dr. McIsaac suggested the Council discuss the approach to deciding EFPs given the uncertainty of 2008 species impacts. Mr. Moore suggested a process for deciding as follows: 1) consider each EFP individually, 2) consider preliminary approval of EFPs today with 3) final approval as part of the inseason action tomorrow to set bycatch caps. Ms. Vojkovich asked if there would have to be additional action tomorrow if any EFPs are preliminarily approved today and Mr. Moore said yes and suggested the Council take preliminary action on EFP bycatch caps today and final action tomorrow under the inseason agenda item when we get the information from the GMT along with any public testimony. Mr. DeVore asked if the inseason action in trying to balance the needs of the directed fishery takes until the second inseason item on Friday, would this action for the EFPs be decided then? Mr. Moore said he hopes that we can complete action on this tomorrow; if we cannot, then we will have to make that decision tomorrow.

Dr. McIsaac asked if there was a canary buffer in the bycatch scorecard and Mr. DeVore said there is currently no buffer and we are estimating to be over the OY next year without adjustment to management measures. Ms. Ames recommended final action on inseason and EFP caps on Friday. The GMT and GAP need to consult more to determine the best recommendation for reducing canary impacts next year. She explained there are limited entry trawl adjustments and other actions we need to discuss. Ms. Mann agreed and stated, for example, if there was residual yield in the scorecard, there could be inseason actions the GAP might want to explore. The GAP would like to understand inseason adjustments for next year before implementing EFPs. Those discussions between the GAP and GMT have not yet taken place.

Ms. Culver asked Ms. Ames about the full retention of rockfish recommendation from the GMT. Is this only for rockfish or other species as well? The GMT focused on full retention of rockfish; other species could be discarded if fully observed. Ms. Culver asked if the GMT recommends the TNC EFP sablefish cap be a total catch cap and Ms. Ames said yes. Ms. Culver asked what amount of sablefish discard mortality would be expected in the TNC EFP and Ms. Ames said about 3 mt.

Fosmark EFP - Agenda Item D.2.a, Attachment 2: Mr. Moore moved and Mr. Warrens seconded a motion (Motion 6) to preliminarily approve the Fosmark EFP with full rockfish retention and overfished species surrendered to appropriate authorities.

Mr. Moore said we have addressed concerns about observer issues. Ms. Culver asked Mr. Moore if he proposed to preliminarily adopt the caps as mentioned in the application by the GMT report and Mr. Moore said yes, the caps that are in the application are those recommended by the GMT. Mr. Melcher noted that Mr. Fosmark indicated his willingness to work with a canary or yelloweye cap of as low as one fish.

Motion 6 passed with one recusal (Ms. Fosmark recused herself from the vote).

RFA EFP - Agenda Item D.2.a, Attachment 4: Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 7) to preliminarily adopt EFP number 4 (RFA proposal) with the restrictions recommended on page 3 of the GMT Report: 1) use fathom lines not depth contours, 2) coordinate with NMFS on data analysis and reporting, 3) full rockfish retention, and 4) reduce the canary cap to 50 lbs.

Ms. Vojkovich said this is the first recreational EFP considered on the West Coast and the recreational fishery needs to explore new opportunities. Mr. Wolford noted there well could be a customer base for this EFP. Mr. Lockhart said the GMT-recommended California Recreational Fishery Survey (CRFS) observer program is different than the federal West Coast Groundfish Observer Program (WCGOP). He asked if CRFS observers would be available and Ms. Vojkovich clarified that federally trained WCGOP observers would not be available. She added if NMFS approves the EFP, then NMFS will have to approve the CRFS observer program administered by CDFG as well. If the CRFS observer training and data collection protocols do not meet NMFS standards, than she assumes they would not approve the EFP. Dr. Clarke said that NMFS administers a program that trains observers for commercial fisheries, not recreational fisheries and CRFS observers are trained differently. Ms. Vojkovich said there would have to be an evaluation of the CRFS observer program. Dr. Clarke said they would have to be CRFS-trained observers that are not funded by NMFS.

Mr. Moore noted the GMT recommended full retention of overfished species. He asked if this was part of motion and Ms. Vojkovich said yes, but without the sale of their catch.

Ms. Culver said the GMT was recommending full retention of all rockfish. She asked if there would be someone identified with data analysis and report writing responsibilities. She wanted those details to be included in the application. Mr. Lockhart asked if the Council was asking NMFS to work with the applicants to work out these details and Ms. Vojkovich said the applicant testified there was someone identified to do analysis and write-up and that CRFS observers would be used.

Ms. Vojkovich clarified the motion would request all overfished species would be surrendered to CDFG. Mr. Lockhart said he would abstain as he felt he did not have enough information to decide on this application. Mr. Cedergreen asked if all retained rockfish would count against the bag limit and Ms. Vojkovich said retention of overfished rockfish would be an EFP exemption and exceeding the bag limit by any amount of overfished species would also be exempted. Mr. Lockhart said the GMT did not want these fish sold. He asked if that was part of the motion and Ms. Vojkovich said yes. Ms. Vojkovich said the overfished species not allowed to be normally retained would be exempt from the bag limit. She asked Mr. Tony Warrington from the Enforcement Consultants for advice. Dr. Hanson asked Mr. Warrington if California Party Fishing Vessel (CPFV) customers should be allowed to retain and take home rockfish beyond the bag limit. Mr. Warrington said we need a clear description of the EFP intent. He suggested not letting customers keep more than the bag limit. Ms. Vojkovich withdrew motion 7.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 8) to preliminarily adopt the RFA EFP with a canary bycatch cap of 50 lbs, a requirement of full retention and surrender of all overfished rockfish, maintain the regular bag limit, require the data analyst and report writer details be developed, and the CRFS observers evaluated and accepted by NMFS.

Motion 8 passed. (Mr. Mallet voted no, Mr. Lockhart abstained).

The Nature Conservancy EFP - Agenda Item D.2.a, Attachment 3: Ms. Vojkovich moved and Ms. Culver seconded a motion (Motion 9) to preliminarily adopt the TNC EFP with a canary cap of 50 lbs.

Ms. Vojkovich said this was a difficult EFP to consider, but she believes this is a unique experiment. The bycatch reduction objective is not the biggest value of this EFP and the sablefish cap is not guaranteed. This will help in deciding future criteria for developing regional fishing associations (RFAs) as required by the re-authorized Magnuson-Stevens Act. She could not think of another way to evaluate how a regional fishing association might work under the current management regime. She added that testing electronic monitoring systems on vessels deploying fixed gears with observers might also be a benefit. Therefore, she is recommending this EFP.

Ms. Culver said she appreciates the public testimony of traditional Conception area fishermen. She understands the increasing likelihood of sablefish OY attainment with or without the EFP. There is no formal sablefish allocation in this area, but there is increased open access participation. The proposed maximum harvest is in line with what six vessels could do in eight weeks under trawl trip limits. Knowing the sablefish cap up front reduces surprises. Revised objectives will provide useful data for considering trawl rationalization.

Mr. Lockhart agreed with Ms. Vojkovich and Ms. Culver. The monitoring component will be helpful as well as understanding the costs associated with managing harvest this way. The main reason for supporting this EFP is obtaining information on RFAs. The Council has to develop criteria for RFAs (MSA mandate) and something like this EFP will provide useful information for deciding these criteria. Mr. Wolford supports this proposal, which is a creative approach. He believes this is not as risky to limited entry Conception area fishermen.

Mr. Melcher asked Ms. Vojkovich if the motion requested implementation next year and Ms. Vojkovich said yes. He asked if the motion would require full retention of rockfish and Ms. Vojkovich said yes and fish above a normal trip limit could be sold. Mr. Moore said there are no sablefish trip limits in the EFP proposal, but what about overfished species and other species. Will overfished species be surrendered to appropriate authorities? Ms. Vojkovich said there are other species caps in the application. Mr. Moore asked about the overfished species disposition and whether they will be surrendered to the state and Ms. Vojkovich said yes. He asked about non-overfished rockfish and whether they could be retained and sold. Ms. Vojkovich said the GMT recommended that target species should be retained and sold beyond trip limits.

Mr. Moore asked if the entire EFP would be terminated if any target species cap is attained and Ms. Vojkovich said yes. Mr. Myer said the cost of doing this EFP would come out of directed fisheries. If this could be delayed until 2009-2010, we could better accommodate this EFP. He thought this might be an EFP that could endure beyond next year. Mr. Moore asked if the intent includes the caps on page 6 of the application and Ms. Vojkovich said yes. Mr. Melcher said he shares Mr. Myer's concerns and he is sensitive to fishermen's concerns. He thought a cap of 50 mt of sablefish might be too much. Since this is preliminary action, he needs to know the GMT recommendation on 2008 sablefish DTL limits. Before then, he cannot support this motion.

Motion 9 roll call vote: Motion 9 passed (10 yes, 3 no: Messrs. Moore, Myer, and Mallet voted no).

Churchman EFP - Agenda Item D.2.a, Attachment 1: The Churchman EFP was not moved.

D.3 Stock Assessments and Rebuilding Analyses for 2009-2010 Groundfish Fisheries (11/06/07; 4:30 pm)

D.3.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

D.3.b Agency and Tribal Comments

Mr. Anderson asked if the action under this agenda item is simply to adopt new assessments and rebuilding plans for the overfished species and not adopt new rebuilding harvest rates or target years for rebuilding these species. Mr. DeVore said that was correct, but it is important to note that the Council is adopting new rebuilding analyses, not rebuilding plans at this time. Rebuilding analyses inform rebuilding plans, which are the target years for recovering the stock, rebuilding harvest rates, and any strategies adopted by the Council and NMFS for rebuilding a stock.

D.3.c Scientific and Statistical Committee Report

Drs. Steve Ralston and Martin Dorn provided Agenda Item D.3.c, Supplemental SSC Report.

Mr. Melcher asked about the lack of evidence informing the strength of the relatively stronger 1994 and 1999 year classes in the southern black rockfish assessment. Dr. Dorn said there are subtle signals from length frequencies, but no strong evidence (i.e., no strong signal).

Mr. Lockhart asked if the SSC was recommending against spatial analysis of data-poor stocks and Dr. Dorn said no. These efforts should be continued, but it is harder to do spatial modeling of data-poor stocks. Data are collected inconsistently across the geographic range of the assessment.

Mr. Moore asked if the SSC endorsed the southern black rockfish assessment and Dr. Dorn said yes. Mr. Anderson said there is much uncertainty in this assessment. Landings were re-estimated and considerably greater than in the last assessment. Why was this done? Dr. Dorn said the landings data were more thoroughly explored including older harvest reports. This assessment was an improvement, but the catch history remains highly uncertain. Dr. Ralston added the 2003 assessment extended the catch history back in time with a linear ramp-down to zero in 1946. Dr. Sampson found catch records prior to 1946. Mr. Anderson asked if the Council should therefore be cautious setting OYs higher than status quo and Dr. Ralston said that would be his recommendation.

Dr. McIsaac asked when the SSC received the revised blue rockfish Stock Assessment Team (STAT) recommendation to use this assessment and Dr. Dorn said about 0900 today. Dr. McIsaac asked if the base and high natural mortality (M) scenarios are equally likely and Dr. Dorn said the SSC believes the base model is most likely. The high M scenario is less likely than the base case, but more likely than the low M case. Dr. McIsaac asked if there is a more explicit recommendation for how to use this assessment and Dr. Ralston said there is an ABC recommendation for blue rockfish in the SSC's report for agenda item D.4, which is based on the base case model. Ms. Vojkovich asked if the SSC endorsed this assessment for use in management and Dr. Dorn said yes. Mr. Anderson asked if the STAT concluded there were not numerous violations of the model in this assessment leading to their recommendation to use it for management decision-making. Dr. Dorn said there are violations of assumptions in this

assessment, which is common and which led to greater assessment uncertainty. The STAT realized their initial recommendation was more extreme than they had intended and revised it accordingly. Dr. Ralston added there was an assumption of constant growth when it is known there is geographic variation in growth rates. This is not uncommon in many groundfish assessments, but area-specific growth is harder to model. Dr. McIsaac asked about the sex ratio in the assessment and the basis for concluding there is a lack of males in the assessment. Dr. Dorn said the assessment relies on fishery-dependent data (no survey data) and males are not as commonly caught.

Mr. Moore asked if the SSC has concluded the management actions were effective, but the required changes to the three rebuilding plans (canary, darkblotched, and cowcod) are due to changes in understanding of stock productivity and Dr. Ralston said yes. Dr. McIsaac asked if cowcod are rebuilding since the implementation of the rebuilding management measures and Dr. Ralston said yes. The changes to the assessment did not have a marked effect on the rebuilding strategy, but it did affect depletion and the time to rebuild.

D.3.d Reports and Comments of Advisory Bodies

None.

D.3.e Public Comment

Ms. Karen Garrison, Natural Resources Defense Council, San Francisco, CA

D.3.f Council Action: Approve Remaining Stock Assessments and Rebuilding Analyses

Mr. Anderson moved and Mr. Melcher seconded a motion (Motion 10) to adopt the rebuilding analyses for all the remaining overfished species. Motion 10 passed unanimously.

Mr. Melcher moved and Mr. Warrens seconded a motion (Motion 11) to adopt the southern black rockfish stock assessment as described and endorsed by the SSC. Motion 11 passed unanimously.

Ms. Vojkovich moved and Mr. Moore seconded a motion (Motion 12) to adopt the blue rockfish stock assessment as described and endorsed by the SSC. Motion 12 passed. Mr. Anderson voted no.

D.4 Management Recommendations for 2009-2010 Groundfish Fisheries—Part I

D.4.a Agenda Item Overview (11/07/07; 8:17 am)

Mr. DeVore provided the agenda item overview, highlighting that the tables to be used for the Council decision are contained in Agenda Item D.4.c, Supplemental GMT Report. He recommended against using the tables in Agenda Item D.4.a, Attachment 1 to consider acceptable biological catches (ABCs) and optimum yield (OY) alternatives, since the GMT has revised recommendations in their supplemental report.

D.4.b Agency and Tribal Comments

There were no comments, but Agenda Item D.4.b, Supplemental WDFW Report was made available to the Council members.

D.4.c Report of the Groundfish Management Team (GMT)

Ms. Kelly Ames and Dr. John Field provided Agenda Item D.4.c, Supplemental GMT Report. Mr. DeVore presented the harvest specifications tables from the Supplemental GMT Report. He recommended the Council address questions to him and the GMT members at the table on a species-by-species basis as he goes over the recommended alternative harvest specifications.

Mr. Moore asked about OY alternative 2 for sablefish. In that alternative, 28% of the coastwide OY is assigned to the Conception area based on swept area biomass estimates from the NWFSC shelf/ slope bottom trawl survey with an additional 50% precautionary reduction to account for uncertainty in those swept area biomass estimates. Why wouldn't the proportion of the coastwide OY assigned to the north be increased by the 14% deducted in the south (i.e., 86% of the coastwide OY assigned to the north)? Mr. DeVore responded that the Cowcod Conservation Areas (CCAs) in the Conception area are not surveyed, which leads to greater uncertainty in the Conception area swept area biomass estimates. Furthermore, the survey is much more robust in the north leading to greater confidence in those estimates. Dr. Field agreed with Mr. DeVore and said the estimated area encompassing the CCAs is factored into the Conception area biomass estimates despite the fact those areas are not surveyed. Without a precautionary OY adjustment in the Conception area, fishing pressure outside the CCAs would intensify with a higher OY and no allowance to fish within the CCAs, leading to localized depletion of sablefish outside the CCAs. He added the time series of bottom trawl surveys in the north is longer than in the south, which means the swept area biomass estimates in the north are more robust. Mr. Moore said he understood those distinctions but still questioned why 86% of the coastwide OY could not be assigned to the north. Dr. Field said this could be an alternative decided for analysis by the Council. However, if such an alternative is chosen, he recommended the SSC review the science behind that alternative and make a recommendation accordingly. Mr. DeVore added this new alternative is within the range of OY alternatives recommended by the GMT and still a valid choice.

Ms. Vojkovich asked if the Council formally adopted a shortbelly rockfish assessment this cycle and Mr. DeVore said no. He added that changing the harvest specifications for shortbelly rockfish is inconsequential since the stock is not exploited in the current fishery. She asked why alternative shortbelly rockfish specifications are in the ABC/OY tables when the Council did not formally adopt the assessment and Mr. DeVore answered the information was available and the GMT could not anticipate whether the Council wanted to consider new specifications or not. Mr. Moore asked if the 2009 and 2010 ABC specifications in the GMT tables were taken from the assessment that the Council did not adopt and Mr. DeVore said that was correct.

Mr. Moore asked for the basis for OY alternative 4 for widow rockfish and Mr. DeVore explained it is based on an F65% SPR harvest rate and was recommended for analysis to show a wide range of OYs are predicted to rebuild the stock by 2009. Mr. Moore asked for a rationale for that alternative if the Council wanted it considered. Mr. DeVore said that, if it was analyzed, the result would undoubtedly be that an OY that high is risky given the great uncertainty in the current assessment. The SSC warned against setting too high a widow OY based on this assessment and recommends waiting until the next full assessment, preferably modeled in SS2, before making significant changes affecting widow exploitation.

Mr. Moore asked about Agenda Item D.4.a, Attachment 3 depicting canary rockfish OYs relative to their predicted rebuilding times. There is a canary rockfish OY alternative in that table of 327 mt and he wanted to know what that OY alternative is derived from. Mr. DeVore explained that was an alternative run in the rebuilding analysis. It was put in the Attachment 3 table and graphic to show a smooth curve of predicted rebuilding times across a full range of alternative OYs. He remarked that the 327 mt alternative is within the range of alternative OYs in the GMT-recommended ABC/OY table and is a viable alternative to consider. Mr. Lockhart asked for the rationale for canary OY alternative 2 and Mr. DeVore

responded it is in the rebuilding analysis. Since the SSC is recommending revising the rebuilding year or T_{TARGET} in the canary rebuilding plan, the GMT is recommending a wide range of OYs to explore for making that decision since every ton of harvest needs to be justified in making that decision. Mr. Melcher asked if the new canary rebuilding year in the analyses is later than the T_{TARGET} in the canary rebuilding plan and Mr. DeVore said no, the T_{TARGET} in the rebuilding plan is later than the re-estimated maximum allowable time to rebuild (T_{MAX}). This is a more optimistic assessment, which predicts faster rebuilding than anticipated in the rebuilding plan. Mr. Anderson wanted to elaborate on Mr. Lockhart's question and explained the tradeoff in OYs vs. rebuilding times can be decided by adopting a new year with a lower harvest rate, which would increase the probability of successful and timely rebuilding and Mr. DeVore agreed.

Mr. Moore asked what is the depletion rate of chilipepper rockfish from this new assessment and Mr. DeVore answered it is B70% (or 70% of virgin biomass). He noted that this is a healthy stock, but wanted an explanation for the decreased ABC in 2010 relative to that in 2009. Mr. DeVore said this is a case where the average recruitments used in predicting future exploitable biomass predict a slight downward trend in biomass. The strong 1999 year class is predicted to lose influence on future biomass due to natural mortality. Mr. Moore asked if past Council practice was to set a chilipepper OY lower than the ABC solely to reduce bycatch of co-occurring bocaccio and Mr. DeVore said that was correct.

Ms. Vojkovich asked for the rebuilding probabilities associated with the bocaccio OY alternatives and Mr. DeVore said they were not included in the OY basis table, but are available in the rebuilding analysis. He said he can look them up and provide them after the next break.

Ms. Vojkovich asked if the shortspine OYs came from the same assessment for sablefish and Mr. DeVore said no, the OYs were projected from a separate shortspine thornyhead assessment done in 2005 and different data were used in that assessment than used in the sablefish assessment.

Mr. Cedergreen asked for the rebuilding year associated with cowcod OY alternative 2 and Mr. DeVore stated it was 2065, which is four years longer than the shortest possible rebuilding time under a zero-harvest strategy.

Mr. Melcher asked about the southern black rockfish OY alternatives in the year-specific tables. While he was clear in Mr. DeVore's overview that the constant catch alternative (OY alternative 2) was correct in table 2-1a and inadvertently omitted in the year-specific tables (tables 2-1b and c), he was confused by the recommendation in the GMT statement to analyze two constant catch alternatives of 1,000 mt and 1,200 mt, which are not represented in any of the tables. Dr. Field said there was a GMT request to Dr. Sampson to analyze a 1,200 mt constant catch alternative, but the GMT is recommending addition of only the 1,000 mt constant catch alternative for analysis as indicated in table 2-1a.

Mr. DeVore explained that the blue rockfish OY alternatives were not prepared in advance of the Council meeting since the assessment was provided late in the process. Therefore, the GMT did not have specific alternatives they were recommending for analysis. However, Ms. Deb Wilson-Vandenberg has gone through the assessment and can explain the blue rockfish OY alternatives for analysis. Ms. Wilson-Vandenberg explained the assessment was for the portion of the stock north of Pt. Conception in waters off California. Status quo management of blue rockfish is management of the stock within the minor nearshore rockfish complexes north and south of 40°10' N latitude. Under OY alternatives 1 and 2, the GMT is recommending the stock continue to be managed under the minor nearshore rockfish complexes. Under a case where the stock is managed separately from the complex, which forms the basis of OY alternatives 3 and 4, the contribution of blue rockfish to those complexes is deducted from the ABCs/OYs for each complex and separate blue rockfish ABCs/OYs are specified. However, the blue rockfish OYs in the tables with GMT-recommended specifications do not account for the portion of the stock south of Pt.

Conception. To correct that omission, the blue rockfish OY alternatives 3 and 4 in table 2-1a (average of 2009 and 2010 OYs) should be 198 mt and 221 mt, respectively. Likewise, OY alternative 3 for minor nearshore rockfish south should be eliminated because the deduction of blue rockfish from that complex was done inappropriately. Year specific OYs for blue rockfish OY alternatives 3 and 4 in 2009 should be 223 mt and 221 mt, respectively. Minor nearshore rockfish north in 2009 should be 152 mt and 155 mt for alternatives 1 and 2, respectively. Minor nearshore rockfish south in 2009 should be 630 mt and 650 mt for alternatives 1 and 2, respectively. Changes for 2010 blue rockfish OYs: 2009 ABC = 223 mt, 2010 ABC = 221 mt, OY alternative 3 = 198 mt, OY alternative 4 = 221 mt. Further, the 2010 minor nearshore rockfish north OY alternatives 1 and 2 should be 152 mt and 155 mt, respectively, while the minor nearshore rockfish south OY alternatives 1 and 2 should be 630 mt and 650 mt, respectively. She continued with an explanation of the basis for alternatives 3 and 4 for blue rockfish. The alternative 3 OY is based on the 40-10 precautionary adjustment and the alternative 4 OY is set equal to the ABC under the high productivity model scenario. Dr. McIsaac asked for further clarification and Ms. Wilson-Vandenberg realized there were apparent errors in the values she just provided. Dr. McIsaac asked if recent catches of blue rockfish has been less than 223 or 221 mt and Ms. Wilson-Vandenberg said recent catches have been as high as 300 mt. Dr. McIsaac asked about the “considerable uncertainties” in the blue rockfish assessment and Ms. Wilson-Vandenberg said that there variable growth rates by time and area, estimated natural mortality, and the possibility of two different blue rockfish stocks off the West Coast lead to this uncertainty. Dr. McIsaac asked about the likelihoods of model scenarios in the assessment and Dr. Field said the STAT and SSC said the base case model is the most plausible, the high M scenario is less likely than the base case and both the high M and base case scenarios are both more likely than the low M model scenario. Ms. Ames recommended deferring decisions on blue rockfish until Friday under agenda item D.9.

Mr. DeVore communicated the previously requested rebuilding probabilities for the bocaccio OY alternatives.

Mr. Moore asked why the California scorpionfish OY alternatives are less than the projected ABCs. Ms. Vojkovich explained the OY alternatives are based on different catch accounting methods, either using CRFS data or CPFV logbooks.

Mr. Moore asked why the cabezon ABC projections were not provided and Mr. DeVore apologized and said they would be provided on Friday.

Mr. Lockhart asked why there is only one OY alternative for many of the species in the recommended ABC/OY tables and Ms. Ames said, in cases where there was no new information informing harvest specifications for a species, the GMT recommended going with the status quo specifications. Mr. Lockhart asked if it was implied in that recommendation that the status quo specifications were reasonable and Ms. Ames said that was correct.

Mr. Anderson noted that 15 of 28 species ABCs decline from 2009 to 2010 and suggested averaging OYs in these cases may not be appropriate. Mr. Anderson said he was particularly concerned for sablefish, which shows a steady decline in OYs over time. Is this a strategy to catch sablefish before they die? Dr. Field said, in a lot of cases, the very strong 1999 year class, which was the strongest recruitment in many years if not the highest ever recorded, is starting to die off, resulting in declining biomasses. In the case of sablefish, it might make sense to consider lower OYs to keep from driving the stock down to a lower equilibrium below the target biomass. Mr. Anderson said he wanted to be cautious with sablefish since it is such an important stock and he didn't see lower OY alternatives being recommended for sablefish. Dr. Field said the GMT was comfortable with the sablefish OYs recommended, but they did have concerns about setting too high an OY in the Conception area. However, a lower OY could be considered. Mr. DeVore added that OY alternative 2 for sablefish shows the OYs north and south of 36° N latitude and the

coastwide OY should sum to those numbers.

D.4.d Reports and Comments of Advisory Bodies

SSC Report

Mr. Robert Conrad provided Agenda Item D.4.d, Supplemental SSC Report.

Dr. McIsaac noted the SSC endorsed the use of the blue rockfish assessment and resulting ABCs from the base model, which was considered more probable. Are the ABC recommendations considered firm given the data-poor status of the assessment? Mr. Conrad said Dr. Dorn reiterated the base model is the most plausible and should be used to set ABCs. Dr. McIsaac asked if continued management of blue rockfish in the minor rockfish complexes is scientifically sound and Mr. Conrad said yes, but the SSC recommends using the assessment for making decisions. Dr. McIsaac asked about the point of concern recommendation and should it be treated as a hard limit as is done for an ABC. Mr. Anderson also wanted clarification on the point of concern framework. Mr. DeVore explained the point of concern framework is in the FMP and calls for a management response to avoid exceeding a point of concern harvest limit. He added that points of concern have been recently specified for blackgill rockfish, which is managed in the southern minor slope rockfish complex and gopher rockfish, which is managed in the southern minor nearshore rockfish complex.

Ms. Vojkovich asked about the uncertainty of the Conception area biomass estimate in the sablefish assessment. Mr. Conrad stated the SSC agrees with the uncertainty statement in the GMT report, but does not necessarily recommend adjusting the OY according to the alternatives presented by the GMT.

Mr. Melcher asked about the longnose skate statement in the SSC report. He wanted clarification that the SSC was only voicing concern if longnose skate is to be managed within the Other Fish complex and not if it is to be managed under a separate ABC/OY and Mr. Conrad agreed with that distinction.

GAP Report

Ms. Heather Mann provided Agenda Item D.4.d, Supplemental GAP Report.

Mr. Melcher asked if the GAP discussed blue rockfish recommendations and Ms. Mann said no. They knew there were issues but did not have specifications from the assessment.

D.4.e Public Comment

Ms. Laura Pagano, NRDC, San Francisco, CA

Ms. Julie Sherman, Marine Fish Conservation Network, San Francisco, CA

Mr. Ben Enticknap, Oceana, Portland, OR

D.4.f Council Action: Adopt a Range of Preliminary Acceptable Biological Catches and Optimum Yields (OY), and if Possible, Preferred OYs for Some Stocks and Stock Complexes

Mr. Anderson thanked the GMT and the SSC for their advice on harvest specifications.

Mr. Anderson moved and Mr. Mallet seconded a motion (Motion 13), using Agenda Item D.4.c, Supplemental GMT Report, to adopt the following 2009-2010 harvest specifications as a preliminary action:

Minutes

November 2007 (191st Council Meeting)

Pacific ocean perch: the recommended ABCs and OY alternatives 1-4 with alternative 4 (189 mt in 2009 and 200 mt in 2010) as a preferred OY alternative;

Widow rockfish: the recommended ABCs and OY alternatives 1-3 with alternative 2 (371 mt in 2009 and 362 mt in 2010) as a preferred alternative;

Canary rockfish: the recommended ABCs and OY alternatives 1, 35 mt, 44, mt, 105 mt, and 155 mt with a preferred rebuilding time (T_{TARGET}) of 2021;

Cowcod: the recommended ABCs and OY alternatives 1-3 with alternative 2 (2 mt) as a preferred OY alternative and a preferred T_{TARGET} of 2065;

Darkblotched rockfish: the recommended ABC and OY alternatives 1, 2, 229 mt, 300 mt and a preferred T_{TARGET} of 2030;

Yelloweye rockfish: the recommended ABCs and OY alternatives 1-4 with alternative 3 (harvest rate ramp-down with 17 mt in 2009 and 14 mt in 2010) as a preferred OY alternative;

Northern black rockfish: the recommended ABCs and the OY alternatives recommended by GMT;

Sablefish: the recommended ABCs, the OY alternatives recommended by GMT, and a new coastwide OY alternative using the projections from the low productivity model scenario in the new assessment (7,268 mt in 2009 and 6,718 mt in 2010) split north and south of 36° N latitude using the same methodology as was done for OY alternative 2.

Mr. Anderson said he unintentionally left bocaccio out of his motion. Dr. Hanson said he could not amend his own motion and suggested he withdraw it. Mr. Anderson therefore withdrew Motion 13.

Mr. Anderson moved and Mr. Mallet seconded a motion (Motion 14), using Agenda Item D.4.c, Supplemental GMT Report, to adopt the previously stated 2009-2010 harvest specifications from Motion 13 with the addition of bocaccio specifications as follows as a preliminary action:

Bocaccio: the recommended ABCs and OY alternatives 1-3 with alternative 2 (218 mt in 2009 and 227 mt in 2010) as a preferred OY alternative.

Mr. Anderson said the SSC's Groundfish Subcommittee report (Agenda Item D.3.c, Supplemental SSC GF Subcommittee Report) and the rebuilding analyses for each of the overfished species were the documents he used in making this motion for the overfished species. Pacific ocean perch is rebuilding six years ahead of schedule. Widow rockfish is rebuilding ahead of schedule; therefore, there is no recommended change in harvest policy or re-specification of T_{TARGET} . OY alternative 2 provides a slightly higher SPR harvest rate with an OY of 371 mt. There was a recommendation to revise the T_{TARGET} in the canary rockfish rebuilding plan. The range of OYs for canary in the motion have an estimated rebuilding time within a T_{TARGET} of 2021 and they do not exceed the status quo harvest rate specified in the rebuilding plan. A preferred OY alternative is not identified pending further analyses. There was a recommendation to revise the T_{TARGET} in the cowcod rebuilding plan. The preferred OY alternative 2 is based on the status quo harvest rate. There was a recommendation to revise the T_{TARGET} in the darkblotched rebuilding plan. He recommended the year 2030 as the T_{TARGET} with no preferred OY pending further analysis. For yelloweye rockfish, the SSC Groundfish Subcommittee said we were on track with the rebuilding plan. The preferred alternative maintains the harvest rate ramp down strategy and he referred to Agenda Item D.4.b, Supplemental WDFW Report, which speaks to the rationale to continue this strategy, including continuing to collect data with the IPHC for a better informed yelloweye assessment. Further, there is no difference in yelloweye rebuilding time estimated under the ramp-down strategy relative to going to a constant harvest rate beginning in 2009. He pointed out that WDFW passed legislation to raise funds from license revenues dedicated to rockfish research. These funds will be focused primarily on yelloweye.

Mr. Anderson continued with his rationale for recommended harvest specifications for the non-overfished species and bocaccio in his motion. For northern black rockfish, he was going with the GMT recommendation since the low case model in the assessment is not considered plausible. He recommended the Council specify a broader range of sablefish OYs. He specifically recommended a third OY alternative for sablefish using the low stock size model scenario from the new Schirripa assessment. He added that the OY alternative 3 should be apportioned north and south of 36° N latitude as was done for OY alternative 2 (i.e., use the average swept area biomass estimates from the NWFSC shelf/slope survey with a 50% precautionary reduction for the Conception area OY). He felt a conservative alternative such as this one would be important to analyze since sablefish is not a stock with which to take much risk. For bocaccio, the SSC Groundfish Subcommittee concluded rebuilding is on track and we should maintain the existing rebuilding plan.

Mr. Moore asked if the 318 mt alternative for darkblotched rockfish was included in the motion and Mr. Anderson said no, since it increases the harvest rate.

Mr. DeVore asked about the motion with regard to bocaccio. In the motion, Mr. Anderson said maintain the rebuilding plan, but the preferred OY alternative 2 would change the SPR harvest rate in the rebuilding plan; the status quo harvest rate is the basis for OY alternative 3. He asked for clarification then on the preferred OY alternative for bocaccio and Mr. Anderson said OY alternative 2 (218 mt) is the preferred alternative.

Mr. Moore moved and Mr. Warrens seconded a motion to amend the main motion (Amendment #1 to Motion 14) to not pick a preferred alternative for widow rockfish pending further analysis. Mr. Anderson said this could be changed in final action in April pending analysis.

Amendment 1 to Motion 14 failed. Messrs. Warrens, Ortmann, Moore, and Ms. Fosmark voted yes and the rest of the Council voted no.

Mr. Lockhart asked why there is a large variance between the canary OY alternatives of 44 mt and 105 mt and Mr. Anderson said it is between the 155 mt alt. (status quo SPR) and status quo OY.

Mr. Lockhart moved and Ms. Vojkovich seconded a motion to amend the main motion (Amendment #2 to Motion 14) to add a new canary rockfish alternative 4 of 85 mt. Mr. Anderson said it would be a friendly amendment if this was an added alternative for analysis and Mr. Lockhart and Ms. Vojkovich agreed.

Ms. Vojkovich asked if the final preferred OY can be within the range analyzed and Ms. Cooney said yes, if the analysis provides enough insight to make that decision. Amendment #2 to Motion 14 passed unanimously on a voice vote.

The main motion (Motion 14) carried as amended unanimously on a voice vote.

Mr. Anderson moved and Mr. Moore seconded a motion (Motion 15) to adopt the remaining ABC and OY ranges in the GMT tables, except for blue rockfish and southern black rockfish, including the range of OY values provided during the GMT presentation for the minor rockfish complexes north and south.

Ms. Vojkovich asked if the OY alternatives for shortbelly rockfish were included in the motion and Mr. Anderson said yes. Ms. Vojkovich said she was not ready to speak to minor nearshore rockfish north and south pending GMT recommendations on specifications for those complexes.

Mr. Melcher moved and Mr. Moore seconded an amendment to Motion 15 to include the three OY alternatives for southern black rockfish. The amendment to Motion 15 passed unanimously on a voice vote.

The main motion (Motion 15) passed as amended unanimously on a voice vote.

D.5 Amendment 21: Intersector Allocation (11/07/07; 2:09 pm)

D.5.a Agenda Item Overview

Mr. DeVore provided the Agenda Item overview.

D.5.b Agency and Tribal Comments

None.

D.5.c Recommendations of the Groundfish Allocation Committee

Mr. DeVore provided Agenda Item D.5.c, GAC Report.

D.5.d Reports and Comments of Advisory Bodies

GMT Report

Ms. Kelly Ames provided Agenda Item D.5.d, Supplemental GMT Report.

Mr. Moore asked if the GMT discussed removing alternatives 4 and 5 and Ms. Ames said no.

GAP Report

Ms. Heather Mann provided Agenda Item D.5.d, Supplemental GAP Report.

Dr. McIsaac asked if the GAP discussed removing alternatives 4 and 5 and Ms. Mann said no.

TIQC Report

Dr. Dave Hanson summarized Agenda Item D.5.d, Supplemental TIQC Report.

D.5.e Public Comment

Mr. Peter Huhtula, Pacific Marine Conservation Council, Astoria, OR
Mr. Bob Osborn, United Anglers of Southern California, Surfside, CA
Mr. William Daspit, Fisheries Consultant, Brier, WA

D.5.f Council Action: Adopt Alternatives for Public Review

Dr. Hanson moved and Ms. Vojkovich seconded a motion (Motion 16) to adopt the following intersector allocation alternatives for public review: 1) modify alternative 1-3 by removing the non-trawl dominant overfished species from analysis and 2) remove alternatives 4 and 5 from the analysis.

Ms. Vojkovich noted that Conception area sablefish are not allocated and asked about the implications of not deciding Conception area sablefish allocations in this process. Dr. Hanson thought sideboards would need to be decided or, better yet, decide an allocation. Mr. DeVore explained analysis scenarios for Conception area sablefish and he agreed with Dr. Hanson for the need for sideboards or allocation decisions, with allocation decisions being preferable. Ms. Vojkovich asked if it would be easier to add Conception area sablefish into the analysis with a motion and Mr. DeVore said yes.

Ms. Vojkovich moved and Dr. Hanson seconded a motion to amend the motion (Amendment #1 to Motion 16) to add Conception area (south of 36° N latitude) sablefish to the analysis.

Mr. Melcher thought there should be a discussion on the data informing intersector allocation analysis of Conception area sablefish. Ms. Vojkovich recommended using the same years as the basis for analyzing alternatives as is being done for the other species.

Amendment #1 to Motion 16 carried on a unanimous voice vote.

Mr. Anderson noted the Groundfish Allocation Committee recommended addressing Pacific halibut in the intersector allocation process. We will need an allocation of Pacific halibut to the trawl sectors to determine individual bycatch quotas (IBQs) and to better assess and cap Pacific halibut mortality in West Coast trawl fisheries.

Mr. Anderson moved and Mr. Cedergreen seconded a motion to amend the main motion (Amendment #2 to Motion 16) to add two alternatives for allocating Pacific halibut to the trawl sectors as follows: 1) calculate the percentage of the 2006 Area 2A constant exploitation yield (CEY) of Pacific halibut in trawl fisheries, and 2) use the same methodology, except use the percentage of the 2005 Area 2A CEY of Pacific halibut in trawl fisheries.

Ms. Vojkovich asked if this motion is needed for calculating sideboards or for allocating Pacific halibut and Mr. Anderson said it is for allocating the allowable mortality of Pacific halibut in trawl fisheries. Ms. Vojkovich asked, if there were gear changes in the future affecting trawl mortality of Pacific halibut, would that make a difference in our thinking of allocating trawl mortality of Pacific halibut and Mr. Anderson said the analysis of halibut encounters (with an assumed 50% discard mortality rate) would cap the trawl mortality calculated for Area 2A. If gear switching occurred, then the number might be set artificially high using this method. If over time there was a consolidation of species co-occurring with halibut and mortality crept up, this would cap the trawl mortality. On the other hand, if over time there was a consolidation of species that co-occur with Pacific halibut and there was an opportunity to open grounds currently in RCA with higher incidences of halibut, then this approach would put a cap on the halibut mortalities that could occur and prevent the mortalities from pre-empting the directed fisheries for Pacific halibut. If the decided Pacific halibut cap was not needed in the future, then the Council would need to address that eventuality by deciding a lower cap.

Amendment #2 to Motion 16 carried with Messrs. Warrens and Sones voting no.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion to amend the main motion (Amendment #3 to Motion 16) to remove minor shelf rockfish and the species from the Other Fish complex from the intersector allocation analysis.

Amendment #3 to Motion 16 carried unanimously on a voice vote. Main motion 16 carried as amended, unanimously on a voice vote.

D.6 Consideration of Inseason Adjustments for 2007 and 2008 Fisheries, Including Pacific Whiting Season Dates (11/07/07; 3:35 pm)

D.6.a Agenda Item Overview

Mr. Merrick Burden provided the agenda item overview.

D.6.b Report of the GMT

Ms. Ames provided Agenda Item D.6.b, Supplemental GMT Report.

D.6.c Agency and Tribal Comments

The following reports were available in the briefing book:

- Agenda Item D.6.c CDFG Report: Possible Changes to the 2008 California Recreational Groundfish Fishery Regulatory Specifications; and
- Agenda Item D.6.c ODFW/NWFSC Report: Effectiveness of Selective Flatfish Trawl in the 2005 U.S. West Coast Groundfish Trawl Fishery.

D.6.d Reports and Comments of Advisory Bodies

Ms. Kelly Ames provided Agenda Item D.6.b, Supplemental GMT Report 2. There was also available in the briefing book Agenda Item D.6.b, GMT Report.

Ms. Mann provided Agenda Item D.6.b, Supplemental GAP Report.

D.6.e Public Comment

Mr. Joe Birsch, Supreme Alaska Seafoods, Seattle, WA
Ms. Donna Parker, Arctic Storm, Seattle, WA
Mr. Steve Hughes, United Catcher Boats, Seattle, WA
Mr. Brent Paine, United Catcher Boats, Seattle, WA
Mr. Daniel Platt, Fort Bragg, CA
Mr. Gerry Richter, Santa Barbara, CA
Mr. John Henderscheit, Premier Pacific Seafoods, Seattle, WA
Mr. Dan Waldeck, Pacific Whiting Conservation Cooperative, Portland, OR
Mr. Jan Jacobs, American Seafoods, Seattle, WA
Mr. John Bundy, Glacier Fish Company, Seattle, WA
Mr. Mike Storey, Newport, OR
Mr. David Jincks, Midwater Trawlers Cooperative

D.6.f Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2007 and 2008 Groundfish Fisheries (11/08/07; 8:13 am)

Mr. Burden provided a summary of the issues. Council members held a discussion with the GMT chair about the scorecard.

Mr. David Sones moved and Mr. Warrens seconded a motion (Motion 17) to adopt inseason adjustments for 2008 treaty fisheries. For lingcod management beginning in 2008, the tribes will manage all fisheries

to stay within an overall harvest guideline of 250 mt. The tribes will manage their fisheries to stay within the current scorecard estimates of canary and yelloweye impacts regardless of any new targeting of lingcod. Motion 17 passed unanimously.

Mr. Moore moved and Mr. Melcher seconded a motion (Motion 18) utilizing Agenda Item D.6.b, Supplemental GMT Report 2, November 2007, to adopt for preliminary action, the inseason adjustments to 2007 and 2008 groundfish fisheries as shown with the following changes: adjust the open access sablefish limits in the area south of 36 degrees North latitude in 2008 to a daily limit of 300 lbs and weekly limit of 800 lbs; further, adopt GMT recommendation #4 on page 9 recombining chilipepper with the other specified rockfish species limits; have the GMT report back on Friday with regard to 2008 trawl limits based on a scorecard value for research of canary rockfish of 5.5 mt.

Mr. Lockhart asked about including a bimonthly limit for open access sablefish south of 36 degrees, specifically, why a bimonthly limit had not been specified. Mr. Moore, speaking to his motion, said the concern expressed by fishermen in the Conception area yesterday about the reduced sablefish limits had to do with the bimonthly cap; the increase in open access activity in that area at the end of this year came when we raised the weekly limit; by maintaining the weekly limit at 800 lbs, it constrains the fishery a lot closer than where we were after the effort shift increase. Given that, when we have the fishery data for next year we may have to decrease/adjust the fishery; the effort in that area will be kept down enough, without the rush of the 1000 week cap. With regard to chilipepper combination, that was from the GMT and GAP. For the canary rockfish amount for research, that is a policy call. Based on the numbers that were supplied yesterday, the 7.5 number was the highest ever seen. There is some anecdotal data that there was a major mistake on that 7.5 number; we need to be cautious though and not assume we are going down to a low research catch; given the disparity and the effects on the trawlers in the north as a result of the conflicting numbers, he would like to see one more shot to see if we could come up with something people could live with.

Mr. Burden said, for clarification, the 5.5 mt of research canary catch would put us at 0.5 mt above the OY. Mr. Moore understands that it would – what would it do as far as the assumed 8 mt impact for the non-whiting trawl fishery? Mr. Burden said the 8 mt would put us over the OY.

Ms. Culver asked Mr. Burden about this last point and referred to the two tables in the GMT statement that compare the two different trawl alternatives. She referred to the trip limits in those two alternatives. She asked, if you kept the trip limits static and only changed the RCAs, in the second alternative, whether that would bring the estimated trawl catch of canary down below 8 mt. Specifically, if the petrale trip limits hadn't been adjusted upward in the second alternative, what would be the trawl impacts on canary. Mr. Burden did not have those numbers in front of him, but was skeptical that it would achieve the necessary reduction in canary catch.

Ms. Culver asked Mr. Burden, with regard to the sablefish DTL fishery south of 36°; in reviewing the landings data for that area on a calendar year, what is the sense of when there is more or less effort in that area? Mr. Burden said yes, there is a seasonal distribution of catch – preferable in the summer months. Ms. Culver said there was public comment about the importance of a November-December period fishery. Ms. Culver asked about the peak? Mr. Burden going from memory, described that the effort in the summer spills over into period 5 (October).

Mr. Myer moved Amendment #1 to ask the GMT to come back with a updated scorecard with a canary rockfish value for research be set at 5.0 mt instead of 5.5 mt. Ms. Fosmark seconded Amendment #1 to Motion 18.

Mr. Myer said his rationale is to bring the canary number down to the level that is in the lower scorecard and take another look at it on Friday.

Mr. Lockhart talked to the NWFSC director in charge of the survey while there is no set algorithm, some factors made him more comfortable with the original motion, despite the fact that the 7.5 mt catch of canary in 2006 was the highest research catch ever, the last two years were also the highest. It is a risk for the Council, but he understands this is a preliminary motion. A half ton in this fishery is a lot; he is going to vote against Mr. Myer's amendment. The original motion is to give the GMT some direction, limit some of the variability in trying to get the canary projected impacts down within the OY.

Mr. Moore said he supported Mr. Myer's amendment; and stated his original motion would have reflected that if he would have had his numbers right. The issue of research, we have no idea where we are; don't know what we are going to have for research catch; for purposes of knowing where we are, we are trying to balance it along with all the other fisheries we have. The only fishery we have in place for this is the trawl fishery and if you use the 5.5 mt as I originally proposed, then you would have to reduce the trawl impacts. We are not setting numbers today, just trying to figure out how we are going to balance this out and give guidance to the GMT. Unless we are going to open up all the potential items on the scorecard, including recreational, we need to look at how we are going to keep the fisheries alive and a reasonable policy direction on the research catch.

Ms. Culver agreed with the goal of balancing the scorecard. Ms. Culver said it has been a struggle with looking at either one of the scorecards; there is not a lot of fish overall; not a lot of places to cut fish from; very tempting to look at those cells with larger numbers in them such as the research catch. She noted as the GMT reported, there are a couple of components to research, the NWFSC trawl survey and other projects ongoing. She thought the original motion said the NWFSC trawl survey would be 5.2 with the remaining going to other projects. If we choose 5.0, then 4.7 would be for the NWFSC, the remainder going to other research efforts.

Chairman Hansen called for a roll call vote on Amendment #1 to Motion 18: 7 no, 6 yes. Messrs. Wolford, Mallet, Ortmann, Cedergreen, and Lockhart; Ms. Culver, and Ms. Vojkovich voted no. Amendment #1 to Motion 18 failed.

Ms. Culver moved to amend Motion 18 (Amendment #2 to Motion 18) to include in the motion, open access sablefish limits in the Conception Area with a bi-monthly limit of 2,400 lbs. Mr. Lockhart seconded the amendment.

Ms. Culver said we had public comment on having this fishery available in the fall and winter months with a good market for sablefish, the more liberal we are with this fishery at the beginning of the calendar year, the more we risk losing the later year. She supported starting the year with a bimonthly limit of 2,400 and consider making inseason adjustments later in the season.

Mr. Moore opposed the amendment. He said we are going to take action on the final approval of the EFP. If approved, he felt the EFP would cause harm to the fishery. Absent that particular issue, he feels the EFP has merit; trying to find a way to balance the conservation needs, looking at how we keep the traditional fishery going and allow potentially a valuable research study EFP going. The one issue that fishermen from that area oppose regarding the EFP, was the issue of the bimonthly cap. Yes there is a potential problem that without the bimonthly cap we would have to restrict the fishery later in the year; that is the trade off. The problem we are having this year is due to the increase in the weekly limit from 800 to 1000. He favors starting off with the daily and weekly limits without the bimonthly cap, see where we are going, make inseason adjustments.

Ms. Vojkovich felt unsure at this point of what this decision plays out to be should this motion pass. She is thinking along the same lines as Mr. Moore, that the weekly trip limit was the driver for interest in the open access fishery. If we establish a bimonthly trip limit we have never had before just to control the sablefish fishery, then on top of it is this projection from the GMT that if the EFP gets put into place we might have to change the trip limits to accommodate the EFP. She would like to keep the issues separate if she could.

Mr. Lockhart had similar concerns, he was going to request the GMT and GAP discuss the importance of the daily, weekly, and bi-monthly limits. He is not sure why the bi-monthly is necessary. He said he would vote in support of Ms. Culver's amendment, but would like to get more information on the 3 limits from the GMT and GAP.

Mr. Lockhart asked Ms. Ames why you need a bi-monthly limit to prevent the increase in effort. Ms. Ames said she understands that by adding additional participants in the fishery, it might be necessary to ensure an overage did not occur. Mr. Lockhart asked what about reductions in weekly or daily, is that sufficient? Ms. Ames said yes.

Ms. Culver noted that if the EFP is not approved she would not be proposing putting in the bi-monthly trip limits. It comes down to the question about having or not having the EFP. She did note that Mr. Moore's motion was not consistent with the GMT's recommendations without the EFP; his was with the EFP.

Chairman Hansen called for a roll call vote on Amendment #2 to Motion 18. Seven no, six yes. Voting no were: Mr. Cedergreen, Ms. Vojkovich, Mr. Moore, Mr. Ortmann, Mr. Melcher, Ms. Fosmark, and Mr. Sones. Amendment #2 to Motion 18 failed.

Main Motion 18 passed unanimously.

Ms. Culver, asked as guidance, that the GMT go back and provide an updated scorecard. Additionally, she offered as guidance the GAP request for a change in the open access DTL fishery north of 36°. She asked the GMT to take a look at that and report back.

Mr. Moore asked the GMT to come back with information on the 2007 limited entry trawl north of 36° and limited entry fixed gear shortspine south of 34°27' for 2008. Mr. Burden asked about chilipepper limits in the trawl south of 40°10'. Mr. Moore asked if that could be done, then also bring that issue back to us.

Ms. Vojkovich asked about 2007 inseason adjustments. She referenced the GMT report about commercial open access south of 36° and the same commercial item under the GAP report. She asked about the yelloweye impacts that may occur in deeper waters outside the RCA. She asked whether there was another management line north of 36°. Mr. Burden said there is a 40°10' line available north of 36. Ms. Vojkovich said if we confine the consideration for increasing trip limits to that area between 36° and 40°10' outside of the RCA, could the GMT look at the impacts in that area for yelloweye and reconsider the recommendation shown now in the GMT report? Ms. Ames said yes.

Mr. Melcher expressed concern over projected catches for the California recreational fishery. Mr. Burden said the CDFG does not have a model available yet for 2008 recreational fishery. Ms. Ames said she understands the proposed CDFG fishery in 2008 is in line with our harvest guidelines. Ms. Vojkovich said the problem is that we don't have any more data to inform us than we currently have in the scorecard, so the harvest guideline is our projection for this year. Mr. Melcher said the GMT will be using the harvest guideline for the recreational fisheries for California, but the GMT would use actual catches for

the other two states? Ms. Ames said the GMT would be using the projected impacts for OR/WA. Mr. Melcher referred to the previous discussion of risk and whether we should set research catch at 5.0 or 5.5 mt. He questioned if there was concern about some other cells in the scorecard that could have the same potential as research does.

Ms. Culver stated that her proposed look at the DTL fishery north of 36° was for 2008 and Ms. Vojkovich's request was for 2007. She also requested that maybe the GMT take a look at what the non-whiting trawl impacts would be (canary impacts).

Dr. McIsaac asked Mr. Burden if the 2008 pacific whiting bycatch adjustments had been included in the discussion yet? Mr. Burden said no.

Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 19) to ask the GMT to include in their analysis for the whiting trawl fishery, the two options proposed by the GAP (Agenda Item D.6.d, Supplemental GAP Report) for releasing bycatch during the 2008 season.

Ms. Vojkovich heard public testimony for one or both of those options from the industry. She thought she heard from the GMT report if one of those options was viable or not. Mr. Lockhart mentioned again that NOAA Fisheries has significant concerns about the whiting fishery issue being done as an inseason action; if it cannot, it has to be done through rulemaking which creates a workload issue. For now he will vote for the motion just to allow the GMT to take a look at this.

Ms. Cooney said this whiting issue, and the whiting issues in the GMT proposal, are a variation from inseason action and would require notice and comment rulemaking; the issue is the balance of the staff time.

Chairman Hanson said yesterday he thought it was a voluntary system put on by industry. Ms. Vojkovich said she did forget the issue with the staff involvement and the criticalness of this to shift gears and is willing to withdraw the motion. Motion 19 withdrawn, not voted on.

Mr. Moore said he believes the GMT wants to show bycatch information historically. He encouraged the GMT to provide the Council with that information on Friday.

D.7 Amendment 20: Trawl Rationalization Alternatives (Trawl Individual Quotas and Cooperatives) (11/08/07; 9:41am)

D.7.a Agenda Item Overview

Mr. Jim Seger provided the agenda item overview.

D.7.b Staff Summary of Alternatives and Plans for Analysis

Mr. Jim Seger provided a PowerPoint presentation. Council took a break from noon until 1:30 pm when Mr. Burden provided a PowerPoint presentation. (11/08/07; 1:30 pm)

D.7.c Comments from NOAA General Counsel (11/08/07; 2:49pm)

Ms. Mariam McCall, NOAA Office of General Counsel (GC), reminded Council members of the importance of the written record as the process moves forward (adequate rationale and analysis). NOAA GC's review of the Council alternatives is not complete because the Council process is ongoing. However, NOAA GC indicated that the processor licensing requirements and linkage elements of the

shoreside co-op alternative go beyond the authority authorized under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Ms. McCall noted the MSA mandate to the Council to report to Congress on a co-op type program involving processors and to provide an analysis of such a program. While the Council may be mandated to include such an alternative, the MSA authority and decision criteria would not likely allow NMFS to approve it. With respect to antitrust issues that may be involved with linkage provisions of the mothership sector co-op program and the accumulation limits of the IFQ alternative, NOAA GC is continuing to seek advice from the Department of Justice (DOJ). That advice will be partly dependent on some of the outcomes from this meeting. The DOJ will also be consulted on data needed for evaluating antitrust issues. (The letter on which this report was based was distributed as Agenda Item D.7.c, Supplemental NOAA GC Report).

D.7.d NMFS Report on Tracking and Monitoring

Mr. Frank Lockhart summarized Agenda Item D.7.d, NMFS Report. Mr. Lockhart noted the initial tracking and monitoring meeting (an ad hoc committee of the Council) will be held on November 30 in Seattle.

D.7.e Recommendations of the Groundfish Allocation Committee (11/08/07; 3:35 pm)

Mr. Seger summarized Agenda Item D.7.a, Attachment 1, which provided the recommendations of the GAC and TIQC. Mr. Seger also noted that the GAC report is available in the briefing book as Agenda Item D.7.e, GAC Report.

D.7.f Agency and Tribal Comments

None.

D.7.g Reports and Comments of Advisory Bodies

Dr. Bob Conrad provided Agenda Item D.7.g, Supplemental SSC Report.

Mr. Dayna Matthews provided Agenda Item D.7.g, Supplemental EC Report.

Ms. Ames provided Agenda Item D.7.g, Supplemental GMT Report.

Mr. Tommy Ancona provided Agenda Item D.7.g, Supplemental GAP Report.

Mr. Seger noted that the TIQC report is available in the briefing book as Agenda Item D.7.e, Supplemental TIQC Report and that he had summarized the TIQC recommendations while providing the GAC report.

D.7.h Public Comment (11/08/07; 4:30 pm)

Ms. Joanna Thomas, Environmental Defense, Oakland, CA

Mr. Will Stelle, on behalf of Environmental Defense

Ms. Donna Parker, Arctic Storm, Seattle, WA

Ms. Laura Pagano, Environmental Defense, Oakland, CA

Dr. Seth Macinko, Dept. of Marine Affairs – University of Rhode Island, (PPT)

Mr. Tom Libby, Point Adams Packing Company, Warrenton, OR

Mr. Matt Love, Ocean Beauty Seafoods, Seattle, WA

Minutes

November 2007 (191st Council Meeting)

Mr. Mike Hyde, American Seafoods Company, Seattle, WA
Mr. Tommy Morrison, F/V Captain Ryan, trawler, Warrenton, OR
Mr. Joe Plesha, Trident Seafoods, Newport, OR
Mr. Joe Bersch, Supreme Alaska Seafoods, Seattle, WA
Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR
Mr. William Daspit, Fisheries Consultant, Seattle, Brier, WA
Mr. Paul Whelan, trawler, Warrenton, OR
Mr. Blair Minor, trawler, OR

The Council adjourned for the day on November 8, 2007 at 5:52 pm. Public testimony for Agenda Item D.7.h continued on November 9, 2007 at 8:05 am.

Mr. William Phillips, Supreme Alaska Seafoods, Seattle, WA
Mr. Craig Urness, Pacific Seafoods, Clackamas, OR
Mr. Dave Brown, High Tide Seafoods, Neah Bay, WA
Mr. Brent Paine, United Catcher Boats, Seattle, WA
Mr. Ralph Brown, trawler, Brookings, OR
Mr. Mark Cooper, trawler, Newport, OR
Mr. John Henderscheit, Premier Pacific Seafoods, Seattle, WA
Mr. Peter Huhtula, PMCC, Astoria, OR
Mr. Kent Crawford, West Coast Seafood Processors Association, Portland, OR
Mr. Kevin Dunn, trawler, Astoria, OR
Mr. Pete Leipzig, Fishermen's Marketing Association, Eureka, CA

D.7.i Council Action: Refine Alternatives for Analysis

Dr. Dave Hanson moved motion 20: Adopt Agenda Item D.7.a, Attachment 1 as follows.

Qualifying Eligibility and Allocation Time Periods (Page 2): Use Table 1, as presented but for the IFQ allocation specify a permit with history in both the shoreside whiting and mothership whiting fishery must drop the same two years of history in both categories.

Initial Allocation to Processors (Page 2): Modify the TIQC recommendation on the percent of the QS allocation that would go to processors to the following. For whiting: zero, 25%, and 50%; and for nonwhiting groundfish 0%, 12.5%, 25%.

Successors in Interest for Shoreside Processors (Page 3) – Use the TIQC recommendation

Identification of the Mothership Entity That Would Qualify for an Allocation (page 3) – TIQC recommendation

Recent Participation (page 3) – Use both TIQC recommendations

Allocation of Overfished Species Using Target Species QS and Applying Bycatch Rates (page 4) – Use the GAC Recommendation (using 2003-2006 logbooks).

Allocation of Overfished Species Using An Auction Approach (page 4) – omit from this motion.

Direction Reallocation After Initial Issuance With Changes in Management Areas (page 4) – Use GAC recommendation.

Direction Reallocation After Initial Issuance With Changes in Stock Status (page 5) – Use the GAC recommendation.

Vessel QP Minimum Holding Requirements (page 5) – Use the GAC recommendation.

Vessel QP Overage Resolution (page 5) – Retain Option 1 and drop the rest of the options.

Temporary Transfer Prohibition (page 6) – Use the TIQC recommendation.

Accumulation Limits (page 6) – Use the GAC recommendation.

Maximum on Grandfather Clause (page 6) – Use the TIQC recommendation.

Tracking and Monitoring (page 8) – Include the GAC guidance.

Mandatory Data Collection (page 8) – Use the GAC recommendation. Audits should be both

- random and directed toward suspect reports.
- Allocation of Pacific Halibut IBQ (page 8) – Use the GAC recommendation (using 2003-2006 logbooks).
- Trading IFQ with Limited Entry Fixed Gear Vessels (page 8) – not recommended. Consider as a future amendment to the program.
- Vessel Size Endorsement (page 9) – Use the TIQC recommendation.
- Bycatch Species Caps in the Whiting Fishery (page 9) – address in intersector allocation, not here.
- Bycatch Management in the Mothership and Shoreside Sector Co-op Program (page 9) – Use the TIQC recommendation.
- Mothership Sector Co-op Alternative (page 10) –
 - Use the first TIQC recommendation with the following change: add cannot operate as a mothership and catcher processor at the same time. And, add a suboption: a vessel can only operate as either mothership or catcher processor in any one month but not both.
 - Use the second TIQC recommendation move forward with the addition of suboptions specifying that a mothership permit could be transferred zero, one, or two times during the year.
 - Include the first TIQC guidance, modify to indicate that the level of catch committed under the processor tie provision might be zero, 25, 50, 75, or 100% of the permit's allocation (set of options).
 - Include the second TIQC guidance, allow a permit to remain in the co-op fishery if its mothership withdraws.
 - Do not include the third TIQC guidance (not part of motion).
- Continuation of the Shoreside Sector Program (page 10) – Use the GAC recommendation.
- Mandatory Data collection (page 10) – Use the GAC recommendation.
- Do not include the GAC Guidance – it is just there for information.

These modifications will appear in the alternatives as provided in D.7.b Attachments 2 and 3.

Ms. Vojkovich seconded the motion

In response to a question, Dr. Hanson indicated that he specified an option with a prohibition on the transfer of QS for one year at the start of the program based on his assessment of the need for a cool down period: NMFS will be overloaded in the first year; industry should be protected from making decisions based on fear or a lack of understanding of how the system will function; and there should be a period of time over which prices are established. Transfer of QP would be allowed. Mr. Lockhart concurred, citing the major change that would be entailed in an IFQ program and industry regrets voiced about quick transfers that occurred early in the implementation of the New Zealand system.

Mr. Lockhart moved Amendment #1 to Motion 20: replace the 1 year temporary transfer prohibition option with a three-year option. Dr. Hanson seconded Amendment #1. Mr. Moore spoke in opposition, noting that people's business decisions to transfer shares should not be a Council concern and that people would have good and sufficient reasons for making such transfers in the first year of the program. The amendment would slow down the benefits from going to a market system. Mr. Lockhart responded that the option would not eliminate market mechanisms from the first year of the program. For example, fishers would be able to make market based operational decisions due to the assurance that they would have access to certain amounts of fish. He also noted that the amendment is not adding a limitation but rather changes its duration. Ms. Vojkovich noted that if the Council takes action in 2008, implementation occurs in 2011, and then there is a three year period before transfers can occur, the time period for the business decision process would be 5 years. Mr. Melcher concurred and noted that QS market prices will not be established until transactions actually start occurring. Amendment #1 failed.

Mr. Moore moved Amendment #2 to Motion 20: On the last page of Agenda Item D.7.a, Attachment 1, under the mothership sector coop alternative B-1, the first TIQC guidance, add that a qualifying catcher vessel (CV) that does not have a mothership to go to as a result of that mothership being gone in the qualifying years would be able to choose a mothership to tie to. Mr. Warrens seconded Amendment #2. Mr. Moore stated that his motion was to address public comment that at the start of the mothership co-op program there could be catcher vessels without a mothership to tie to and these vessels would be forced into the non-co-op fishery for a year. This provides those vessels an option to join a co-op and avoid the adversities of the non-co-op fishery. Amendment #2 passed unanimously.
(11/09/07; 10:50 am)

In response to an information request, Ms. Cooney indicated that the shoreside whiting coop proposal could be dropped from the package and that the mothership co-op proposal could meet the Congressional mandate for inclusion of an alternative that allocates to harvesters and processors working together in a co-operative manner.

Mr. Myer moved Amendment #3 to Motion 20: On the last page of Agenda Item D.7.a, Attachment 1, under the mothership sector coop alternative B-1, for the linkages, remove the 0% and 25% options from the motion. Mr. More seconded Amendment #3. Mr. Myer commented that a zero or 25% linkage would gut the coop proposal. The remaining options of 50%, 75% and 100% linkage will still provide a broad range to consider. Amendment #3 passed unanimously.

Ms. Culver moved Amendment #4 to Motion 20: Amend the main motion by adding recommendation #9 as provided by the GAP in Agenda Item D.7.d, Supplemental GAP Report. Mr. Melcher seconded the Amendment #4. The existing option for mothership sector catcher vessels is for a 1997-2003 allocation period. This recommendation adds another allocation period option to the analysis (1994-2003). Including 1994-1996 would include three vessels whose harvest help determine the current allocation of whiting among the trawl sectors. Those vessels will have little effect on the allocation to other vessels and it would be appropriate to have a period for consideration that is comparable to that used for the IFQ program. Amendment #4 passed unanimously.

Ms. Culver moved Amendment #5: Include the shoreside co-op program in the alternatives but include options with and without the linkage to processors and shoreside processor licenses. Mr. Cedergreen seconded Amendment #5. Ms. Culver noted industry support for continued consideration of a shoreside co-op program for whiting and noted that this would provide an opportunity to get a more definitive legal opinion on whether or not removal of the processor linkages would destroy the shoreside co-op program. In response to a question, Ms. Cooney indicated that under IFQs vessels delivering shoreside could form co-ops regardless of whether the Council recommends a co-op program. The main difference between a co-op system structured by the Council and co-ops that industry develops on its own may be in what NMFS has to track and monitor. Amendment #5 passed unanimously.

In response to a question on the provision under which a vessel would have to tie-up if it had an overage, Ms. Cooney indicated that the tie-up provision is part of the management system and not be a penalty. Therefore, the scope of the provision should be limited to fisheries that harvest groundfish.

Ms. Culver moved Amendment #6 to Motion 20: Add to the analysis the provision that when a vessel is prohibited from fishing because of a deficit in its QP account, it would still be able to participate in fisheries expected to have little or no encounters of groundfish. These fisheries might include for example: salmon troll, Dungeness crab, coastal pelagic species, highly migratory species fisheries with the exception of small mesh gillnet. Also, analyze as an option a two year time limit on the no-fishing prohibition. Mr. Cedergreen seconded amendment #6. In response to a question, Ms. Culver indicated

that these are examples and should be included in the list of fisheries that a vessel could continue to operate in but that the analysis might identify additional fisheries that have minimal impacts and should be included on the list. Ms. Cooney noted that in the final implementation we would have to identify more specifically what the vessels cannot do. Mr. Lockhart noted that NMFS would look at this some more, along with legal counsel, and may provide additional guidance to the Council. Ms. Culver asked that staff show by gear type and fishery the amounts of groundfish catch. Amendment #6 passed unanimously.

Mr. Myer moved Amendment #7 to Motion 20: When a mothership withdraws without establishing a mutual agreement between the mothership and the catcher vessel ... Option: the catcher vessel remains linked to the mothership when it returns, or Option: the catcher vessel becomes linked to the mothership it delivers to in the absence of the departing mothership. This motion is response to Amendment #2 to Motion 20. Mr. Moore seconded Amendment #7. Mr. Lockhart asked whether the linkage specified in the first option would last forever and for all reasons that a vessel might leave? Mr. Myer said the intent was just to cover short term. Mr. Myer withdrew Amendment #7.

Mr. Myer moved Amendment #8 to Motion 20 When a mothership withdraws without establishing a mutual agreement between the mothership and the catcher vessel ... Option: the catcher vessel remains linked to the mothership when it returns, if the mothership returns within two years; OR Option: the catcher vessel becomes linked to the mothership it delivers to in the absence of the departing mothership. Mr. Moore seconded Amendment #8. Amendment #8 passed unanimously.

Ms. Culver moved Amendment #9 to Motion 20: Add to the analysis, recommendation #3 from the Agenda Item D.7.d, Supplemental GAP Report. Mr. Cedergreen seconded Amendment #9. This links catcher vessels back to motherships based on historic periods (1994-2004 or 1994-2003, depending on the qualifying years chosen) rather than just relying on the years immediately prior to implementation. Amendment #9 passed unanimously.

Ms. Culver moved Amendment #10 to Motion 20: Based on the GMT report recommendation #2, create a suboption that specifies QS divisions north and south of 40°10' for those species that do not otherwise have a geographic subdivision, with the potential to refine the areas as new information comes available. Mr. Mallet seconded Amendment #10. Amendment #10 passed with Ms. Vojkovich and Ms. Fosmark voting no.

Main Motion 20, as amended, passed.

Mr. Myer moved Motion 21: Adopt the language provided in the comment from Donna Parker in Agenda Item D.7.h, Supplemental Public Comment 6. Ms. Culver seconded the motion. After further discussion, Mr. Myer withdrew the motion.

Ms. Culver moved Motion 22: Adopt item number 2 on page 2 of the comment from Donna Parker in Agenda Item D.7.h, Supplemental Public Comment 6, revised to read as follows: "If fishery-wide or sector allocations of overfished stocks to the whiting fishery were adopted, then the following tools could be used by the Council for the co-op and/or the non-co-op fishery: a) seasonal allocations (specific to species or same proportion to all species); b) area closures (determined on a species-by species basis or same closures applied to all species); c) area closures (applied annually, applied seasonally, triggered by a bycatch amount). In the analysis, look at how these tools apply at the sector, individual or co-op level, if there is an inter-co-op agreement.

Mr. Myer moved to amend Motion 22: For the non-co-op fishery, adopt items 1 through 3 on page 3 of the comment from Donna Parker in Agenda Item D.7.h, Supplemental Public Comment 6. Mr.

Cedergreen seconded the amendment. Items 1 through 3 are as follows: (1) An allowance of non-co-op bycatch would be made by the agency on a pro rata basis to whiting allocated to the non-co-op fishery. (2) A non-co-op bycatch buffer would be set aside on a species-by-species basis within the non-co-op bycatch allowance at: a) 20%, b) 10%, c) 5%, and d) no buffer set-aside. (3) Participants in the non-co-op fishery would be subject to all area closures and sector and seasonal bycatch constraints. Mr. Myer noted that missing from the proposal was specification of how a non-co-op fishery would be managed, including the provision of a bycatch allowance and provisions preventing the non-co-op fishery from overshooting its allocations and dipping into the bycatch needs of the co-op fishery. The intent of item 2 is that the fishery would stop for a period of time when all that remained for the non-co-op fishery is the buffer. The buffer ensures the total allocation will not be exceeded. With respect to a question from Mr. Lockhart on the need for a buffer for the non-co-op fishery, Mr. Myer noted there would not be a race for fish in the non-co-op fishery. The amendment to Motion 21 passed unanimously.

Motion 22 passed as amended.

Ms. Culver moved Motion 23: Utilizing Supplemental Attachment 1, Agenda Item D.7.i., adopt items #6; #7; #10; and #14. Mr. Cedergreen seconded the motion. Item 6 modifies the “non-agency adjudication process” for resolving fish receiver disputed over catch history to a “agency appeal process.” Item 7 adds an option that would allocate bycatch species QS for motherships and catcher processors on a pro rata basis, in proportion to their whiting QS allocations. Item 10 would prohibit IFQ ownership by foreign entities that qualify for ownership of US vessels under the AFA, unless those entities owned a mothership that participated on the West Coast during the allocation period. Item 14 eliminates the aspect of A-2.4, Option 3 that would use an auction for the purpose of generating funds for use in direct financial compensation to processors. Motion 23 passed unanimously.

Dr. Hanson noted that Supplemental Attachment 1, Agenda Item D.7.i, is a list compiled by staff on questions raised during Council discussion and public testimony for the convenience of the Council. No action is necessarily required on the items in this attachment.

Ms. Culver moved Motion 24: Adopt the proposed wording to clarify the grandfather provision as contained in Agenda Item D.7.b, Attachment 2, page 23, Section A.2.2.3.e Accumulation Limits. Mr. Cedergreen seconded the motion. Motion 24 passed unanimously.

Ms. Vojkovich moved Motion 25: For analysis for the Trawl IFQ program, adopt the following rewording for A-3 in the IFQ Program.

Annually, 10% of the available quota pounds (QP) for the Trawl IFQ program will be set aside for use in an adaptive management program that could create incentives for developing gear efficiencies, or community development, or to compensate for unforeseen outcomes from implementing the IFQ program. Examples of unforeseen outcomes include, but are not limited to, unexpected geographic shifts in the distribution of catch or landings; unexpected effects on certain segments of the industry (e.g. processors); or an unexpected barrier to new entry into the fishery. Should the Council adopt initial allocation of fishing QS to processors, those processors receiving an initial allocation would not be eligible to benefit from QP available through an adaptive management program.

In A 2.1.1. add the following options.

Option 3: 100% of QS to permit owners. Annually 10% of the available quota pounds (QP) will be set aside for use in an adaptive management program.

Option 4: 75% of QS to permit owners and 25% of QS to processors for shoreside non-whiting sector. 50% of QS to permit owners and 50% of QS to processors for whiting sector. Annually 10% of the available quota pounds (QP) will be set aside for use in an adaptive management program.

Add an adaptive management option to the co-op alternative (generally).

Annually, 10% of the available aggregate harvest pounds for each co-op or non-co-op in the Co-Op program will be set aside for use in an adaptive management program that could create incentives for developing gear efficiencies, community development, or to compensate for unforeseen outcomes from implementing the co-op program. Examples of unforeseen outcomes include, but are not limited to, unexpected geographic shifts in the distribution of catch or landings; unexpected effects on certain segments of the industry (e.g. processors); or an unexpected barrier to new entry into the fishery.

Add an Option to Co-Op Program: Annual Allocation to Co-Ops and the Non-Co-Op Fishery in B-2.5; B-2.6; and B-4.4.

Add for each sector as appropriate: Annually, 10% of the CV(MS) (CV(SS) and CP) sector's available aggregate harvest pounds will be set aside for use in an adaptive management program.

Ms. Fosmark seconded the motion. Ms. Vojkovich feels that adaptive management should be an option for participants in the whiting fishery, even if that fishery is managed under a co-op instead of IFQs. Mr. Melcher noted that under the wording that excluded processors receiving QS from benefiting from adaptive management that if there is an allocation of QS to processors, virtually all processors would be precluded from benefiting from the program. Is the intent that adaptive management would only be used to benefit new processors. Ms. Vojkovich responded that if the program was being used to address an issue of harm to processors that would be the case, but not if adaptive management were being used to address other issues. Mr. Myer noted the examples provided in the rationale for adaptive management did not apply to the whiting fishery.

Ms. Culver made a friendly amendment to change "not be eligible to benefit from QP" to "not be eligible to hold QP." The amendment was accepted by Ms. Vojkovich and Ms. Fosmark. Motion 25 passed. Mr. Myer voted no.

Mr. Lockhart moved Motion 26: Add to section 2.1 two new provisions [specific location up to staff]

Provision 1: Option for Fixed Term of Initial Allocation of Quota Shares

Initial allocation of Quota Shares will be valid for a period of 15 or 16 years, intended to end the second year of the closest biennial specifications period. Subsequent allocation of QS will be for a period of 15 years.

Provision 2: Option for Auction to Reallocate Quota Shares after 15-year expiration of Initial Issuance

At least 1 year before the expiration of QS, and every subsequent 2 years, an auction of no more than 20% of the quota shares will be held to redistribute QS. The remaining 80% of the QS will be redistributed to those holding the QS at the end of the 15 year period, in proportion to their QS holdings at that time.

The specific form of the auction will be decided by the PFMC in the period between TIQ implementation and the first auction to achieve the goals of the TIQ program, including reducing bycatch, increase operational flexibility, minimizing adverse effects on fishing communities and other fisheries, promoting measurable economic and employment benefits through the seafood catching, processing, distribution elements, and support sectors of the industry.

Mr. Cedergreen seconded the motion. Mr. Lockhart spoke to his motion, stating that he chose the term of 15 years because of the new rebuilding time periods for overfished species. With 15 years, Boccaccio, canary, POP and widow would all be rebuilt. We should not throw an auction into the period of time when we are trying to figure out what we will do with species when they rebuild. With the exception of darkblotched, the other species are not projected to rebuild for a substantially longer period of time. The

general reason for 15 years is to provide a substantial amount of stability for industry to make their fishing decisions. An initial auction is not proposed because of the need for a transition during a period of economic stress. Participants in the current fishery could not afford an auction. After 15 years, the fishery should be in much better shape and 15 years would provide fishermen a long time to get used to the IFQ program without having to pay for the QS. Holding an auction every year would be too much, therefore he proposed every two years in conjunction with the biennial specifications. There should be a transition at the end of the 15 years, therefore, he specified 20% of the QS be auctioned. The Council could chose to do less than 20% and that could come out of the analysis. The auction could be designed to protect communities by setting aside specific amounts to go to small fishermen, communities etc. An auction for overfished species was not included because while it might resolve some of the problems, the idea of an auction 6 or 12 times a year would overwhelm the system and there were still problems that had not been worked out. This motion also adds to the assurance that IFQ not be viewed as property rights. The largest investors in the fishery are the citizens of the US and that needs to be recognized at least as an option for analysis. Mr. Lockhart is also concerned about impacts of an IFQ program on communities and ability of new entrants to come into the fishery. Fixed term QS will lower the value of the QS, which combined with high divisibility, would make it easier for new fishermen to enter. Mr. Lockhart also noted there are a variety of other public natural resources for which use rights are auctioned. He did not feel that an auction is necessarily needed to meet the requirements of the MSA. While a fixed term was considered by the TIQC, he did not feel it received full consideration by the Council. Ms. Vojkovich noted that this aligns with California's perspective on property rights and assignment of access in perpetuity. In response to Mr. Moore, Mr. Lockhart noted that funds collected would go into the new fund specified in the MSA which, subject to appropriations, could come back to the fishery. Dr. Hanson felt that the law is sufficiently clear that IFQ would not be property rights, that this should be left to a private sector (government should not be involved) and was concerned about the complexity of what is proposed. Dr. Hanson asked whether this could be handled in a trailing amendment. Mr. Lockhart felt it needs to be done up front. Motion 26 passed. Ms. Fosmark voted no.

Mr. Myers moved Motion 27 as guidance to staff.

Co-op Agreement Requirements

In order for a co-op to be authorized, it must file with NMFS and the Council a "Co-operative Membership Agreement" that includes the following:

- 1) A list of all permit holders participating in the co-op and their share of allocated catch.
- 2) A plan to adequately monitor catch and bycatch.
- 3) Enforcement and penalty provisions for overages.
- 4) A co-op manager to serve as the contact person with NMFS, the Council and other co-ops and to be responsible for annual distribution of catch and bycatch, oversight of transfers, preparation of annual reports and is authorized to receive or respond to any legal process against the co-op.
- 5) A provision that prohibits co-op membership by permit holders that have incurred legal sanctions that prevent it from fishing groundfish in the Pacific Fishery Management Region.
- 6) A provision that requires changes in ownership to comply with member restrictions in the Co-op Agreement.
- 7) The agreement must be signed by all permit holder owners participating in the co-op.
- 8) A requirement that at least a majority of the members are required to dissolve a co-op.

Inter-co-op Agreements

- 1) In the case of multi-co-op or multi-sector management of bycatch, an Interco-op Agreement is required.
- 2) In the case of multiple co-ops within a sector, an Inter-co-op Agreement is required to manage directed catch.
- 3) In the case of two or more cooperatives entering into an Inter-co-op Agreement, provisions must include monitoring, enforcement and penalty provisions.

Other Requirements

- 1) Each fishery cooperative must file a signed copy of a cooperative contract with the Council and NMFS that is available for public review before it is authorized to engage in fishing activities.
- 2) Any material changes or amendments to the contract must be filed annually with the Council and NMFS by a date certain.
- 3) Each co-op must prepare and file an annual report with the Council and NMFS by a date certain. The report will document the catch, bycatch and transfer of the co-op's annual distribution of fish during that year. The annual report will be available to the public and reviewed by the Council.
- 4) Each co-op must file with the Council and NMFS a copy of a letter from the co-op requesting a business review letter on the fishery cooperative from the Department of Justice and any response to such request.

Mr. Cedergreen seconded the motion. Ms. Cooney noted significant legal concerns about item 8 under co-op agreements and item 3 under other requirements. Ms. Culver stated her understanding that his guidance is preliminary and the may be changed in the final action. The motion passed without objection.

Mr. Lockhart noted the new NMFS policy direction on stakeholder participation in the development of limited access programs, that he Council had been doing a good job on stakeholder involvement and that the NWR will work with the Council on any additional activities that might be needed in response to the guidance.

As guidance for the analysis, Ms. Vojkovich commented that she would like to make sure that an adaptive management alternative is analyzed in a scenario that does not include processor quota shares. On that basis she recommended that it be placed in Scenario 2a but left the exact construction to the analysts. In response to a question from Ms. Culver, Ms. Cooney indicated that the Council would be able to mix and match as long as it's decision is covered in the analysis and that the final EIS would have to be modified to cover the combinations of options contained in the Council's final recommendation.

D.8 Final Consideration of Inseason Adjustments (if Needed) (11/09/07; 4:34 pm)

D.8.a Agenda Item Overview

Mr. Burden provided the agenda item overview.

D.8.b Report of the GMT

Ms. Ames provided Agenda Item D.8.b, Supplemental GMT Report.

D.8.c Agency and Tribal Comments

Mr. Anderson, WDFW felt that we have not received the full balance of conservation in this package.

Mr. Lockhart, NMFS, said it was important to stay within the projected impacts.

D.8.d Reports and Comments of Advisory Bodies

The GAP supports all of the GMT recommendations.

D.8.e Public Comment

None.

D.8.f Council Action: Adopt or Confirm Final Adjustments to 2007 and 2008 Groundfish Fisheries

Ms. Vojkovich asked Mr. Anderson about periods 1 and 2 if the area north of Cape Alava was open to trawling, is it a time of year you expect trawlers to be fishing? Mr. Anderson said the opportunities in periods 1 and 2 for those small trawlers outside of Neah Bay is pretty limited by weather. He would like to provide enough opportunities for those fishermen so that they could at least make it until 2009. Not to be critical of the package put together, but if we have any room at all to provide opportunity there for those folks (Neah Bay trawlers) in 2008, he would like to do that. We are talking about 3 boats; we don't have hardly any trawlers in Washington anymore. Mr. Anderson would like to have discussions with Steve Joner and others on an EFP or something.

Mr. Sones said the non-tribal trawl fishery has an important economic impact to the Makah Tribe and the trawlers do provide some jobs to the folks in Neah Bay; closing those waters has a negative impact on the Makah Tribe in particular. He stated that the tribal trawl fishery is a very intensively managed fishery, and that they have observers on boats. He stated, that is the only way to reduce bycatch; they also restrict the amount of fishermen in the fishery and with the small amount of draggers, that type of intensive management can be implemented in the Neah Bay port with observers the Tribe currently pays for. Those are the types of management approaches the tribes put into place in order to monitor the fishery and keep the bycatch down. Maybe it is possible that WDFW could do those types of things.

Mr. Anderson said we do have a port sampler (WDFW) in Neah Bay and pay for it. Mr. Sones said we actually put observers on the boats to monitor what is going on, knows it is expensive.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 31) to adopt, utilizing Agenda Item D.8.b, Supplemental GMT Report, page 6, 2007 season items #1, 2 and 3; and for the 2008 season items #1, 3, 4, and 5.

Mr. Moore left off #2 due to final action taken on Agenda Item D.6.

Motion 31 passed unanimously.

Mr. Moore moved and Mr. Melcher seconded a motion (Motion 32) to reconsider Motion 18 concerning inseason action under D.6.

Mr. Moore moved and Mr. Melcher seconded a motion (Motion 33) to amend Motion 18 (taken under Agenda Item D.6) to have the open access DTL limits south of 36° be set at 300 lbs or one landing per week up to 700 lbs for all of 2008.

Motion 33 passed unanimously.

The Council considered EFP final action under this agenda item.

Mr. Moore moved and Mr. Warrens seconded a motion (Motion 34) to give final approval to the Fosmark and RFA EFPs that were provisionally adopted. Include all stipulations that were adopted preliminarily. Ms. Fosmark recused herself from the vote and discussions. Motion 34 passed.

Ms. Vojkovich moved and Mr. Lockhart seconded a motion (Motion 35) to give final approval to the TNC et al EFP (for 2008) that was provisionally adopted, with all stipulations that were adopted preliminarily.

Mr. Moore moved and Mr. Lockhart seconded a motion to amend Motion 35 (Amendment #1 to Motion

35) to recommend that the EFP be modified by requiring that between 7/1 and 12/31 of 2008 a subcap of sablefish be set at 30 mt with 20 mt before July 1.

Mr. Moore said we heard from the GAP concerns in the area that the EFP participants do not take the full 50 mt and cause problems for other fishermen in the Conception area; discussions with the applicants from TNC agreed and hoped to have some sort of plan set up that would spool out the efforts so it doesn't all come at once. By slowing down sablefish harvests, we would know how much sablefish would be taken the second half of the year and this would make it easier for the GMT to judge what the non-EFP fishery is looking like for trip limit adjustments.

Ms. Fosmark was against the TNC EFP based on the COP 19.

Amendment #1 to Motion 35 passed unanimously.

Ms. Fosmark noted that she was against the TNC EFP. She did not feel that it met these guidelines in COP 19, and Council is not able to justify or in a position to make those decisions based on COP 19.

Ms. Vojkovich, regarding when we give permission for an EFP, asked if the Council retains the right to look at the EFP again during the season or suggest to NMFS that something other than what we approved plays out during the year? Mr. Lockhart said if the Council provided guidance to NMFS and then asked NMFS to revisit or look at the EFP, he guesses that is possible. He asked Ms. Cooney. Ms. Cooney said we have put in conditions to the EFPs that they may be revised inseason if certain things happen, not just change it on the Council's recommendation; if there are specific concerns people wanted in the provisions, they could put that in now. Ms. Cooney referenced the whiting EFP condition of a 50 mt cap.

Mr. Sones asked how does this affect the Dory Fleet that testified? Mr. Burden said the GMT did spend a lot of time thinking about the affect of the EFP on the participants; the recommendation is to encourage the open access fleet to move back north and that this would stabilize management in the area.

Ms. Vojkovich said the change made in trip limits earlier this year to that area for sablefish acted as an incentive to draw fishermen down in that area. The GMT looked at that activity and did not want to repeat that next year.

Mr. Mallet, to clear things up asked how is it that the dory fleet do not have limited entry permits? Ms. Vojkovich said they do have limited entry permits. The problem is that they don't have a separate allocation for limited entry and open access permits in this area; so they both compete for the same harvest guideline.

Mr. Moore said in June when we first looked at this application, I voted against it. Since June, the TNC and partners have done a good job in making this a lot better, worked hard on it; yet he still voted against it this week because he was concerned we have never approved an EFP that benefits the applicants and takes away from our normal directed fishermen. Given the action we have taken on trip limits for Conception and approval to stretch out the impact of the EFP during the course of the year, he is nervous about it, but still intends to support the main motion.

Ms. Fosmark said that with regard to some of the testimony we received, she has concern we are already dealing with limitation and did not want those people to have the majority of their fishing time closed (last two months of the year).

Amendment #1 to Motion 35 passed unanimously.

Chairman Hansen asked for a roll call vote on Main Motion 35. 9 yes, 4 no. Messrs. Sones, Myer, and Ortmann; and Ms. Fosmark voted no. Main Motion 35 passed as amended.

Mr. Anderson noted the GMT and GAP had some recommendations in their reports about the whiting fishery concerning whether or not there was any way to release something less than 100% of the bycatch caps for that fishery as an inseason action. Is that something we can do?

Ms. Cooney said there are fine lines here. You need to look at the OYs and what happens to the scorecard in March (when the whiting specifications are set); there is a sliding scale of setting a bycatch cap based on uncertainty in the fishery.

Mr. Anderson asked Mr. Burden to explain what the GMT would be doing between now and March on the bycatch topic. Ms. Ames said, as the GMT noted in their inseason statement, they would review the methodology used. Mr. Anderson, said there might be a rationale for looking at some other type of bycatch rate by time and what that analysis might reveal could cause us to look at a different approach. Ms. Ames said yes, that is correct.

D.9 Management Recommendations for 2009-2010 Groundfish Fisheries—Part II (11/09/07; 6:09 pm)

D.9.a Agenda Item Overview

Mr. DeVore provided the agenda item overview.

D.9.b Agency and Tribal Comments

Mr. Lockhart commented that NMFS will consider an EIS if the analytical package is more complicated; otherwise, an EA may suffice.

D.9.c Report of the GMT

Ms. Ames provided Agenda Item D.9.c, Supplemental GMT Report. Mr. DeVore provided an overview of revised harvest specifications recommended by the GMT in their report.

Ms. Vojkovich asked for an explanation of the blue rockfish contribution to the minor nearshore rockfish complex specifications. Mr. DeVore explained, if the Council chooses to manage blue rockfish within the minor nearshore rockfish complexes, the catch-based contribution of blue rockfish to those complexes is first removed, and then the ABC/OY from the new assessment is added in to the complex specifications.

Ms. Vojkovich asked about the recommended cabezon specifications which were explained by Mr. DeVore.

Mr. Wolford asked for further explanation of the recommended blue rockfish specifications which were provided by Mr. DeVore.

Mr. Moore asked about the recommendation to analyze targeted whiting slope fishery adjustments and whether there were a lot of vessels participating. Ms. Ames said there was not a lot of participation, but there is a concern of greater targeting of whiting without observer coverage, especially as whiting ex-vessel values increase. Mr. Moore asked about analyzing the bycatch of unmonitored whiting trawls fishing in the RCA and if this recommendation is for vessels delivering to motherships or for vessels sorting their catch and delivering shoreside. Ms. Ames said there was concern for the potential bycatch

implications of both types of vessels. Mr. Moore asked about monitoring full retention of catcher vessels and whether the recommendation included camera monitoring. Ms. Ames answered the GMT intends to analyze all types of monitoring mechanisms. If a vessel is sorting catch at sea, it may be more appropriate to use on-board observers. If the issue is ensuring full retention of catch by catcher vessels delivering to motherships, electronic monitoring may suffice.

Mr. Lockhart asked why there is a recommendation to only allow one way transfer of longlines to pot/trap gear and Mr. DeVore explained that bycatch rates are lower using pot/trap gear. Mr. Lockhart noted this would decrease the value of pot/trap permits. Mr. Lockhart noted the mandatory logbooks and electronic fish tickets will be considered as part of the trawl rationalization process. He asked why the GMT wanted to analyze this now and Ms. Ames said the GMT thought there would be some value in implementing these measures sooner. Mr. Lockhart noted this may not be a normal measure for a specifications analysis.

Ms. Vojkovich asked why normal actions such as bag limits and season changes are not noted in the GMT report. Ms. Ames said the items recommended for analysis in the GMT report were those in addition to routine adjustments, such as changes to bag limits or fishing seasons.

Dr. McIsaac asked why changing whiting season start dates is not recommended for analysis. Did the GMT look at any data to compel this recommendation other than lack of industry consensus? Ms. Ames said the GMT did see some seasonal bycatch trends in the primary whiting fishery and there may be some value in considering whiting season start dates.

Dr. McIsaac asked about shortbelly rockfish specifications and Mr. DeVore said new specifications were preliminarily adopted under agenda item D.4. Dr. McIsaac asked if the GMT was recommending new shortbelly rockfish specifications and Mr. DeVore said yes.

Mr. Anderson asked why harvest guidelines for yelloweye and canary harvest guidelines were not included on the list. Did the GMT discuss the need for guidance on yelloweye HGs for 2009 and 2010 and Ms. Ames said no, but thought this would be a routine analysis. Mr. DeVore said the GMT was aware of the need to reduce yelloweye impacts given the ramp-down strategy. While the GMT did not request guidance on canary and yelloweye catch sharing analyses, he thought getting that guidance would be helpful.

D.9.d Reports and Comments of Advisory Bodies

GAP Report

Mr. Gerry Richter provided Agenda Item D.9.d, Supplemental GAP Report.

Mr. Moore asked if the GAP discussed the GMT recommendation to consider allowing limited entry fixed gear fishermen with a longline endorsement to switch to pot/trap gear and Mr. Richter said no.

Mr. Cedergreen asked if the GAP discussed the salmon trollers request to allow an incidental catch of lingcod in the salmon troll fishery and Mr. Richter said no. However, some members of the GAP discussed this and decided that would probably be acceptable if there were no associated yelloweye impacts.

EC Report

Mr. DeVore read Agenda Item D.9.d, Supplemental EC Report.

Mr. Anderson asked about the status of changing the regulation to close the whiting fishery upon a projection of the bycatch cap being attained rather than waiting until after attaining the bycatch cap. Mr. Lockhart said this was an explicit Council decision. Mr. Anderson wants this change as soon as possible so it can be used for managing the 2008 fishery. Ms. Cooney said this regulation change could occur with a notice and comment rulemaking.

Ms. Vojkovich noted the provision of Agenda Item D.9.b, Supplemental CDFG Report and said she would be working off of that document when it was time for Council action.

D.9.e Public Comment

Ms. Julie Sherman, Marine Fish Conservation Network, San Francisco, CA

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

Mr. Moore asked Ms. Cooney about changing season start dates for the primary whiting fishery. He noted the season start dates are specified in regulations. Can changing season start dates become a routine inseason adjustment? Ms. Cooney said the reasons for changing the dates and effects of changing dates have to be known before this can be a routine adjustment. One must understand all the ramifications of doing this action. This would be a complex analysis and requires notice and comment rulemaking.

Mr. Moore noted the Council will be developing final 2008 whiting specifications next March. Could the Council change the method of closing the fishery upon projection of attainment of a bycatch cap by next March? Ms. Cooney said this could be a noticed action on Amendment 10, which is a connected action. Mr. Moore asked if the Council should specify this intent now and Ms. Cooney said this would help.

Dr. McIsaac asked if adequate analysis were done, could changing the whiting season start date become routine and Ms. Cooney said there would have to be a lot of complex analysis to understand all the implications. Mr. Lockhart added there has to be a linkage with oceanographic conditions or some other predictor of bycatch rates. Dr. McIsaac stated changing season start dates is routine for other fisheries such as recreational fisheries and we should have that flexibility for the whiting fishery.

Mr. Myer asked if specifying sector bycatch caps can be analyzed for 2009 and Ms. Cooney said yes. He added that this will be needed for trawl rationalization and should be done. He recommended analysis of sector-specific bycatch caps would be more helpful than considering a change to the start of the season.

Mr. Anderson asked about the GMT recommendation for mandatory charter logbooks and Ms. Ames said the GMT referred to the re-authorized Magnuson-Stevens Act, which mandates consideration of charter logbooks and other recommendations made by the National Research Council. Mr. Anderson asked if the GMT is recommending mandatory charter logbooks or recommending consideration of a mandate. Ms. Ames said the GMT recommendation was to consider mandatory logbooks. Mr. DeVore said the re-authorized Magnuson-Stevens Act mandates this consideration. Mr. Warrens noted logbooks are useful for post-season analysis and not useful for real time information and Ms. Ames agreed.

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 36) to adopt the ABCs and range of OY values contained in Agenda Item D.9.c, Supplemental GMT Report. The motion includes a request to analyze the new T_{TARGET} values (estimated rebuilding times) preliminarily decided under agenda item D.4, the management measures and issues recommended for analysis by the GMT, and analysis of sector-specific bycatch caps in the whiting fishery. Initial analyses should assume the same

proportional distribution of the yelloweye OY between sectors and states as depicted in the 2007-2008 bycatch scorecard prior to start of 2007. Additionally, include analysis of an option allowing lingcod retention in the salmon troll fishery with a ratio of 1 lingcod per 15 Chinook plus 1 additional lingcod, and include revised specifications recommended for California scorpionfish.

Mr. Moore asked if the intent of the motion for whiting management measures was to consider the relevant whiting measures recommended by the Enforcement Consultants and Mr. Anderson said yes.

Mr. DeVore asked if the intent of the motion for California scorpionfish included the technical correction to the 2008 ABC and Mr. Anderson said yes.

Ms. Vojkovich moved and Ms. Fosmark seconded an amendment to the motion (Amendment #1 to Motion 36) to analyze alternative blue rockfish OYs of 122 mt in 2009 and 130 mt in 2010. Mr. Moore asked if the amendment also includes complex alternatives for blue rockfish and Ms. Vojkovich said yes.

Amendment #1 to the Motion 36 carried on a unanimous voice vote.

Mr. Anderson said he was hoping to provide guidance on sharing the canary rockfish OY as well. Therefore, Mr. Moore moved and Mr. Cedergreen seconded an amendment (Amendment #2 to Motion 36) to maintain the same proportional distribution of canary rockfish between sectors as was originally in the 2007-2008 specifications as a starting point for analysis.

Amendment #2 to Motion 36 carried on a unanimous voice vote.

Ms. Vojkovich moved and Ms. Fosmark seconded an amendment to the motion (Amendment #3 to Motion 36) to include the range of management alternatives in Agenda Item D.9.b, Supplemental CDFG Report in the analysis.

Amendment #3 to Motion 36 carried on a unanimous voice vote. Motion 36 carried as amended on a unanimous voice vote.

Mr. Anderson moved and Mr. Melcher seconded a motion (Motion 37) to change the manner in which we close the whiting fishery such that it can close upon projection of attainment of a bycatch cap.

Motion 37 carried on a unanimous voice vote.

Ms. Vojkovich asked for clarification on yelloweye and canary apportionment and Mr. Anderson said use the scorecard proportions between sectors and states as depicted in the bycatch scorecard at the start of the 2007 fishery for initial analysis.

E. Pacific Halibut Management

E.1 Changes to Catch Sharing Plan and 2008 Annual Regulations (11/05/07; 1:39 pm)

E.1.a Agenda Item Overview

Mr. Dave Ortmann chaired this agenda item. Prior to the start of this item, Mr. Anderson announced the passing away of Mr. Ron Lethin, who contributed greatly to the halibut and salmon process for the Pacific Council for many years.

Mr. Chuck Tracy presented the agenda item overview.

E.1.b Agency and Tribal Recommendations and Comments

Mr. Lockhart summarized the changes as shown in Agenda Item E.1.b, NMFS Report 1, NMFS Proposed Changes to the 2008 Pacific Halibut Catch Sharing Plan for Area 2A.

Mr. Anderson summarized the changes as shown in Agenda Item E.1.b, WDFW Report, Proposed Changes to the CSP and 2008 Annual Regulations.

E.1.c Reports and Comments of Advisory Bodies

None.

E.1.d Public Comment

None.

E.1.e Council Action: Adopt Final Proposed Changes for 2008

Mr. Melcher asked if catch estimates for the south of Humbug Mt. recreational fishery were available inseason so that surplus quota could be transferred to the Central Oregon recreational fishery if necessary. Ms. Jamie Goen replied that the quota was used for both Oregon and California fisheries, and the information would have to be coordinated between the two states.

Mr. Anderson moved (Motion 2) to adopt the proposed changes for the 2008 Halibut Catch Sharing Plan for Area 2A as found in Agenda Item E.1.b, WDFW Report and in Agenda Item E.1.b, Supplemental NMFS Report 1. Mr. Cedergreen seconded the motion. Motion 2 passed unanimously.

F. Salmon Management

F.1 Preseason Salmon Management Schedule for 2008 (11/05/07; 1:52 pm)

F.1.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

F.1.b Agency and Tribal Comments

None.

F.1.c Reports and Comments of Advisory Bodies

None.

F.1.d Public Comment

None.

F.1.e Council Action: Adopt 2008 Preseason Management Schedule and Hearing Sites

Mr. Anderson moved (Motion 3) to adopt the 2008 salmon preseason management schedule and hearing sites as shown in Agenda Item F.1.a, Attachment 1, and Agenda Item F.1, Situation Summary. Mr. Cedergreen seconded the motion. Motion 3 passed unanimously.

F.2 Salmon Methodology Review (11/05/07; 2:18 pm)

F.2.a Agenda Item Overview

Mr. Tracy presented the agenda item overview.

F.2.b Report of the Scientific and Statistical Committee (SSC)

Mr. Bob Conrad presented Agenda Item F.2.b, Supplemental SSC Report.

Mr. Melcher asked if the SSC discussed the tradeoffs between random/transect sampling and targeting concentrations of fish for the genetic stock identification (GSI) study. Mr. Conrad replied yes, and that the SSC would like a definition of how those sampling strategies would be treated in the proposal.

Mr. Melcher asked if the Pacific Salmon Commission (PSC) had adopted the Coho Fishery Regulation Assessment Model (FRAM) and the 1986-1992 base period. Mr. Conrad replied that they have only adopted the Coho FRAM, and had not had an opportunity to establish a policy on the base period yet.

Mr. Warrens asked if the SSC discussed the appropriateness of using the Grays River population to represent the natural tules in the recovery exploitation rates (RER) analysis. Mr. Conrad replied no, that the SSC considers that a data issue, which is better resolved by others with more expertise in that area.

Mr. Melcher asked if the poor data issue referred to was an issue of quality or quantity. Mr. Conrad replied the escapement estimates and age composition data were both problematic. The age composition data were not available every year so a method was developed to extrapolate the data to other years, and the extrapolations were the main concern of the SSC. The quality of data obtained was not necessarily poor, but the lack of data resulted in extrapolations that affected the quality of the analysis.

Mr. Wolford asked if the sensitivity analysis recommended by the SSC was being conducted. Dr. Dygert replied NMFS would have to prioritize the recommendations and address them as time permits.

F.2.c Agency and Tribal Comments

Mr. David Sones presented Agenda Item F.2.c, Supplemental Tribal Comments (see http://www.pcouncil.org/bb/2007/1107/F2c_TRB_sup.pdf).

F.2.d Reports and Comments of Advisory Bodies

Mr. Tracy presented Agenda Item F.2.d, Supplemental STT Report.

Mr. Melcher asked for clarification on the relationship between coded wire tag (CWT) groups used to represent lower Columbia River tule Chinook in the Chinook FRAM and the stock group used by NMFS to develop RER. Mr. Tracy replied that they were two separate but related issues. The stock group used by NMFS provided a biological basis for the RER used in ESA consultation standards, whereas the CWT groups used in the FRAM were hatchery populations used to represent the natural tules in FRAM in order to provide a measure of fishing impacts to compare against the RERs. Prior to 2007 NMFS used only Coweeman tule Chinook to develop RERs for natural tules and FRAM used only Cowlitz hatchery fall Chinook to represent natural tules in fishery modeling. In 2007 NMFS used Coweeman, East Fork Lewis, and Grays River tule Chinook to develop an RER, but FRAM continued to use only Cowlitz hatchery fall Chinook. The STT statement was referring to the proposed MEW recommendation of including the Washougal, Kalama, and Big Creek hatchery Chinook CWT groups with Cowlitz hatchery fall Chinook to represent natural tules in FRAM.

Mr. Anderson asked for clarification on the issue of resolving differences in model exploitation rates and RERs. Mr. Tracy replied that the preseason planning uses FRAM to project exploitation rates, and NMFS has used postseason CWT analysis to evaluate compliance with the RER. Dr. Dygert noted the workgroup would be reconvened to resolve the use of different sets of CWTs for different purposes, and recalculate the RER prior to the start of the 2008 management season.

Dr. McIsaac asked if the reason the Grays River spawner numbers were consistently greater than maximum sustainable yield (MSY) was because they included hatchery strays. Mr. Tracy replied estimates were only the natural origin component of natural spawning fish. Dr. Dygert noted the three populations used to represent natural tules were chosen because of the relatively low numbers of hatchery fish spawning naturally, although the Grays population probably had a greater fraction of hatchery spawners than the Coweeman and East Fork Lewis populations.

Mr. Butch Smith presented Agenda Item F.2.d, Supplemental SAS Report.

Mr. Tracy presented Agenda Item F.2.d, Supplemental MEW Report.

F.2.e Public Comment

Mr. Doug Fricke, WTA, Hoquiam, WA

The following people testified as a group regarding planned genetic stock identification (GSI) research: Mr. Jim Anderson, California Salmon Council; Ms. Nancy Fitzpatrick, Oregon Salmon Commission; and Mr. David Goldenberg, California Salmon Council.

Mr. Roth asked if there was a long-term plan for the GSI research. Ms. Fitzpatrick replied it would require diversified funding. Mr. Lockhart replied NMFS science centers are looking for funding solutions in the NMFS budget process.

Dr. McIsaac asked if there was any attempt to explore nearshore versus offshore Klamath Chinook distribution. Mr. Jim Anderson replied that the use of transect/random sampling would provide some data, but the emphasis was placed on the distribution north and south of Point Reyes due to funding limitations.

F.2.f Council Action: Adopt Final Salmon Methodology Changes for 2008 Salmon Seasons

Mr. Lockhart noted that there are unanswered questions on how GSI will be used for inseason management, and GSI may also show impacts on some stocks are greater than current estimates.

However, the proposal appears sound and NMFS supported it to go out for public review.

Mr. Melcher noted the need for advance notice of reconsultation if GSI or other data indicate. Mr. Lockhart replied that would occur to the extent possible.

Dr. McIsaac asked if the workgroup review of the RER would be in time for an SSC review in March 2008. Dr. Dygert replied the intention was to reconvene the workgroup to reconcile CWTs used in the analysis, and present the current report to the full SSC. NMFS will provide guidance for 2008 fisheries using the best information available, but will attempt to keep the Council informed as that process moves forward.

Mr. Anderson moved (Motion 4) to endorse the STT's recommendation for utilizing the revisions to the coho FRAM as identified in Agenda Item F.2.d, Supplemental STT Report. Mr. Melcher seconded the motion. Motion 4 passed unanimously.

Mr. Anderson moved (Motion 5) to approve the inclusion of the additional stocks for the Chinook FRAM as identified in Agenda Item F.2.d, Supplemental MEW Report. Mr. Melcher seconded the motion. Mr. Anderson noted the relationship between Mitchell Act hatchery production and harvest issues will influence the future of fisheries as recovery of ESA listed stocks progresses. Motion 5 passed unanimously.

Mr. Anderson recommended the draft COP 15, with the SSC's recommendations, be brought forward for final action at the March 2008 meeting.

Mr. Melcher recommended the Council endorse the GSI methodology as proposed, and accept the EFP application at the March 2008 meeting for inclusion in the regulation options if appropriate. The Council concurred.

G. Coastal Pelagic Species Management

G.1 Pacific Sardine and Pacific Mackerel Management (11/09/07; 2 pm)

G.1.a Agenda Item Overview

Mr. Mike Burner provided the agenda item overview.

G.1.b NMFS Report

Dr. Kevin Hill provided a PowerPoint presentation. Available on the Council's website at: http://www.pcouncil.org/bb/2007/1107/G1b_NMFS_PPT_sup.pdf

Mr. Melcher noted that the spotter plane index had been removed from the SS2 model run and asked about model results when the spotter index is left in the model. Dr. Hill reported that the model went into an odd parameter space and produced unrealistic estimates of spawning stock biomass in the area of 10 billion mt. Mr. Melcher asked why including the spotter index would generate such results with the improved SS2 model when such results were not attained under the old age-structured assessment program (ASAP). Dr. Hill stated the ASAP model had a more rigid structure than SS2, and although it is not entirely clear why, the ASAP model has much less difficulty with the conflicting DEPM and spotter pilot indices than did SS2. The contrary nature of these indices since the mid-1990s and the decreasing volume of spotter pilot data led to the decision to discontinue the use of the spotter index in the current assessment.

Mr. Moore noted that the ASAP and SS2 model results are very similar through the mid-1990s and diverge at that time rather significantly. Dr. Hill stated the general trends in SS2 are very similar between the two models but, the SS2 model estimates are shifted to the future by about 5 years. This is due to the removal of the spotter pilot index because that index largely surveys young fish and has indicated a decline since the mid-1990s.

Mr. Moore asked why the NWFSC Predator/Forage Survey off the Columbia River was not used in the assessment. Dr. Hill noted that the survey area in this project is very small relative to the surveys conducted in California. Dr. Hill stated that this survey operates in a region where the fishery is active and where data is limited. However, the survey results are erratic and difficult to interpret; for example the index is similar to other indices relative to the strong 2003 year-class and opposite those same indices for 2006.

Mr. Anderson asked Dr. Hill to speak to the 1985 spike in the Ensenada, Mexico catch series. Although the data point appears to be an anomaly, the landings were verified to the best of the STAR Panel's ability and the data has always been and continues to be used in the modeling of Pacific sardine. This data point illustrates a source of uncertainty in the assessment resulting from an incomplete understanding of the population's stock structure. There is speculation that the landings represent production from a separate southern population believed to inhabit areas around the southern end of Baja California. At this time, there is no objective way of making this determination. The use of different temperature affinities of the various stocks has been suggested for use but, what is needed is genetic and otolith microchemistry information.

G.1.c Agency and Tribal Comments

Mr. Sones provided Agenda Item G.1.c, Supplemental Tribal Comment.

G.1.d Reports and Comments of Advisory Bodies

Dr. Conrad provided Agenda Item G.1.d, Supplemental SSC Report. Mr. Anderson noted the SSC reference to uncertainty in the assessment and asked if the model runs under varying assumptions of natural mortality captured the full range of uncertainty in the assessment. Dr. Conrad said they are not intended to capture all of the uncertainty in the assessment; they simply test the models sensitivity to that parameter. He added that the natural mortality value of 0.4 has been used for years as the best available estimate and is an integral part of the harvest control rule in the CPS FMP.

Regarding Pacific mackerel, Ms. Vojkovich asked if continued work on the assessment will consider uncertainty in the modeling methodology as well as the uncertainty associated with the data used in the assessment. Dr. Conrad stated that both would be within the scope of the review of the next full assessment.

Dr. Sam Herrick provided Agenda Item G.1.d, Supplemental CPSMT Report and thanked Mr. Brian Culver on behalf of the CPSMT for his work and wished him well in retirement.

Mr. John Royal along with Mr. Mike Okoniewski provided Agenda Item G.1.d, Supplemental CPSAS Report.

G.1.e Public Comment

Mr. Mike Okoniewski, Pacific Seafood, Woodland, WA
Mr. Brian Kapp, fisherman, Bellingham, WA
Mr. Jerry Thon, Astoria Holdings, Astoria, OR
Mr. Frank Foode, sardine spotter pilot, Langley, WA
Mr. John P. Huelman, Northwest Sardine Spotters, Astoria, OR
Mr. Vidar Wespestad, RAI International, Lynwood, WA
Ms. Diane Pleschner-Steele, California Wetfish Producers Association, Buellton, CA
Mr. Richard Carroll, Ocean Gold Seafoods, Westport, WA

G.1.f Council Action: Adopt Pacific Sardine Harvest Guideline and Management Measures for 2008; and Approve Pacific Mackerel Assessment Methodology (11/09/07; 3:30 pm)

Working from Agenda Item G.1.d, Supplemental CPSMT Report, Ms. Vojkovich moved and Ms. Fosmark seconded a motion (Motion 28) to adopt an overall Pacific sardine harvest guideline for 2008 at 89,093 mt with directed fishery seasonal allocations and seasonal incidental set asides as reflected in Table 1.

Ms. Vojkovich asked if the provisions in the motion regarding the roll-over of any incidental set aside balances to the next period's directed fishery seasonal allocation could be an automatic action by NMFS or if such action needed to be reviewed and approved by the Council at a future meeting.

Mr. Helvey said NMFS reviewed the CPS FMP and determined Council consideration of the roll-over as an automatic action is sufficient and NMFS is comfortable with tracking the fishery and taking such inseason actions automatically in 2008.

Mr. Anderson wished the Council had more flexibility and could better take into account variations in the state of nature. Although there were some efforts to characterize the sensitivity of the base model to assumptions regarding natural mortality, Mr. Anderson finds no basis for the Council to recommend a value other than 0.4 and notes that even if there was a scientific basis for choosing another value the Council would need to review the repercussions of such a choice on the Council's harvest control rule and harvest policy. He believes the testimony of the fisherman and the spotter pilots based on his observations on the ocean this summer and is interested in improving the data sources available for Pacific sardine assessments.

Mr. Moore asked Mr. Burner if the lack of a decision table is a function of the results of the modeling or is a shortcoming of the CPS FMP or the CPS terms of reference. Mr. Burner said the lack of decision table is less of a function of the CPS FMP but more associated with the difficulty in projecting population estimates of Pacific sardine into the future given the dynamic nature of the stock. Additionally, this uncertainty around parameters such as natural mortality is addressed by assessing the resource annually. The Council's harvest policy is conservative in the sense that precautionary mechanisms to prevent overfishing are inherent in the harvest control rule.

Mr. Helvey asked for a friendly amendment to the motion to include the roll-over provisions as an automatic action during the 2008 season. Ms. Vojkovich and Ms. Fosmark agreed.

Motion 28 passed unanimously.

Regarding management measures for sardines, Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 29) to adopt the recommendation by the CPSAS to set a maximum incidental landing allowance for Pacific sardine of 20 percent by weight should the directed fishery be closed during the season. Motion 29 passed unanimously.

Mr. Anderson asked Mr. Helvey about additional research and data needs for Pacific sardine and the potential for funding to fill those needs. Mr. Helvey understands the frustration of the industry and noted that industry-sponsored research and the future incorporation of spotter pilot data are worthy of investigation. Perhaps the biggest hurdles to additional research is finding the funds and securing time on research vessels. The potential constraint on the fishery from this assessment could help attract attention and funding to the situation.

Mr. David Sones said the tribes were willing to help with the development and implementation of new research activities for Pacific sardine.

Ms. Vojkovich requested that the Council schedule a review of the long-term allocation formula for the fall of 2008 so that the experience of the 2008 fishery can be included. Dr. McIsaac said the issue is included on the Council's 3-meeting planner (Agenda Item C.6.a., Supplemental Attachment 1) and would be discussed under Agenda Item C.6.

Ms. Vojkovich asked for clarification on the next assessment process and the data sources that will be used. Mr. Burner noted the advisory body recommendations to hold the next CPS STAR Panel in 2009 rather than 2010 and to precede the next full assessment process with a data/modeling workshop so that the data and methods to be employed can be reviewed by the public and industry representatives in advance.

Ms. Vojkovich moved and Mr. Wolford seconded a motion (Motion 30) to hold the next full assessment of Pacific sardine and the associated CPS STAR Panel in 2009. The 2009 CPS STAR Panel would include review of the Pacific mackerel assessment so long as sufficient progress is made on improving the assessment methodology.

Motion 30 passed unanimously.

Mr. Anderson recommended the Pacific sardine stock assessment team and the CPSMT identify survey and data needs for the next full assessment and convey those to the States, the tribes, and industry representatives with the intent of soliciting assistance in collecting such data.

Mr. Burner confirmed with the Council its intent to not adopt new methodologies and to conduct the 2008 Pacific mackerel assessment as an updated assessment utilizing previously approved methods.

ADJOURN

The 191st Council meeting was adjourned at 8:30 pm on Friday, November 9, 2007.



Council Chairman

March 14, 2008

Date