

**MINUTES**  
**200<sup>th</sup> Session of the**  
**PACIFIC FISHERY MANAGEMENT COUNCIL**

September 11-17, 2009  
**Crowne Plaza Hotel**  
1221 Chess Drive  
Foster City, CA 94404  
Telephone 650-570-5700

---

A.	Call to Order.....	6
A.1	Opening Remarks (09/12/09).....	6
A.2	Council Member Appointments.....	6
A.3	Roll Call .....	6
A.4	Report of the Executive Director .....	7
A.5	September Council Meeting Agenda .....	7
A.5.a.	Council Action: Adopt Agenda.....	7
B.	Habitat.....	8
B.1	Current Habitat Issues (09/13/09; 10:07 a.m.).....	8
B.1.a	Agenda Item Overview.....	8
B.1.b	Report of the Habitat Committee .....	8
B.1.c	Reports and Comments of Management Entities and Advisory Bodies .....	8
B.1.d	Public Comment.....	8
B.1.e	Council Action: Consider Habitat Committee Recommendations.....	8
B.1.c	Reports and Comments of Management Entities and Advisory Bodies .....	8
B.1.d	Public Comment.....	9
B.1.e	Council Action: Consider Habitat Committee Recommendations.....	9
B.2	Ocean Acidification and Sea Level Rise .....	9
B.2.a	Agenda Item Overview (9/13/09; 10:52 a.m.) .....	9
B.2.b	Northwest Fisheries Science Center Report.....	9
B.2.c	Reports and Comments of Management Entities and Advisory Bodies .....	9
B.2.d	Public Comment.....	10
B.2.e	Council Discussion.....	10
B.3	Proposed Offshore Aquaculture Demonstration Project .....	10
B.3.a	Agenda Item Overview (09/13/09; 1:03 p.m.) .....	10
B.3.b	Hubbs Sea World Research Institute Proposal.....	10
B.3.c	Reports and Comments of Management Entities and Advisory Bodies .....	10

B.3.d	Public Comment.....	10
B.3.e	Council Discussion.....	10
C.	Marine Protected Areas.....	11
C.1	Marine Resources Public Opinion Polls (09/13/09; 2:36 p.m.).....	11
C.1.a	Agenda Item Overview.....	11
C.1.b	Report on Poll Results.....	11
C.1.c	Reports and Comments of Management Entities and Advisory Bodies.....	11
C.1.d	Public Comment.....	11
C.1.e	Council Discussion.....	11
C.2.a	Agenda Item Overview (09/13/09; 3:57 p.m.).....	11
C.2.b	Monterey Bay National Marine Sanctuary (MBNMS) Report.....	12
C.2.c	Reports and Comments of Management Entities and Advisory Bodies.....	12
C.2.d	Public Comment.....	12
C.2.e	Council Action: Provide Input to the MBNMS.....	12
C.3.a	Agenda Item Overview.....	12
C.3.b	Marine Protected Areas (MPA) Center Report.....	12
C.3.c	Reports and Comments of Management Entities and Advisory Bodies.....	13
C.3.d	Public Comment.....	13
C.3.e	Council Action: Consider MPA Nomination Process.....	13
D.	Highly Migratory Species Management.....	15
D.1	National Marine Fisheries Service Report (09/14/09; 11:25 a.m.).....	15
D.1.a	Regulatory Activities.....	15
D.1.b	Fisheries Science Center Activities.....	15
D.1.c	Reports and Comments of Management Entities and Advisory Bodies.....	15
D.1.d	Public Comment.....	15
D.1.e	Council Discussion.....	16
E.	Groundfish Management.....	16
E.1	National Marine Fisheries Service Report (09/14/09; 1:27 p.m.).....	16
E.1.a	Regulatory Activities.....	16
E.1.b	Fisheries Science Center Activities.....	16
E.1.c	Reports and Comments of Management Entities and Advisory Bodies.....	17
E.1.d	Public Comment.....	17
E.1.e	Council Discussion.....	17
E.2.a	Agenda Item Overview.....	17
E.2.b	Follow-Up Questions on Assessments for Petrale Sole, Lingcod, and Cabezon; and Bocaccio, Widow, Yelloweye, and Greenstriped Rockfish.....	17

E.2.c	Scientific and Statistical Committee Report .....	18
E.2.d	Reports and Comments of Management Entities and Advisory Bodies .....	19
E.2.e	Public Comment .....	19
E.2.f	Council Action: Approve Final Stock Assessments (5:04 p.m.).....	20
E.3.a	Agenda Item Overview .....	21
E.3.b	Northwest Fisheries Science Center Report.....	21
E.3.c	Reports and Comments of Management Entities and Advisory Bodies .....	21
E.3.d	Public Comment .....	22
E.3.e	Council Action: Prioritize and Plan for 2010 Activities .....	22
E.4	Inseason Adjustments to 2009 and 2010 Groundfish Fisheries – Part I.....	24
E.4.a	Agenda Item Overview (09/16/09; 8:22 a.m.) .....	24
E.4.b	Reports and Comments of Management Entities and Advisory Bodies .....	24
E.4.c	Public Comment .....	24
E.4.d	Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2009 and 2010 Groundfish Fisheries.....	24
E.5	Fishery Management Plan Amendment 23 – Annual Catch Limits and Accountability Measures .....	25
E.5.a	Agenda Item Overview (09/16/09; 10:40 a.m.) .....	25
E.5.b	Reports and Comments of Management Entities and Advisory Bodies (09/16/09; 10:49 a.m.).....	26
E.5.c	Public Comment .....	27
E.5.d	Council Action: Provide Guidance on Further Development of Amendment 23 .....	27
E.6.a	Agenda Item Overview.....	27
E.6.b	Reports and Comments of Management Entities and Advisory Bodies .....	27
E.6.c	Public Comment .....	28
E.6.d	Council Action: Provide Guidance as Appropriate .....	28
E.8.a	Agenda Item Overview .....	28
E.8.b	Reports and Comments of Management Entities and Advisory Bodies .....	28
E.8.c	Public Comment .....	29
E.8.d	Council Action: Provide Guidance on Further Process .....	29
F.	Enforcement Issues .....	30
F.1.a	Agenda Item Overview .....	30
F.1.b	Report of the Oregon State Police Fish and Wildlife Division .....	30
F.1.c	Reports and Comments of Management Entities and Advisory Bodies .....	30
F.1.d	Public Comment .....	30
F.1.e	Council Discussion.....	30

G.	Salmon Management .....	31
G.1.a	Agenda Item Overview .....	31
G.1.b	Reports and Comments of Management Entities and Advisory Bodies .....	31
G.1.c	Public Comment .....	33
G.1.d	Council Action: Complete Scoping of Issues and Provide Guidance on Preliminary Alternatives .....	33
G.2.a	Agenda Item Overview .....	34
G.2.b	Reports and Comments of Management Entities and Advisory Bodies .....	34
G.2.c	Public Comment .....	34
G.2.d	Council Action: Adopt Final Review Priorities .....	34
G.3.a	Agenda Item Overview .....	34
G.3.b	Report on Biological Opinion .....	34
G.3.c	Reports and Comments of Management Entities and Advisory Bodies .....	35
G.3.d	Public Comment .....	35
G.3.e	Council Discussion .....	35
G.4.a	NWR and NWFSC Activities .....	35
G.4.b	Reports and Comments of Management Entities and Advisory Bodies .....	36
G.4.c	Public Comment .....	37
G.4.d	Council Discussion on NMFS Report on Salmon .....	37
H.1.a	Agenda Item Overview .....	37
H.1.b	Reports and Comments of Management Entities and Advisory Bodies .....	37
H.1.c	Public Comment .....	37
H.1.d	Council Action: Adopt for Public Review Proposed Changes to the 2010 Pacific Halibut Catch Sharing Plan and Annual Fishery Regulations .....	37
H.2.a	Agenda Item Overview (09/16/09; 9:38 a.m.) .....	38
H.2.b	Northwest Fisheries Science Center Report .....	38
H.2.c	Reports and Comments of Management Entities and Advisory Bodies .....	38
H.2.d	Public Comment .....	39
H.2.e	Council Action: Review and Provide Guidance on Appropriate Bycatch Estimation Procedures .....	39
I.	Open Comment Period .....	39
I.1	Comments on Non-Agenda Items (09/16/09; 1:23 p.m.) .....	39
I.1.a	Management Entity and Advisory Body Comments .....	39
I.1.b	Public Comments .....	39
I.1.c	Council Discussion of Comments as Appropriate .....	41
J.	Administrative Matters .....	41

J.1	Fiscal Matters.....	41
J.1.a	Agenda Item Overview.....	41
J.1.b	Budget Committee Report .....	41
J.1.c	Reports and Comments of Management Entities and Advisory Bodies.....	41
J.1.d	Public Comment.....	41
J.1.e	Council Action: Consider Budget Committee Recommendations .....	41
J.2	Approval of Council Meeting Minutes.....	42
J.3.a	Agenda Item Overview.....	42
J.3.b	Reports and Comments of Management Entities and Advisory Bodies.....	42
J.3.c	Public Comment.....	42
J.3.d	Council Action: Appoint New Advisory Body Members, Approve Solicitation for 2010-2012 Advisory Body Appointments, and Consider Changes to Council Operating Procedures as Needed .....	43
J.4.a	Agenda Item Overview.....	45
J.4.b	Reports and Comments of Management Entities and Advisory Bodies.....	45
J.4.c	Public Comment.....	45
J.4.d	Council Discussion and Guidance on Future Council Meeting Agenda and Workload Planning .....	45

## **A. Call to Order**

### **A.1 Opening Remarks (09/12/09)**

Before opening remarks, there were two sessions held on Saturday, September 12, 2009. A special session of the Groundfish Advisory Subpanel (GAP) was held to address questions that have been raised on quota share estimates provided to groundfish limited entry trawl permit holders after final action at the June Council meeting on the trawl rationalization program. In addition, a closed session was held to discuss litigation and personnel matters.

### **A.2 Council Member Appointments**

Mr. Frank Lockhart swore in newly appointed Council members Ms. Dorothy Lowman (Oregon obligatory), Mr. William L. “Buzz” Brizendine (At-Large), and Mr. David Crabbe (California Obligatory). Mr. Dale Myer (At-Large) was also confirmed for reappointment. The four appointments will expire on August 11, 2012.

Mr. Brian Corrigan also announced the new Coast Guard representatives.

### **A.3 Roll Call**

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

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

The following Council members were absent from the entire meeting:

Mr. David Hogan (US State Department, non-voting)  
Mr. David Sones (Tribal Obligatory) – Department of Commerce has not appointed a Tribal Obligatory as of the start of the September 7-11, 2009 Council Meeting.

#### **A.4 Report of the Executive Director**

Dr. McIsaac noted this session was the 200<sup>th</sup> meeting of the Pacific Fishery Management Council and read into the record a brief summary of the very first meeting of the Council (October 1976). Dr. McIsaac explained the four Informational Reports within the briefing book: the west coast hydrokinetic projects, Lower Columbia River tule lifecycle analysis (which would be elaborated by National Marine Fisheries Service [NMFS], under Agenda Item G.4); and the President's CEQ ocean policy task force which the Council was encouraged to attend. Dr. McIsaac encouraged Council members to take a look at the November Council meeting draft agenda because it needs to be pared down as hotel space is not contracted to hold the entire agenda. Ms. Monica Medina from Dr. Lubchenco's office will be attending the November meeting to brief the Council on the National Oceanic and Atmospheric Administration (NOAA) Regional Council Task Force. He notified the Council about a date change for the November 2010 Council meeting (start on Tuesday for advisory bodies and Thursday for the Council session). Additional materials regarding the future agenda planning dates will be provided under Agenda Item J.4. He also spoke about "Council Member training" which was proposed by an outside organization (Fisheries Leadership Forum). There was discussion about the ethics and benefits of accepting and receiving such training, and resources that might be necessary to attend the training.

Dr. McIsaac introduced Mr. Kerry Griffin and Ms. Kelly Ames as new Council staff members, replacing Mr. Merrick Burden and Ms. Heather Brandon who will each be pursuing other career options.

The Executive Director's report was continued on Thursday, September 17, at 8:15 a.m. It started out with further explanation and talking points on the Obama Administration's Ocean Policy Task Force. He also spoke to Agenda Item A.4, Attachment 1.

#### **A.5 September Council Meeting Agenda**

##### **A.5.a Council Action: Adopt Agenda**

Mr. Rod Moore moved and Mr. Mark Cedergreen seconded a motion (Motion 1) to approve the agenda as shown in Agenda Item A.5, September Council Meeting Agenda, with the addition of Agenda Item G.4, Report of National Marine Fisheries Service on Lower Columbia River Tule Fall Chinook Life-Cycle Analysis; and the extension of the Executive Director's report on Thursday. Motion 1 passed unanimously.

An informational session on "Groundfish Stock Assessment Briefing" was held following Agenda Item A.5 on the Council floor. It was not a formal Council meeting agenda item and there was no public comment period and no Council decision-making. It was an opportunity for Council members to receive information and ask questions on the results of stock assessments for petrale sole, lingcod, and cabezon; and bocaccio, widow, yelloweye, and greenstriped rockfish. Focus was on those species which are likely to be most critical in establishing impact levels for the 2011-2012 groundfish fisheries. Further review and final action on approving these assessments will occur under Council Agenda Item E.2.

## **B. Habitat**

### **B.1 Current Habitat Issues (09/13/09; 10:07 a.m.)**

#### **B.1.a Agenda Item Overview**

Ms. Jennifer Gilden provided the agenda item overview.

#### **B.1.b Report of the Habitat Committee**

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

#### **B.1.c Reports and Comments of Management Entities and Advisory Bodies**

None.

#### **B.1.d Public Comment**

None.

#### **B.1.e Council Action: Consider Habitat Committee Recommendations**

Mr. Rod Moore asked Mr. Ellis to further explain the Habitat Assessment Improvement plan. Mr. Ellis said that it concerns ways to improve marine habitat data and access to such data, and to identify data needs related to marine habitat.

Ms. Culver asked, in reference to the proposed letter to the California Board of Forestry (BOF), whether the Council should give the BOF a chance to respond to NMFS' letter (attached to the HC report) before drafting a new letter. Mr. Ellis said the BOF was going to be finalizing a package of rules during the next few weeks. He suggested the Habitat Committee (HC) draft a letter and wait to see at the November Council meeting whether sending the letter was warranted. Ms. Culver asked whether NMFS staff on the HC had favored sending the letter. Mr. Ellis said that they had felt it was important to send a letter.

Mr. Helvey asked whether sending the letter in November was appropriately timely. Mr. Ellis said yes, the HC believed it would be appropriate. A brief discussion about coho and ocean fisheries followed.

Ms. Vojkovich asked about the HC's discussion of the Central Valley BiOp. Mr. Ellis said the HC would discuss this under Agenda Item G.3. He summarized the HC's comments.

Dr. McIsaac asked if the HC had any members planning on attending the habitat workshop referred to in the HC report. Mr. Ellis said that Dr. Waldo Wakefield would be attending the meeting.

#### **B.1.c Reports and Comments of Management Entities and Advisory Bodies**

None.

### **B.1.d Public Comment**

None.

### **B.1.e Council Action: Consider Habitat Committee Recommendations**

Mr. Rod Moore requested that Council members receive information about the Habitat Assessment Improvement Plan when it is available.

Mr. Helvey said, regarding the California BOF issue, NMFS has been working with the BOF for several years. NMFS staff have come up with recommendations for timber harvest practices that have been overlooked or reduced in their protection. The membership of the board has changed. NMFS' concern is that the Council should be aware of these issues and this upcoming vote. The intent was to get this information out to the Council so that Council members could possibly find ways to interact with the BOF; the HC's letter carries that further. We think that if there is a relaxation on these timber practices, that eventually it will affect ocean fisheries. This is very important to coho.

Mr. Ellis explained that the HC thought the Council should weigh in on coho essential fish habitat (EFH) concerns now, but thought that wouldn't work with the Council's timeline. Therefore, the HC thought it would be worthwhile to weigh in – and to send the letter to California's Governor. Most remaining coho populations spawn and rear on private timberland, so forest management rules for coastal coho have a big impact.

Mr. Helvey moved (Motion 2) to have the HC prepare a letter to the BOF citing concerns about relaxation of harvest practices, and have it available for the Council to review at their November meeting. Mr. Jerry Mallet seconded the motion.

Mr. Helvey said Mr. Ellis had made a good point about a letter helping to broaden the debate on this subject. Ms. Culver asked, is the motion to have a general draft letter for the Council to consider in November, and then take action to determine whether or not to send it at that time? Yes, said Mr. Helvey. Motion 2 passed. Mr. Myer and Ms. Vojkovich voted no.

## **B.2 Ocean Acidification and Sea Level Rise**

### **B.2.a Agenda Item Overview (9/13/09; 10:52 a.m.)**

Ms. Jennifer Gilden provided the agenda item overview.

### **B.2.b Northwest Fisheries Science Center Report**

Dr. John Stein provided a PowerPoint presentation to the Council; available on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/B2b\\_SUP\\_NWFSC\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/B2b_SUP_NWFSC_PPT_0909.pdf)

### **B.2.c Reports and Comments of Management Entities and Advisory Bodies**

None.

**B.2.d Public Comment**

Mr. Ben Enticknapp, Oceana, Portland, OR

**B.2.e Council Discussion**

None.

**B.3 Proposed Offshore Aquaculture Demonstration Project**

**B.3.a Agenda Item Overview (09/13/09; 1:03 p.m.)**

Ms. Jennifer Gilden provided the agenda item overview.

**B.3.b Hubbs Sea World Research Institute Proposal**

Mr. Don Kent provided a PowerPoint, available on the Council's website at:  
[http://www.pcouncil.org/bb/2009/0909/B3b\\_SUP\\_HUBBS\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/B3b_SUP_HUBBS_PPT_0909.pdf)

**B.3.c Reports and Comments of Management Entities and Advisory Bodies**

None.

**B.3.d Public Comment**

Ms. Justine Williams, Food and Water Watch, San Francisco, CA  
Mr. James Ferro, Ocean Conservancy, San Francisco, CA

**B.3.e Council Discussion**

Mr. Gordy Williams asked Mr. Helvey about the timeline for aquaculture legislation. Mr. Helvey said he did not know where the administration was regarding a timeline. He said he was not familiar with the issue of NOAA having regulatory authority over aquaculture.

Ms. Vojkovich asked when the Council might be involved with this. Dr. McIsaac said that the presenters have applied through the Army Corps of Engineers to do National Environmental Protection Act (NEPA) documents, and there will be an open public comment period on those documents. Also, NOAA may regulate aquaculture. Not sure whether NOAA supersedes the COE as the regulatory agency on this issue.

Mr. Helvey said that when it was suggested that Hubbs come to present, the process was moving quickly. It looked like the NEPA process would begin in the springtime, and we wanted the Council to be briefed. It seems like there are a couple of bumps in the road right now as noted by Mr. Kent.

Dr. McIsaac noted that this agenda item was informational.

Mr. Roth said that if and when these items go forward, the HC can look at EFH issues as they arise.

## **C. Marine Protected Areas**

### **C.1 Marine Resources Public Opinion Polls (09/13/09; 2:36 p.m.)**

#### **C.1.a Agenda Item Overview**

Mr. Mike Burner provided the agenda item overview.

#### **C.1.b Report on Poll Results**

Ms. Kathy Fosmark and Mr. Martin Jones provided a PowerPoint presentation, available on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/C1b\\_SUP\\_POLL\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/C1b_SUP_POLL_PPT_0909.pdf)

#### **C.1.c Reports and Comments of Management Entities and Advisory Bodies**

Mr. John Holloway presented Agenda Item C.1.c, Supplemental GAP Report.

#### **C.1.d Public Comment**

Mr. Jim Martin, RFA, Fort Bragg, CA

Ms. Kathy Fosmark, The Alliance of Communities for Sustainable Fisheries, Pebble Beach, CA

Mr. Rick Algert, Morro Bay Harbor Master, Morro Bay, CA

#### **C.1.e Council Discussion**

Mr. Mark Cedergreen noted the request to have the SSC review the polling methodologies and questioned whether the Scientific and Statistical Committee (SSC) has the appropriate expertise to conduct such a review. Mr. Burner stated that, although the SSC has several competent statisticians, he was not aware of any SSC member with a specific expertise in the field of polling science.

Several Council members spoke to the unique aspects of polling and the difficulty of properly structuring polls and analyzing the results. Ms. Culver, Mr. Williams, Mr. Mallet, and Mr. Wolford all spoke about polls that their respective agencies or organizations have contracted for in the past, some with this same company, with good results. However, they also had concerns with the SSC expertise, the SSC's current workload, and the value of asking the SSC to arbitrate between varied opinions on the poll's validity. Mr. Wolford stated that polls conducted by highly respected polling organizations can have value even if there are disagreements on polling methodology. Mr. Mallet and Chairman Ortmann said Idaho Department of Fish and Game (IDFG) has used Responsive Management in the past and felt that they are a reputable organization and that the poll results were suitable for Council consideration without further review of the polling methods.

Dr. Hanson also felt that the poll results were a reasonable resource and asked if the Council would be comfortable with the results being used by analysts. Chairman Ortmann answered yes, so long as the polling results were properly cited.

### **C.2 Monterey Bay National Marine Sanctuary Marine Protected Area Process**

#### **C.2.a Agenda Item Overview (09/13/09; 3:57 p.m.)**

Mr. Burner provided the agenda item overview.

### **C.2.b Monterey Bay National Marine Sanctuary (MBNMS) Report**

Mr. Paul Michel provided a PowerPoint presentation, available on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/C2b\\_SUP\\_MBNMS\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/C2b_SUP_MBNMS_PPT_0909.pdf)

### **C.2.c Reports and Comments of Management Entities and Advisory Bodies**

Mr. Stuart Ellis presented Agenda Item C.2.c, Supplemental HC Report. Mr. John Holloway presented Agenda Item C.2.c, Supplemental GAP Report.

### **C.2.d Public Comment**

Mr. Rick Algert, Morro Bay Harbor Master, Morro Bay, CA  
Ms. Stephany Aguilar, Association of Monterey Bay Area Governments, Scotts Valley, CA  
Mr. Steve Scheiblaue, Harbor Master City of Monterey, Monterey, CA  
Mr. Jim Hausner, California Marine Affairs and Navigation

### **C.2.e Council Action: Provide Input to the MBNMS**

Mr. Rod Moore stated that the process of considering marine protected areas (MPAs) within the Sanctuary should be an open and transparent process and felt that the Council, rather than the Sanctuary, is the appropriate group for implementing the Magnuson-Stevens Act (MSA) and assessing fishery economics.

Ms. Culver said that she is pleased with the Sanctuary approach to consider an Integrated Ecosystem Assessment (IEA) when evaluating MPAs and noted that spatial planning, MPAs, and IEAs have been important topics within Washington Department of Fish and Wildlife (WDFW) and the West Coast Governor's Agreement. Washington supports the IEA project and Ms. Culver expressed concern that the funding was not in place for West Coast Science Center activities.

Dr. John Stein and Dr. Frank Schwing confirmed that an IEA is in development and is being coordinated with several other activities, including the West Coast Governor's Agreement. Dr. Stein noted that the IEA is a science tool that can inform policy and management decisions, but it is not envisioned as a policy process. Dr. Schwing agreed that the IEA is a science-based tool and clarified that the West Coast Science Centers are heavily involved with the coordination and development of the IEA. He stated that the process will be transparent and that the goal would be to involve a variety of interested entities, including the Council, as the IEA takes shape and results are provided as a means of informing decision-making.

## **C.3 National System of Marine Protected Areas (09/14/09; 8:06 a.m.)**

### **C.3.a Agenda Item Overview**

Mr. Mike Burner provided the agenda item overview.

### **C.3.b Marine Protected Areas (MPA) Center Report**

Mr. Charlie Wahle provided a PowerPoint presentation; on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/C3b\\_SUP\\_MPA\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/C3b_SUP_MPA_PPT_0909.pdf)

### **C.3.c Reports and Comments of Management Entities and Advisory Bodies**

Dr. Steve Ralston provided Agenda Item C.3.c, Supplemental SSC Report. Mr. John Holloway provided Agenda Item C.3.c, Supplemental GAP Report. Mr. Mike Burner read Agenda Item C.3.c, Supplemental HC Report. Ms. Culver summarized Agenda Item C.3.c, Supplemental WDFW Report.

### **C.3.d Public Comment**

Ms. Donna Parker, Arctic Storm/UCB, Seattle, WA  
Mr. Kenyon Hensel, Hensel's, Eureka, CA  
Mr. Bob Alverson, Fishing Vessel Owners Association, Seattle, WA  
Mr. Santi Roberts, Oceana, Portland, OR

### **C.3.e Council Action: Consider MPA Nomination Process**

Chairman Ortmann recalled discussions from the last Council Coordinating Committee (CCC) meeting where he heard that the goal of the National Registry is simply to create a list of existing sites. He stated concern about the apparent size of the program and the unclear process for how sites on the list are removed or revised.

Mr. Moore asked Mr. Helvey for clarification on the list of potential sites in the NMFS letter (Agenda Item C.3.b, Attachment 6), Mr. Helvey responded that the list was developed by the MPA Center and represents the Council approved groundfish habitat areas of particular concern (HAPC) that meet the MPA Center criteria for MPAs.

Mr. Moore asked Mr. Wahle if area restrictions in the Council process that are outside of the groundfish essential fish habitat process were evaluated by the MPA Center. Mr. Wahle stated that it was his understanding that the MPA Center started with its large database of restricted areas when it developed its recommendations and that this database includes regulatory closures implemented by the Council. He felt that the Council restrictions other than groundfish HAPC did not meet the MPA Center criteria and were therefore not included. Mr. Moore requested documentation of the MPA Centers review and determinations.

Ms. Culver asked Mr. Burner about his description of a two-meeting Council process for nominations. Mr. Burner stated that the schedule was derived from the NMFS policy directive (Agenda Item C.3.b, Attachment 6) and that if the Council recommends a list of sites at this meeting it would go out for public review before the next Council meeting.

Ms. Culver asked Mr. Feder about the "avoid harm" clause in Executive Order (EO) 13158, and noted that in our NEPA documents we often describe how the proposed actions conform to EOs. She asked if all Council actions would have to respond to this EO or if he felt that all Council restricted sites would need to comply with that EO regardless of whether or not they are added to the national system. Mr. Feder said it could be looked at in various ways. It could be argued the Federal government has to follow the EO and it could be viewed as best practice to articulate how each and every NMFS action complies with that EO, but there could be a multitude of sites and actions to evaluate and he did not think that

NMFS would require itself or the Council to consider the EO for every action. He added that a directive is not a statute or a regulation.

Vice Chairman Wolford expressed concerns about the formation of the list and whether there was adequate representation by those with fisheries expertise. He questioned the need for an additional entity to assess, propose, or implement fishery regulations and noted that the existing MSA process was adequate. He expressed similar frustrations with the Marine Life Protection Act (MLPA) process in California and felt there were too many ill-defined terms and non-specified processes in the national network proposal.

Ms. Culver moved and Mr. Myer seconded a motion (Motion 3) that the Council send the list of potential sites provided by the managing agency (NMFS) for public review with the following:

1. Indicate that this is an initial list of 52 sites that were provided to the Council for consideration to add to the Federal list of MPA sites.
2. Do not indicate a Council preference relative to whether these sites should be included.
3. Include a description of what these sites represent (i.e., HAPCs or EFH areas adopted by the Council) and maps of these areas.

Also, direct Council staff to develop a white paper to be provided to the Council when final action is scheduled that includes the following:

1. Evaluation of whether these sites meet the Federal MPA criteria.
2. Identification of the pros and cons of including these sites into the national system.
3. Answers to the questions within C.3.c, Supplemental SSC report.
4. Description of what the gap analysis would entail.
5. Description of a broad straw procedure within the Council process to consider additions, changes, or removals from the Federal list.

Dr. McIsaac noted that the Council staff is in transition and under significant workload and would not likely be able to complete this analysis in time for either the November Council meeting or the November 6, 2009 deadline for nominations in this round.

Mr. Moore and Mr. Myer expressed concern with the use of the term “harm” in this process and the vague language regarding the assessment or avoidance of harm, and recommended the Council request clarification.

Mr. Williams was not comfortable recommending sites for public review without the answers in the proposed white paper and offered a substitute motion to remove Council approval of sites for public review. Mr. Williams felt that comments from the public and the Council advisory bodies raised too many unanswered questions to approve a list for public comment. Ms. Culver spoke against the substitute motion stating her preference to inform the public that the Council was contemplating the list while additional analyses and reports were completed. Parliamentarian Hanson recommended that an amendment to the main motion would be more appropriate than a substitute motion in this case. The substitute motion was withdrawn and not voted on. Mr. Williams then moved and Mr. Moore seconded to amend (Amendment to Motion #3) the motion as follows:

Direct Council staff to develop a white paper to be provided to the Council when final action is scheduled that includes the following:

1. Evaluation of whether these sites meet the Federal MPA criteria.
2. Identification of the pros and cons of including these sites into the national system.
3. Answers to the questions within C.3.c, Supplemental SSC report.
4. Description of what the gap analysis would entail.
5. Description of a broad straw procedure within the Council process to consider additions, changes, or removals from the Federal list.
6. **Include the legal review of the term “harm” prior to submittal of a site list for public review.**

Ms. Culver, Dr. McIsaac, and Ms. Lowman discussed and confirmed that the two-meeting process described in the NMFS policy directive (Agenda Item C.3.b, Attachment 6) does not require the two meetings to be consecutive and saw merit in waiting for the white paper before further Council consideration.

Chairman Ortmann called for a roll call vote on the amendment to Motion #3. The amendment to Motion #3 passed (8 yes, 4 no). Ms. Lowman, Mr. Moore, Mr. Brizendine, Mr. Myer, Mr. Mallet, Mr. Cedergreen, Mr. Crabbe, and Mr. Steve Williams voted yes. Mr. Wolford, Ms. Yaremko, Ms. Culver, and Mr. Helvey voted no.

Main Motion 3 passed as amended. Ms. Yaremko and Mr. Helvey voted no on the main motion.

Mr. Burner requested clarification on whether formal notification to NMFS of this Council action was required. Mr. Helvey stated that formal transmittal is not required and that NMFS will be made aware of the action and the forthcoming white paper.

## **D. Highly Migratory Species Management**

### **D.1 National Marine Fisheries Service Report (09/14/09; 11:25 a.m.)**

#### **D.1.a Regulatory Activities**

Mr. Mark Helvey summarized the key points from Agenda Item D.1.a, SWR NMFS Report. He also summarized Agenda Item D.1.a, Supplemental NMFS Report.

#### **D.1.b Fisheries Science Center Activities**

Ms. Sarah Shoffler provided a PowerPoint, available on the Council’s website at: [http://www.pcouncil.org/bb/2009/0909/D1b\\_SUP\\_SWFSC\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/D1b_SUP_SWFSC_PPT_0909.pdf)

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

None.

#### **D.1.d Public Comment**

None.

### **D.1.e Council Discussion**

None.

## **E. Groundfish Management**

### **E.1 National Marine Fisheries Service Report (09/14/09; 1:27 p.m.)**

#### **E.1.a Regulatory Activities**

Mr. Frank Lockhart provided a report of groundfish regulatory activities since the last Council meeting.

A rule for Amendment 10 has not yet been published in the Federal Register. There has been progress and they hope to get the amendment package to NMFS Headquarters by the end of the month and the proposed rule out this fall. When Amendment 10 does get published, there will be components that will help to implement the new trawl rationalization program.

The proposed petrale sole and canary rockfish rule for 2009 management and to consider changing the 2010 OYs will be published Friday. The comment period goes through October 13, 2009.

There has been a formal request to consider a Quileute whiting reapportionment to the non-tribal fishery. The Quileutes still intend to prosecute a 2009 whiting fishery.

There will be an Ocean Policy Task Force meeting this Friday in San Francisco. They are urging attendance by members of the fishing industry.

Mr. Moore asked about the Quileute whiting reapportionment and wanted to know if a reapportionment could happen late in the year if the Quileutes decide not to fish. Mr. Lockhart said a reapportionment could occur to any sectors still intending to fish.

#### **E.1.b Fisheries Science Center Activities**

Dr. Elizabeth Clarke provided a report of groundfish science center activities.

There is a scheduled review of the new economic impact model on October 6, 2009 with participation from the Center for Independent Experts. After that review, the Northwest Fisheries Science Center (NWFSC) would like the SSC to review the model in November.

A review of the greenspotted and bronzespotted rockfish data reports is scheduled for next week in Santa Cruz. The SSC may want to review these results in November.

The hake acoustic survey is complete. The bottom trawl survey is still underway and is off Morro Bay and away from canary rockfish hot spots.

An analysis and paper are forthcoming regarding bycatch trends in the West Coast Groundfish Observer Program.

The cold water coral program from Headquarters wants to make a presentation to the Habitat Committee. Their focus has been off the Southeast U.S., but will focus their work on the West Coast next year.

Ms. Vojkovich asked about the greenspotted and bronzespotted data reports. She asked if this is a Stock Assessment Review (STAR) Panel process and Dr. Clarke said this was an internal review process. Ms. Vojkovich asked if the SSC would look at this at the November meeting and Dr. Clarke said she was not sure when the SSC and other advisors will review the report.

Mr. Moore asked about the new economic model and noted the processor piece is incomplete. He asked if that part being incomplete would compromise the review and Dr. Clarke did not think so and thought this piece could be plugged in later. The SSC will ultimately need to decide if this is the best available science. Ms. Culver noted the new economic model would only apply to commercial fisheries. She asked if there were particular sectors in the model and whether the recreational charter fishery was included. Dr. Clarke said the charter fishery is not included and the model only applies to commercial groundfish fisheries so far.

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

None.

#### **E.1.d Public Comment**

None.

#### **E.1.e Council Discussion**

None.

### **E.2 Part II of Stock Assessments for 2011-2012 Groundfish Fisheries (09/14/09; 1:49 p.m.)**

#### **E.2.a Agenda Item Overview**

Mr. John DeVore provided the agenda item overview.

#### **E.2.b Follow-Up Questions on Assessments for Petrale Sole, Lingcod, and Cabezon; and Bocaccio, Widow, Yelloweye, and Greenstriped Rockfish**

##### Petracle Sole

Dr. McIsaac asked what would be the effect of excluding the catches in the 1930s and 1940s in the petrale sole assessment model and Dr. Haltuch said this would likely reduce estimated  $B_0$  and increase the depletion rate (i.e.,  $B_{current}/B_0$ ). Dr. McIsaac asked if further sensitivity analyses were done to reduce or change the assumed historical catch and Dr. Haltuch said yes, such analyses were done prior to and at the STAR Panel. Dr. McIsaac asked if those results indicated different trends or lead to different conclusions relative to the effects on  $B_0$  and depletion previously discussed and Dr. Haltuch said no.

Mr. Wolford asked about the confidence in the far left side of the equilibrium yield curve and Mr. Hicks said there is less confidence on that tail.

Mr. Moore noted the STAR Panel inferred that a Beverton-Holt or Ricker stock-recruitment relationship could be assumed since there is no evidence either way. A Beverton-Holt relationship is generally presumed for groundfish stocks. Support for a Ricker relationship would be evidence of cannibalism or some other density-dependent mechanism for lower recruitments at higher stock sizes. No such evidence exists, so a Beverton-Holt relationship has more support in the petrale assessment.

### **E.2.c Scientific and Statistical Committee Report**

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

Mr. Moore asked how the meta-analysis of canary, petrale, sablefish, and whiting would inform flatfish steepness. Dr. Ralston said that these species have widely variant steepness values. However, the relationship of steepness to SPR @ MSY does show these estimates are highly correlated- SPR @ MSY is strongly dependent on the assumed or estimated steepness.

Mr. Moore asked about the flatfish steepness analysis and the basis for recommending the steepness value of 0.8 for determining a new biomass proxy for flatfish. Dr. Ralston said the SSC's recommendation is that a steepness of at least 0.8 should be assumed for petrale, based on the probability distribution of estimated steepness for English sole and petrale sole. Also the Meyers analysis indicated a Pleuronectid steepness value of 0.79, which is very close to 0.8. Additionally, the NS1 guidance was considered in the SSC recommendations for a new flatfish proxy biomass target of B25%.

Mr. Lockhart asked why a proxy and not an estimated biomass target is recommended. Dr. Ralston pointed to the SSC Groundfish Subcommittee recommendations on page 13 of the SSC report. Using a proxy is responsive to the statistical uncertainty regarding estimates of stock-specific productivity and provides a more stable management target.

Ms. Culver noted the SSC recommendation on the minimum stock size threshold (MSST) could use the ratio of B40% to B25% applied to the recommended proxy target of B25% (or B15%) or half the target of B25%. Dr. Ralston agreed the MSST is a policy call and 50 percent of the  $B_{MSY}$  target is a legal limit.

Ms. Vojkovich asked for the basis of the 40-10 like relationship and the relationship of MSST to the  $B_{MSY}$  target. Dr. Ralston said all of these decisions are largely policy decisions and would benefit from a more thorough management strategy evaluation (MSE) analysis.

Mr. Moore asked what kind of constraints are recommended for constraining estimates of recent recruitment based on uncertainty in the recruitment estimate. Dr. Ralston said there should be statistical bounds on partially recruited year classes since the uncertainty of projections of biomass is based on uncertain recent year class strength. De-weighting the recent year class strength would tend to assume recent recruitments as estimated from the stock-recruitment relationship. Mr. Moore asked if imposing such statistical constraints should be considered for the next Terms of Reference and Dr. Ralston said yes.

Ms. Vojkovich asked if recent recruitment uncertainty is worse for overfished species and Dr. Ralston said yes since, for many of these species, the fishery is turned off to the species which reduces fishery-dependent data informing recruitment.

Mr. Lockhart asked about a tier system for setting harvest control rules for data-poor species. Dr. Ralston said establishing a tier system is a consideration under Amendment 23 and contemplates different harvest

control rules for different tiers of species categorized by the amount of information describing harvest specifications for these categories of species.

Ms. Vojkovich interpreted the SSC recommendation on extending the range of rebuilding to north of 40°10' N latitude would not provide a significant rebuilding benefit and Dr. Ralston agreed. While it is not biologically necessary to extend the rebuilding plan north, it does exacerbate the management regime currently developed for managing bocaccio and shelf rockfish.

Ms. Vojkovich asked about the recommendation to do a further review of local indices of abundance and who should do that. Dr. Ralston said this was not addressed in the SSC statement on this agenda item, it was discussed under off-year science improvements and the SSC contemplates a working group of SSC members be formed to do this.

Ms. Culver asked about the greenstriped recommendations and whether the SSC recommends doing a future assessment for this species and whether the next assessment should be a full or updated assessment. Dr. Ralston noted the STAR Panel recommended the stock not be re-assessed unless a conservation concern arises. While the SSC did not weigh in on this, Dr. Ralston thought, if it is re-assessed, it should be an updated assessment.

#### **E.2.d Reports and Comments of Management Entities and Advisory Bodies**

##### GMT Report

Mr. Rob Jones provided Agenda Item E.2.d, Supplemental GMT Report.

Mr. Moore asked if the rebuilding analysis runs for the area north of 40°10' N latitude would still be requested given the SSC recommendation to not extend the range of the rebuilding plan. Mr. Jones stated this additional analysis would not be needed if the Council did not wish to consider extending the range of the rebuilding plan.

##### GAP Report

Mr. Tom Ancona provided Agenda Item E.2.d, Supplemental GAP Report. Mr. Ancona added a quote from the Federal Register notice of last month on petrale sole that speaks to the 50 percent MSST limit of  $B_{MSY}$  and the statistical robustness of the  $B_{MSY}$  estimate despite widely variant assumptions on the stock-recruitment relationship.

Ms. Vojkovich asked where the number of B19% for a biomass target came from and Mr. Ancona said that came from the assessment.

#### **E.2.e Public Comment**

Mr. Ralph Brown, trawler, Brookings, OR

Mr. Pete Leipzig, Fishermen's Marketing Association, Eureka, CA

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

Mr. Santi Roberts, Oceana, Portland, OR

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

Mr. Brad Pettinger, Oregon Trawl Commission, Brookings, OR (PowerPoint on Council website)

Mr. Robert Seitz, trawler, Chinook, WA

**E.2.f Council Action: Approve Final Stock Assessments (5:04 p.m.)**

Mr. Lockhart asked Dr. Ralston about the best available science on petrale steepness. He asked if the estimated  $B_{MSY}$  from the assessment or the flatfish proxy  $B_{MSY}$  preferred by the SSC is the best available science. Or does the SSC recommend exploring a range of options? Dr. Ralston said this is not a black or white fine line decision. The North Pacific Fishery Management Council does use deterministic  $B_{MSY}$  for their data-rich assessed stocks. The SSC's recommendation is in the statement and endorses the flatfish proxy. However, there is more analysis potentially useful for further deliberation on this. The SSC could potentially do more work, but the Council needs to give guidance on the range of authorities for the SSC on these issues since there is a blend of science issues and policy calls on risk assessment.

Mr. Moore moved and Ms. Culver seconded a motion (Motion 4) to approve new stock assessments for bocaccio, widow, cabezon, lingcod, yelloweye and greenstriped. Further, the motion includes not extending the range of the bocaccio rebuilding plan north of 40°10' N latitude.

Motion 4 carried unanimously.

Ms. Vojkovich moved and Mr. Moore seconded a motion (Motion 5) to adopt the new petrale sole stock assessment.

Mr. Lockhart asked if this motion simply adopts the assessment and Ms. Vojkovich said yes.

Motion 5 carried unanimously.

Ms. Vojkovich moved and Mr. Moore seconded a motion (Motion 6) to adopt a new proxy biomass reference points for flatfish of B25% for a target and B15% as a minimum stock size threshold (MSST), an alternative of B19% for a target and an MSST of 50 percent of that amount as a preliminary preferred range of management targets and thresholds. The requested analysis would look at the tradeoffs between these two alternatives in preparation for a final decision in November.

Mr. Lockhart asked about the process for making this decision in November and Mr. DeVore said additional information would be provided in the November briefing book under the biennial specifications agenda item. Also the decision for the specifications decisions will be broadened to include petrale reference points.

Mr. Lockhart moved and Ms. Culver seconded a motion to amend the motion (Amendment 1 to Motion 6) to have the SSC review these options and provide guidance in November on the best available science for these two options. Dr. McIsaac asked if the SSC advice would be purely scientific and not include policy considerations and Mr. Lockhart said yes.

Amendment 1 to Motion 6 carried unanimously.

Ms. Culver asked for clarification on the main motion and wanted to understand the tradeoffs involved with both alternatives. She requested the SSC, Groundfish Management Team (GMT), and Groundfish Advisory Subpanel (GAP) weigh in on these issues and provide advice in November. The Council concurred with that guidance and Mr. DeVore said that would be done.

Motion 6 carried unanimously.

### **E.3 Off-Year Science Improvements (09/15/09; 8:10 a.m.)**

#### **E.3.a Agenda Item Overview**

Mr. John DeVore provided the agenda item overview.

#### **E.3.b Northwest Fisheries Science Center Report**

Dr. Elizabeth Clarke provided the NWFSC recommendations. The NWFSC recommendations are to work on the general recommendations from the STAR panels captured in Agenda Item E.3.a, Attachment 1. Many of these initiatives will take longer than a year to complete. For example, a pollock MSE being done in the North Pacific has been ongoing for six years. The science centers have been focusing on assessment approaches for data-poor species.

Mr. Moore noted the SSC has priorities they are recommending for off-year science activities and asked if the NWFSC has similar priorities. Dr. Clarke said they are all priorities, but she needs to evaluate what can be done given the resources at hand. The NWFSC will be very busy this year organizing the infrastructure to implement trawl rationalization.

Mr. Lockhart asked about the review of the regional economic model and whether the Council should task the SSC to do a review. Dr. Clarke said this would be helpful since the SSC would have to approve its use in the biennial specifications process.

#### **E.3.c Reports and Comments of Management Entities and Advisory Bodies**

##### SSC Report

Dr. Steve Ralston provided Agenda Item E.3.c, Supplemental SSC Report.

Ms. Vojkovich asked if the SS3 model has been officially peer reviewed. Dr. Ralston stated the model implementation has been reviewed throughout the world. There have also been simulations of model results and sensitivities. This model is used internationally and considered cutting edge. The model is also under a constant evolution as modeling problems are encountered and fixed.

Mr. Moore asked if the SSC receives Center for Independent Experts (CIE) reports from STAR panels and Dr. Ralston said no. These CIE reports would be valuable for the SSC review of stock assessments.

Mr. Anderson asked where the resources and staff to complete recommended tasks exist. Dr. Ralston said that is a very good question and some of these tasks are resource-intensive. As Dr. Clarke mentioned, MSEs are resource-intensive and can only be done by folks with advanced analytical skills. Many of the stock assessment improvements would be done by the science center scientists doing assessments. For example, advancing methods for tracking data-poor stocks is an ongoing personal initiative. One of the drivers for this is deciding annual catch limits (ACLs) for all our stocks. Analyzing the calendar effect on the triennial trawl survey was a feature first exposed in the 2007 canary assessment. A full statistical analysis of the triennial survey is needed to improve use of that survey in future assessments. Catch reconstruction is a very big deal. The California catch reconstruction has been ongoing for three years at the Southwest Fisheries Science Center (SWFSC) and completing this for Washington and Oregon is a significant work load. Improving and better designing the extended International Pacific Halibut

Commission (IPHC) survey for yelloweye is important for tracking rebuilding progress of yelloweye, since there are no other indices available to do that. Improving spatially explicit models is increasingly important. However, it is not clear how much work is needed to do this. The requested RecFIN database of raw data for use in stock assessments is a sore subject for many on the SSC who are frustrated with the lack of progress.

Mr. Anderson asked what the Washington and Oregon catch reconstruction entails and Dr. Ralston explained the history leading to this initiative. The 2007 CIE reviewer recommended using a standardized catch database in assessments. The task is to take any available historical catch information and formalize a standard catch database for all sectors. The objective is to provide a full catch history.

Mr. Wolford asked about foreign catch history and whether there is a standard database for these foreign catches. Dr. Ralston said there was a foreign catch reconstruction done a few years ago by Dr. Jean Rogers that has been used in assessments.

#### GMT Report

Dr. Jason Cope provided Agenda Item E.3.c, Supplemental GMT Report.

Mr. Williams asked about the GMT and SSC recommendations to provide raw recreational data from RecFIN for use in stock assessments. Mr. DeVore said this issue would be brought to the RecFIN Technical Committee meeting next month.

Dr. McIsaac asked about the catch reconstruction effort and how that might affect assessment results. Dr. Cope said that historical catch has contributed significantly to assessment results and there are specific challenges for Oregon and Washington, in particular, where Canadian catch is included in some of the historical landings. These reconstruction efforts are in general very important for assessments.

#### GAP Report

Mr. Tom Ancona provided Agenda Item E.3.c, Supplemental GAP Report.

Mr. Moore asked about industry participation in past data modeling workshops, which was strong at the beginning but waned to zero over time. He asked whether industry would participate in these workshops and Mr. Ancona said he hoped so since the recommendation to reinstitute these workshops came from industry representatives.

#### **E.3.d Public Comment**

Mr. Don Maruska, San Luis Obispo Science and Ecosystem Alliance, San Luis Obispo, California

#### **E.3.e Council Action: Prioritize and Plan for 2010 Activities**

Chairman Ortmann asked Mr. Russell Porter to speak to the RecFIN recommendations. Mr. Porter said the RecFIN Technical Committee will meet in October and will discuss this issue. He would like additional clarification to understand the current database deficiencies (preferably in writing for Pacific States Fisheries Commission (PSMFC) staff and the RecFIN Technical Committee). The raw data are available for assessment and there are various tools available on the web site for summarizing these data. PSMFC staff need a detailed list of what is needed to improve access to RecFIN data.

Mr. Williams asked if this issue should be explored at the RecFIN Technical Committee meeting. Mr. DeVore said he could ask stock assessment scientists and the SSC folks who have used RecFIN data for their recommendations for improvements prior to the RecFIN Technical Committee meeting in October.

Dr. Clarke was asked to speak to the Washington and Oregon catch reconstruction effort. She said this is a difficult issue since data quality is compromised as one goes farther back in time. There are written records in Washington and Oregon that have been copied and digitized. Now folks are reviewing hand-written records in Washington and are struggling with how to get these data digitized. There will be improved data and captured records available before the next assessment cycle, but it is not clear that the data capture and data quality assessment will be completed in time.

Mr. Anderson thought this was an ongoing initiative. The Council could articulate continued support for this work. He asked if we can assume this work will continue if the Council recommends this is a high priority and Dr. Clarke said yes. One data modeling workshop on catch reconstruction would be valuable in this initiative.

Dr. McIsaac noted the SSC is not recommending a stock assessment review workshop; however, there will be an internal review. The Council could support a harvest policy evaluation workshop and the Council might also be able to support an IPHC survey workshop for yelloweye. He asked if NMFS could support these other recommended workshops designed to evaluate the use of the triennial survey and other stock assessment improvements. Dr. Clarke said yes, the NWFSC will pursue these STAR Panel initiatives. She recommends the whiting MSE needs to be done in collaboration with the Canadians under the treaty process that is yet to be implemented. The MSEs may not be done and certainly will not be completed in advance of a harvest policy evaluation workshop since this is a huge workload. Dr. Clarke also reiterated her support for one data modeling workshop in advance of the next assessment cycle. She recommends this be a Council-supported workshop. The NWFSC will attend a workshop sponsored by WDFW on improving the extended IPHC survey for yelloweye. The NWFSC has a few comments on the stock assessment review. If this is done internally, she suggests soliciting the NWFSC and others involved in the STAR process.

Mr. Moore asked if CIE reports can be distributed more broadly. Dr. Clarke said the agency policy has changed and these reports will be posted. Mr. Moore asked if this will be on the NWFSC website and Dr. Clarke was not sure if these reports will be posted there or on the CIE web site. She will notify Mr. DeVore on their availability and he can pass it on.

Mr. Anderson believes the IPHC survey improvements workshop is a high priority. The one large data modeling workshop was strongly recommended by Dr. Clarke, but he would like to hear from Dr. Ralston. Dr. Ralston thought a data modeling workshop was a good idea in principle. Mr. Anderson recommended the Council support such a data modeling workshop and also supports an outreach between assessment scientists and state agency personnel to better prepare assessments.

Mr. Moore asked Dr. Ralston if the SSC will review the new regional economic model and he said yes. The documentation needs to be in the November briefing book.

#### **E.4 Inseason Adjustments to 2009 and 2010 Groundfish Fisheries – Part I**

##### **E.4.a Agenda Item Overview (09/16/09; 8:22 a.m.)**

Mr. Merrick Burden provided the agenda item overview.

##### **E.4.b Reports and Comments of Management Entities and Advisory Bodies**

Mr. Jones presented Agenda Item E.4.b, Supplemental REVISED GMT Report. Mr. Tommy Ancona presented Agenda Item E.4.b, Supplemental GAP Report.

##### **E.4.c Public Comment**

None.

##### **E.4.d Council Action: Adopt Preliminary or Final Recommendations for Adjustments to 2009 and 2010 Groundfish Fisheries**

Mr. Moore moved and Mr. Steve Williams seconded a motion (Motion 7) to adopt the following inseason recommendations as shown in Agenda Item E.4.b, Supplemental GAP Report and Agenda Item E.4.b, Supplemental GMT Report:

GMT Recommendation #1: Increase the LE FG sablefish DTL limits north of 36° N. lat. from “1,500 lbs per week and 6,000 lbs per 2 months” to “2,000 lbs per week and 7,000 lbs per 2 months” and eliminate the daily limit for the remainder of the year.

GMT Recommendation #2: Increase the LE FG sablefish DTL weekly limit south of 36° N. lat from “400 lb per day, one landing per week up to 1,500 lb” to a “weekly limit of 3,000 lb”, with no daily limit.

GAP Recommendation #5: Increase the OA trip limits for sablefish south of 36° N. lat. from “400 lb per day, 1,500 lb per week and 8000 lb per 2 months” to “2,500 lb per week” with no daily or bimonthly limit for the remainder of the year.

GMT Recommendation #4: Increase the LE FG and OA deeper nearshore rockfish trip limits south of 40°10' N lat. to “800 lb per 2 months” for the remainder of the year.

GMT Recommendation #5: Option 1 for the limited entry non-whiting trawl fishery, which includes adjustments to petrale sole, sablefish, arrowtooth, and slope rockfish cumulative limits and rockfish conservation area boundaries.

In speaking to his motion, Mr. Moore noted the limited entry sablefish allocation north of 36° N. lat. was too close to the allocation to warrant the increases recommended by the GAP. South of 36° N. lat. he believes there is more leeway; he is not concerned about open access vessels staying around since those vessels tend to move around quite regularly. If the limits decrease in future years, those vessels will likely leave. With regard to the trawl changes, Mr. Moore thinks the latest petrale sole assessment warrants Option 1, which was supported by both by GAP and GMT, and moves us to the appropriate conservation level.

Mr. Anderson asked for clarification, the motion approves everything recommended by the GMT, except that the 400 lb day limit in the open access fishery south of 36° N. lat. would be eliminated. Mr. Moore said that was correct. He also did not include GMT Recommendation #6, which references adjustments to petrale sole and canary rockfish for 2010 fisheries. Mr. Moore said that issue will be dealt with in a separate motion.

Ms. Vojkovich offered a substitute motion to Motion 7 (seconded by Mr. Anderson) with the only difference being to replace GAP recommendation #5 with GMT recommendation #3 which retains the daily trip limit south of 36° N. lat. We have used a daily trip limit to manage effort in the open access fishery in this area throughout all of our Council actions. In the south there are no sablefish allocations between limited entry and open access fixed-gear, like what exists in the north. The limits encompass a large geographic area and fishing behaviors in one area might do okay with no daily trip limit. However, we have heard interest of new vessels in the southern portion south of 36° N. lat. Ms. Vojkovich recognizes that there is a larger optimum yield (OY) this year and next. Increasing the weekly limit provides access to that higher OY but will keep excessive numbers of new vessels from joining the open access fishery, which would cause an allocation issue in the future. It is prudent to retain the daily trip limit.

Substitute Motion #7 passed unanimously.

Mr. Moore asked Council staff what action is needed given the petrale sole and canary rockfish point of concern issue. The appropriate action seems to be to provide a notice of intent rather than a regulatory change at this time. Mr. DeVore said it is appropriate to hold off on a definitive decision at this point, but provide notice of the direction you are considering for 2010. At the November meeting there will be rebuilding analyses for petrale sole and canary rockfish as well as an SSC review of the reference points for petrale sole. The Council will want to see all that information prior to making a final decision for 2010. Mr. DeVore said that action under this agenda item would be to let the public know if you are considering making OY changes for 2010.

Mr. Moore asked Dr. McIsaac if it requires a motion or if guidance to the Executive Director would be sufficient. Dr. McIsaac said that perhaps we can clarify under J.4 Future Council Meeting Agenda and Workload Planning, when we set the November agenda. We would indicate in the notice that changes to the canary rockfish and petrale sole OYs will be considered under the inseason agenda item.

Mr. Anderson moved (Motion 8) the Council provide notice to the public of our intent to review 2010 management measures and OYs for petrale sole and canary rockfish and that we may reconsider and revise management measures and OYs for those two species in response to the recent stock assessment results. Mr. Dale Myer seconded the motion.

Motion 8 passed unanimously.

Mr. Moore requested that the GMT provide an updated scorecard. Mr. Burden agreed and suggested that the E.7 Agenda Item be cancelled, with an updated GMT scorecard passed out when it becomes available.

## **E.5 Fishery Management Plan Amendment 23 – Annual Catch Limits and Accountability Measures**

### **E.5.a Agenda Item Overview (09/16/09; 10:40 a.m.)**

Mr. John DeVore provided the agenda item overview.

**E.5.b Reports and Comments of Management Entities and Advisory Bodies (09/16/09; 10:49 a.m.)**

SSC Report

Dr. Steve Ralston provided Agenda Item E.5.b, Supplemental SSC Report. Additionally, he provided a PowerPoint regarding how to express uncertainty in west coast groundfish stock assessments. This presentation better defined the conceptual approach being considered by the SSC for deciding scientific uncertainty buffers.

Mr. Moore asked if this approach is adding precaution upon precaution given the precautionary assumptions within assessments. Dr. Ralston said no, this is not double counting uncertainty. There are many sources of uncertainty and this approach tries to account for more of the scientific uncertainty than is done within an assessment.

Mr. Wolford asked about the coefficient of variation and Dr. Ralston said that is the coefficient of variation from the meta-analysis of all the data-rich species. Mr. Wolford asked if ultimately it would make sense to do this meta-analysis for such a diverse group of species. Dr. Ralston said species-specific distributions of uncertainty between assessments will be evaluated as well as the coefficient of variation from the meta-analysis. All of these analyses will help the SSC and Council decide the size of the scientific uncertainty based on either within-assessment variability or between-assessment variability.

Dr. McIsaac asked for a specific example using yelloweye to understand how variance from the meta-analysis might inform a scientific uncertainty buffer. Dr. Ralston walked the Council through the example using Figure 1 in the SSC report.

Mr. Lockhart asked about the biomass ratios that are central to the meta-analysis. Dr. Ralston explained how the approach measures year-specific biomass estimates from different assessments of a stock. These paired data points are analyzed as ratios in the analysis to determine variance in estimating biomass.

Mr. Lockhart asked about the national SSC meeting in November and whether that meeting will change our SSC's approach in deciding scientific uncertainty. Dr. Ralston said our approach may change their thinking. However, none of this addresses forecast uncertainty. Other types of uncertainty that can't be well estimated now is another good reason to framework Amendment 23 to be able to fold in more uncertainty in management decisions at a later date. This methodology addresses uncertainty in estimating biomass.

GMT Report

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

Ms. Vojkovich asked about maximum fishing mortality threshold and how that applies to the new framework. Mr. DeVore said the maximum fishing mortality threshold is the MSY harvest rate applied to the exploitable biomass to calculate an overfishing limit (OFL).

Ms. Vojkovich asked about evaluation of sector-specific ACLs and annual catch targets (ACTs) and Mr. Jones said the NS1 guidelines allow consideration of sector-specific ACLs and ACTs. They could be

used to address sector-specific levels of management uncertainty. Mr. DeVore added sector-specific ACLs can be used to allocate an ACL to individual sectors. Ms. Vojkovich expressed concern that these more detailed specifications are making the framework more complicated than she envisioned. Mr. DeVore explained these are all tools that the Council can use in the future; however, the decisions on how to use these tools will not be made under the Amendment 23 action but rather within the biennial specifications process.

Mr. Anderson said it appears that setting OFLs and ACLs will largely be decided by the SSC and ACTs will be considered by the GMT and GAP. Mr. DeVore corrected this to say the SSC will focus on the OFL and acceptable biological catch (ABC) recommendations and the GMT, GAP, and others will focus on ACLs and ACTs. The ACT is an accountability measure, or another tool like our inseason management mechanism, for ensuring ACLs are not exceeded.

#### **E.5.c Public Comment**

None.

#### **E.5.d Council Action: Provide Guidance on Further Development of Amendment 23**

Mr. Ortmann asked Mr. DeVore what the Council task is for Amendment 23. Mr. DeVore said that the SSC has laid out their approach for developing an ABC control rule and the GMT has explained what analyses they are intending to do to develop the Amendment 23 framework. Council guidance could simply be for both bodies to continue as they have outlined or, alternatively, pursue a different direction.

Ms. Vojkovich was not sure this Council was approaching these amendments in a comprehensive manner. Dr. McIsaac said all the Fishery Management Plan (FMP) considerations are attempting to amend FMPs to comply with the same NS1 guidelines.

There was a brief discussion on whether the Amendment 23 framework should consider the ACT or not. Mr. DeVore said there will be an evaluation of our accountability measures including ACTs provided in November and the Council can decide then whether the ACT should be part of the framework.

### **E.6 Fishery Management Plan Amendment 20 – Trawl Rationalization Regulation Language Review and Miscellaneous Implementation Matters**

#### **E.6a Agenda Item Overview**

Mr. Jim Seger provided the agenda item overview.

#### **E.6.b Reports and Comments of Management Entities and Advisory Bodies**

Mr. Lockhart presented Agenda Item E.6.b, Supplemental NMFS Reports 1 and 2; as well as a PowerPoint presentation on Amendment 20 & 21 (TIQ & ISA) Deeming - Round 1 found on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/E6b\\_SUP\\_NMFS\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/E6b_SUP_NMFS_PPT_0909.pdf).

NWFSC presented Agenda Item E.6.b, Supplemental NWFSC PowerPoint. Found on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/E6b\\_SUP\\_NWFSC\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/E6b_SUP_NWFSC_PPT_0909.pdf).

### **E.6.c Public Comment**

None.

### **E.6.d Council Action: Provide Guidance as Appropriate**

Mr. Anderson asked Mr. Seger what we need to accomplish today. Mr. Seger said it would be to respond to any questions NMFS might have brought forward. At this point there does not appear to be any other questions from NMFS. Beyond that he said we should ask Mr. Lockhart if there is anything else he would like to have at this meeting. Mr. Lockhart said they had started discussions with the states and will be in further contact.

Mr. Anderson asked if he had a definition of a compliance monitor? Mr. Lockhart said in the program they had identified the duties of a compliance monitor. Mr. Anderson expressed concern about availability of certified observers. He noted that what is being asked of observers might be different than what is being asked of people whose responsibility it is to ensure full retention of catch is complied with. He asked Mr. Lockhart whether or not they had given any thought to an individual that has a lower skill set than what is qualified for observers that could serve to ensure compliance of full retention on the whiting vessels, as opposed to an observer as we know it or cameras. Mr. Lockhart said yes that had been discussed. The upshot is that the cost of putting somebody on board at-sea, no matter their skill level, is most of the cost (insurance and training). Having a less skilled individual does not save much but it could open up the pool of available applicants. Dr. Clarke stated that there was also a problem of definitions. There are some policies and regulations that are associated with "observers."

Ms. Vojkovich, asked if all of the package he presented to the Council would be back in November in more detail or just parts? Mr. Lockhart said all and more. In an ideal circumstance they will layout some of the deeming components for the grand framework and not just tracking and monitoring.

Ms. Vojkovich asked for additional discussion on the topic of Agenda Item E.6.a, Attachment 1, Appendix D, Page 2, overview of recommendations by sector. She noted the specification that 10 percent of the quota shares (QS) will be set aside for the adaptive management plan (AMP). If that is what the Council decided then the Council has not addressed how that will be reallocated back to the fleet when AMP ends. Mr. Lockhart said they will be working on that for November.

### **E.7 Inseason Adjustments to 2009 and 2010 Groundfish Fisheries – Part II**

This agenda item was cancelled, not necessary.

### **E.8 Report on Catch of Unidentified Rockfish Species in the Recreational Fishery (09/17/09; 8:52 a.m.)**

#### **E.8.a Agenda Item Overview**

Mr. Burden provided the agenda item overview.

#### **E.8.b Reports and Comments of Management Entities and Advisory Bodies**

Mr. Burden read Agenda Item E.8.b, Supplemental SSC Report. Mr. Jones read Agenda Item E.8.b, Supplemental GMT Report. Ms. Lynn Mattes summarized Agenda Item E.8.b, ODFW Report: Oregon Department of Fish and Wildlife Report on Unidentified Rockfish from the Recreational Fishery.

The Chairman noted Agenda Item E.8.b, Supplemental CDFG Report: California Department of Fish and Game Report on Unidentified Rockfish in the California Recreational Fishery and Agenda Item E.8.b, Supplemental WDFW Report: Washington Department of Fish and Wildlife Report on Unidentified Rockfish in the Recreational Fishery.

#### **E.8.c Public Comment**

None.

#### **E.8.d Council Action: Provide Guidance on Further Process**

Ms. Culver stated all three states are concerned about this issue, but are at different stages relative to speciating the unidentified rockfish. She agreed with the SSC and GMT recommendations that coordination is needed between the states and the RecFIN Technical Committee. The proposed methodology should be reviewed by RecFIN as well as the SSC. Ms. Culver agrees that it is not possible to get something in place by 2011; the earliest appears to be 2013 given state budgets, workloads, and Council priorities. She also agrees with the GMT recommendation to submit a funding request to NMFS via the Marine Recreational Information Program (MRIP) to assist the states with this issue.

Ms. Vojkovich concurred with Ms. Culver's comments. The Amendment 23 process provides considerations for uncertainty within the stock assessments, and this issue could be encompassed. The RecFIN Technical Committee is made up of state representatives and Council staff and as such would be a good group to analyze solutions to this problem.

Mr. Lockhart echoed comments of Ms. Culver and Ms. Vojkovich. The SSC says that this is not a conservation concern, but in general we do need to account for mortality appropriately. As such, while not a high priority, the issue should continue to be addressed.

Mr. Dan Wolford noted that the percentages of unidentified rockfish are small and he questions whether any statistical methodology would provide appropriate confidence intervals. Mr. Wolford questions whether we will really make a statistical difference in our estimates by addressing this issue. He does agree that MRIP would be an appropriate avenue for funding. They have a statistical committee that could investigate and propose methodologies.

Mr. Steve Williams supports the technical methodology and comments of SSC and GMT. ODFW has done angler education regarding rockfish identification and is having good success. There is a lot of interest in those events so ODFW will continue to promote education in an effort to reduce the number of unidentified rockfish. Mr. Williams believes that the priority in the short term is education. He also agreed with Mr. Wolford's comments regarding MRIP funding.

Mr. Burden asked Mr. Porter, PSMFC, if he had additional comments. Mr. Porter said they support the recommendations of the GMT. The RecFIN Technical Committee will be meeting in October and this issue will be on the agenda. They are well versed in the issues and the available recreational data. They will work with the GMT, and it appears that the timeframe (2013-2014) specified by the GMT is the

quickest. Mr. Porter noted that MRIP operations group is meeting next week to consider pilot project proposals. Mr. Porter said that he will bring this item forward for potential funding.

Mr. Wolford moved (Motion 12) that the Council table any further effort on the reconstruction of unidentified fish absent any funding. If the MRIP is able to fund a suitable program, then we can take it up again; for now, encourage the states to reduce their unidentified catch in the future. (Motion 12) Mr. Cedergreen seconded the motion.

Ms. Culver supports the motion. She requested that the RecFIN Technical Committee focus their discussions about formulating their proposal for MRIP funding, but not explore methodologies to resolve the unidentified rockfish or anything of that nature at this time.

Mr. Williams supports the motion and noted the states will continue to track the incidence of unidentified rockfish. If the number of unidentified rockfish increases dramatically then he would like to find a way to address the issue through the Council process. Right now it is a low priority, but if the numbers were to increase and get out of hand, then he wants the ability to address it.

Mr. Wolford clarifies that his motion is not to bring the investigations to a halt, but to allow us to coordinate the issue at the national level through MRIP.

Motion 12 passed unanimously.

## **F. Enforcement Issues**

### **F.1 Oregon State Police Fisheries Enforcement Report (09/15/09; 10:07 a.m.)**

#### **F.1.a Agenda Item Overview**

Mr. Jim Seger provided the agenda item overview.

#### **F.1.b Report of the Oregon State Police Fish and Wildlife Division**

Lt. Jeff Samuels provided a Powerpoint, available on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/F1b\\_SUP\\_OSP\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/F1b_SUP_OSP_PPT_0909.pdf)

Mr. Ortiz covered Agenda Item F.1.b, Supplemental NMFS Report.

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

None.

#### **F.1.d Public Comment**

None.

#### **F.1.e Council Discussion**

None.

## **G. Salmon Management**

### **G.1 Fishery Management Plan Amendment 16 – Annual Catch Limits and Accountability Measures (09/15/09; 1:05 p.m.)**

#### **G.1.a Agenda Item Overview**

Mr. Chuck Tracy presented the agenda item overview.

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

Dr. Peter Dygert provided a PowerPoint presentation, available on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/G1b\\_SUP\\_SAC\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/G1b_SUP_SAC_PPT_0909.pdf)

Mr. Anderson asked if unmarked stocks in a mark-selective fishery would be considered non-target stocks. Dr. Dygert replied that topic had not been discussed by the Salmon Amendment Committee (SAC), but it could be discussed at a later time.

Mr. Anderson asked why far north migrating (FNM) stocks would be considered ecosystem components when they were harvested at significant levels outside of Council area fisheries. Dr. Dygert replied they did not fit well in any of the categories, but the vulnerability differential between FNM stocks and other stocks could support that classification. FNM stocks may also be designated as primarily managed under the North Pacific Fishery Management Council (NPFMC) authority.

Mr. Gordy Williams noted that discussions with the Alaska Department of Fish and Game (ADFG) and NPFMC generally confirmed that salmon fit well with the definition of stocks managed under an international agreement, and could therefore likely be excepted from the ACL provisions of the MSA; he asked why FNM and other stocks in the Pacific Salmon Treaty (PST) would not be considered for exception. Dr. Dygert replied that FNM Council stocks are not all a perfect fit for the international exception, such as Columbia River spring Chinook stocks that are not mentioned in the PST. The PST management requirements for exploitation rate reductions may not be equivalent to MSA standards to prevent overfishing, etc.

Mr. Wolford asked if the Council would be required to adopt a single management approach over the range of fisheries under its authority. Dr. Dygert replied no, there was no requirement for a single approach.

Mr. Wolford asked if managing for either total escapement or natural escapement would still be acceptable under the new requirements and guidelines. Dr. Dygert replied that provided the justification and rationale is sufficient to meet the intent of the requirements and guidelines, existing management approaches could be preserved.

Mr. Roth asked if the Council would still be required to specify status determination criteria (SDC) for stocks that were provided the international exception. Dr. Dygert replied the international exception was specific to ACL and accountability measure (AM) requirements, and did not include SDC.

Dr. McIsaac asked if the NPFMC would consider ACL/AM requirements for salmon since they have deferred management to the state of Alaska. Mr. Gordy Williams replied that he did not represent the NPFMC, but he believed they were discussing the issue.

Mr. Anderson asked if updates to conservation objectives for any stocks would require an FMP amendment. Dr. Dygert replied that only the spawning escapement floor for Klamath River fall Chinook (KRFC) required an amendment change; all other stocks have conservation objectives updated through the methodology review process.

Ms. Vojkovich asked if the requirement for an FMP amendment to change the KRFC spawner floor could be removed during this amendment process (Amendment 16). Mr. Tracy replied yes, if that feature was identified during the scoping process.

Mr. Lockhart asked why *de minimis* fishery provisions were part of the alternatives being considered in Amendment 16. Dr. Dygert replied that it was part of the Council's direction from the March 2009 Council meeting.

Dr. Steve Ralston presented Agenda Item G.1.b, Supplemental SSC Report.

Ms. Vojkovich asked if the SSC had considered the schedule for completing Amendment 16 with regard to working with the SAC to develop methods for characterizing uncertainty. Dr. Ralston replied that there had been no discussions with the SAC up to that point.

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

Ms. Vojkovich asked if it was likely that there would be substantial changes to time/area salmon management south of Cape Falcon as a result of adopting ACLs. Dr. Kope replied it was likely, but not certain.

Ms. Vojkovich asked if the Salmon Technical Team (STT) discussed implementation schedules for the issues presented. Dr. Kope replied no, but that implementing quota fisheries and associated monitoring would require more rapid assessment, but not necessarily major changes to management programs.

Mr. Wolford asked what changes to fishery management south of Cape Falcon may be considered. Dr. Kope replied implementing quotas or catch ceilings.

Mr. Lockhart asked if SDC were revised to be more objective, why the STT would recommend preserving the review process. Dr. Kope replied that it would still be important to assess the cause of a depressed stock status, and to recommend possible solutions.

Mr. Wolford asked if the STT felt only the KRFC conservation objective was in need of updating or if other stocks should also be updated. Dr. Kope replied the STT was not recommending that the conservation objective for KRFC should be changed through Amendment 16, but was noting that the conservation objectives for all other stocks could be changed, if necessary, without an amendment process. Given the ambitious schedule for Amendment 16, updating conservation objectives should take place outside the amendment process.

Dr. Tom Welsh presented Agenda Item G.1.b, Supplemental SAS Report.

Mr. Wolford asked if the Salmon Advisory Subpanel (SAS) discussed how traditional time/area management south of Cape Falcon could be preserved. Mr. Butch Smith replied the focus of the discussion was on scoping issues, not on development of alternatives. Mr. Tracy stated that the SAC had discussed time/area management and believed there would be alternatives that would preserve such management approaches while accounting for uncertainty.

#### **G.1.c Public Comment**

None.

#### **G.1.d Council Action: Complete Scoping of Issues and Provide Guidance on Preliminary Alternatives**

Ms. Vojkovich asked what was driving the implementation date of May 1, 2011. Ms. McCall replied it was driven by the MSA statute.

Mr. Steve Williams asked if the scoping process could allow consideration of time/area management alternatives south of Cape Falcon. Mr. Tracy replied yes.

Mr. Steve Williams asked if the March 2009 Council direction to consider *de minimis* fishing provisions in Amendment 16 was limited to Sacramento River fall Chinook (SRFC). Mr. Tracy replied no, that SRFC was the impetus, but not the only stock to be considered.

Mr. Anderson was concerned that developing alternatives and analyses for time/area management south of Cape Falcon would cost valuable time that could be better spent on more tractable alternatives.

Dr. McIsaac asked if the international exception designation for far-north migrating (FNM) stocks could streamline the process. Dr. Dygert replied that settling the stock classification issues for all stocks would be an important first step in the process.

Dr. McIsaac asked if the SAC had determined if Amendment 16 would be analyzed as an Environmental Impact Statement (EIS) or an Environmental Assessment (EA). Dr. Dygert replied that the SAC was aware that decision was on the agenda, but was not yet prepared to make a recommendation.

Mr. Wolford asked if it were possible to develop alternatives that would combine spawning escapement objectives and fishery catch limits to address the statute requirements and guidelines. Dr. Dygert replied yes, that it should be possible to use existing tools to structure acceptable alternatives.

Mr. Moore asked if status quo management would be a viable alternative if it met the intent of the statute. Dr. Dygert replied yes, provided additional requirements of the new statute were addressed and explained; however, the current SDC was in need of change.

Ms. Vojkovich recommended the scope of Amendment 16 be kept to a minimum in order to meet the required time line. *De minimis* fishing provisions should be addressed in the SDC rather than through stock specific conservation objectives.

Mr. Steve Williams recommended not expanding the scope of Amendment 16. *De minimis* fishing provisions should be included, but offered no guidance on how to approach alternatives. Time/area management should be included as an alternative.

Mr. Anderson recommended that updating conservation objectives should not be part of Amendment 16 unless necessary to comply with the statute, and that *de minimis* fishing provisions should not be addressed through updating stock specific conservation objectives; however, the SAC should keep a prioritized list of stocks needing their conservation objectives updated for a separate, future process.

## **G.2 2009 Salmon Methodology Review (09/15/09; 5:04 p.m.)**

### **G.2.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview.

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

Mr. Tracy read Agenda Item G.2.b, Supplemental MEW Report and Agenda Item G.2.b, Supplemental SSC Report.

Dr. Robert Kope presented Agenda Item G.2.b, Supplemental STT Report.

Mr. Wolford asked if the maturity boundary for Klamath River fall Chinook (KRFC) would affect the maturity boundary for SRFC. Dr. Kope replied no, they were separate issues.

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

### **G.2.c Public Comment**

None.

### **G.2.d Council Action: Adopt Final Review Priorities**

Mr. Anderson recommended the SSC salmon subcommittee and STT review the following items under the methodology review process: characterizing bias from mark-selective fisheries in Chinook and Coho Fishery Regulation Assessment Models, harvest forecasts for fall fisheries south of Cape Falcon, September 1 maturity boundary for KRFC, and updated conservation objectives for Puget Sound coho.

The Council concurred.

## **G.3 Central Valley Endangered Species Act Biological Opinion and Sacramento River Fall Chinook Stock Collapse (09/15/09; 4:05 p.m.)**

### **G.3.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview.

### **G.3.b Report on Biological Opinion**

Ms. Maria Rea provided a PowerPoint presentation, available on the Council's website at: [http://www.pccouncil.org/bb/2009/0909/G3b\\_SUP\\_NMFS\\_PPT\\_0909.pdf](http://www.pccouncil.org/bb/2009/0909/G3b_SUP_NMFS_PPT_0909.pdf)

Mr. Steve Williams asked how the fish screening program was funded in the Central Valley. Ms. Rea replied through the U.S. Fish and Wildlife Service and the Central Valley Improvement Act; the Biological Opinion included a reasonable and prudent alternative (RPA) to maintain funding for the screening program at the existing level.

Dr. McIsaac asked what kind of genetic effects from salmon hatcheries would affect killer whale survival. Ms. Rea replied that fall run Chinook hatchery practices were narrowing run timing and causing boom/bust cycles that were resulting in less consistently available food sources for killer whales.

Mr. Roth asked how the carry-over water regime for winter Chinook would benefit fall Chinook. Ms. Rea replied the hydrologic cycle was normally longer than one year, so managing for carry-over storage capacity in Shasta Reservoir increases the likelihood of water available for fall Chinook the following year.

Mr. Helvey asked if any RPAs had been implemented. Ms. Rea replied that the Bureau of Reclamation (BOR) responded that they would begin immediately implementing the RPAs; The Red Bluff Diversion Dam gates remained open this spring, the delta pump measures would be implemented in January.

Mr. Roth asked if BOR had responded to the Essential Fish Habitat recommendations. Ms. Rea replied no.

Mr. Tracy asked what form the proposed fish passage projects at Folsom and Shasta dams might take, particularly downstream passage. Ms. Rea replied the RPAs require a steering committee to be formed, in which NMFS will take a large role. Specific proposals will come out of the committee process, although a pilot project is part of the RPAs, in addition to a feasibility study.

### **G.3.c Reports and Comments of Management Entities and Advisory Bodies**

Mr. Tracy read Agenda Item G.3.c, Supplemental HC Report.

Mr. Craig Stone and Mr. Paul Pierce presented Agenda Item G.3.c, Supplemental SAS Report.

### **G.3.d Public Comment**

Mr. Joel Kawahara, troller, Seattle, WA

### **G.3.e Council Discussion**

Mr. Tim Roth recommended the Habitat Committee draft a letter to BOR reminding them of their statutory requirement to respond to the EFH recommendations.

The Council concurred.

## **G.4 National Marine Fisheries Service Report (09/15/09; 11:10 a.m.)**

### **G.4.a NWR and NWFSC Activities**

Dr. Peter Dygert presented Supplemental Informational Report 3.

Mr. Cedergreen asked if there had been or would be any socioeconomic analysis of the eight harvest alternatives. Dr. Dygert replied that NMFS was not planning any specific analysis, but aware of the consequences of each alternative and sought to maintain viable fisheries with access to harvestable surplus.

Mr. Cedergreen noted the general public may not be aware of those consequences.

Mr. Gordy Williams asked what biological opinion the report was referring to. Dr. Dygert replied, the biological opinion on 2010 Council area fisheries.

Mr. Roth inquired about the availability of age-based data for the small primary populations necessary to accomplish the proposed life-cycle modeling. Dr. Dygert replied that the primary populations were identified in the recovery planning process, but some of the smaller populations would have to be analyzed by comparison to more data-rich populations.

Mr. Steve Williams asked if the list of primary populations had changed recently. Dr. Dygert replied that the Grays River populations, previously identified as a primary population, was dropped from the list and replaced with the Germany/Mill/Abernathy complex through the Washington recovery planning process.

Mr. Williams asked if there was currently sufficient information to implement an abundance-based management system. Dr. Dygert replied probably not; the first step would be to determine if forecasts for natural populations are available and adequate.

Mr. Anderson asked if the committees identified in the report were active and had delivered products to the modeling committee. Dr. Dygert replied they were active, but no products were available.

Mr. Anderson asked if NMFS anticipated a multi-year exploitation rate approach to be included in the 2010 guidance letter to the Council. Dr. Dygert replied that was their intention.

Mr. Wolford asked if the risk assessment was specific to lower Columbia River tule Chinook, or if it would extend to other Columbia River populations. Dr. Dygert replied the assessment was specific to tules.

Dr. McIsaac asked if the harvest models and the life cycle model were ready for use and could be ready for review by the SSC. Dr. Dygert replied the life cycle model was being used in Oregon already; it would be up to the modelers to determine when they might be prepared to present a write-up to the SSC.

Mr. Tracy asked if there were alternatives for hatchery actions similar to the alternatives apparent for harvest and habitat actions. Dr. Dygert replied the hatchery reform actions should be solidified moving into the life cycle modeling process, and new alternatives would not be developed.

Mr. Tracy asked if the Mitchell Act EIS process would be integrated into the hatchery reform actions. Mr. Roth replied the states have nearly completed plans for implementing the HSRG recommendations and new alternatives were unlikely.

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

None.

#### **G.4.c Public Comment**

None.

#### **G.4.d Council Discussion on NMFS Report on Salmon**

Mr. Lockhart noted the NOAA Klamath River Basin 2009 Report to Congress was made available to Council members and was also available on the Council's website.

Mr. Anderson noted that some of the harvest alternatives would result in elimination or severe curtailment of salmon fisheries where tules were present. Mr. Lockhart acknowledged the role of the guidance letter in structuring fisheries, and in particular the role of tule constraints.

Mr. Cedergreen recommended a multi-year approach to setting harvest levels. Dr. Dygert replied one of the benefits of the life cycle modeling was the ability to account for anticipated benefits from hatchery reform and habitat improvement actions, so there could possibly be consideration of planned recovery actions when NMFS provides 2010 guidance

### **H. Pacific Halibut Management**

#### **H.1 2010 Pacific Halibut Fishery Regulations (09/16/09; 9:25 a.m.)**

##### **H.1.a Agenda Item Overview**

Mr. Tracy presented the agenda item overview.

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

Ms. Culver presented Agenda Item H.1.b, WDFW Report.

Mr. Williams presented Agenda Item H.1.b, ODFW Report.

Mr. Tracy read Agenda Item H.1.b, Supplemental GAP Report.

##### **H.1.c Public Comment**

None.

##### **H.1.d Council Action: Adopt for Public Review Proposed Changes to the 2010 Pacific Halibut Catch Sharing Plan and Annual Fishery Regulations**

Ms. Culver moved (Motion 9) to adopt for public review, the proposed changes to season structure and the catch sharing plan for 2010 as shown in Agenda Item H.1.b, WDFW Report (Washington south coast subarea). Mr. Myer seconded the motion.

Mr. Steve Williams asked what data was used to base the conclusion that canary and yelloweye rockfish impacts would not increase under the proposed lingcod retention regulations. Ms. Culver replied the 2005-2006 groundfish specification data was used, which included years with no depth restrictions and longer halibut seasons.

Mr. Cedergreen remarked that the lingcod retention regulations were intended to allow retention of incidental lingcod encounters, not to expand target opportunity for lingcod.

Motion 9 passed unanimously.

Mr. Williams moved (Motion 10) to adopt for public review, the proposed changes to season structure and the catch sharing plan for 2010 as shown in Agenda Item H.1.b, ODFW Report for the Central Coast Subarea only, not the Columbia River subarea. Mr. Moore seconded the motion.

Motion 10 passed unanimously.

## **H.2 Proposed Procedures for Estimating Pacific Halibut Bycatch in the Groundfish Fisheries**

### **H.2.a Agenda Item Overview (09/16/09; 9:38 a.m.)**

Mr. Tracy presented the agenda item overview.

### **H.2.b Northwest Fisheries Science Center Report**

Dr. Jim Hastie provided a PowerPoint presentation, available on the Council's website at: [http://www.pcouncil.org/bb/2009/0909/H2b\\_SUP\\_NMFS\\_PPT\\_0909.pdf](http://www.pcouncil.org/bb/2009/0909/H2b_SUP_NMFS_PPT_0909.pdf) referencing Agenda Item H.2.b, Supplemental NMFS Reports 1 and 2.

Mr. Moore asked if moving the trawl fleet into deeper water as a result of the individual quota program could increase halibut bycatch mortality. Dr. Hastie replied that was a possibility.

Mr. Steve Williams asked what type of environmental factors result in increased bycatch mortality rates in more southerly fisheries. Dr. Hastie replied water depth, and water and air temperature; as each increases, mortality rates increase.

Mr. Williams asked if the fixed gear bycatch estimates would be forwarded to the IPHC for stock assessment and catch level recommendations. Dr. Hastie replied that the methods used to generate the estimates were not reviewed by the SSC, and was not sure what the IPHC intent was.

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

Dr. Ralston presented Agenda Item H.2.c, Supplemental SSC Report.

Ms. Culver asked if the trawl bycatch estimate was consistent with previously approved methodology. Dr. Ralston replied yes.

Ms. Culver asked if the SSC would endorse the fixed-gear bycatch mortality estimates since they were generated by previously used methods with an additional year of data. Dr. Ralston replied that the SSC did not review the report and therefore could not endorse it.

Mr. Jones presented Agenda Item H.2.c, Supplemental GMT Report.

Mr. Ancona presented Agenda Item H.2.c, Supplemental GAP Report.

#### **H.2.d Public Comment**

None.

#### **H.2.e Council Action: Review and Provide Guidance on Appropriate Bycatch Estimation Procedures**

Ms. Culver asked when NMFS needed to submit the bycatch reports to the IPHC. Dr. Hastie replied they were due by mid-October in preparation for the IPHC interim meeting.

Ms. Culver moved (Motion 11) that the Council approve the reports presented in Agenda Item H.2.b, Supplemental NMFS Reports 1 and 2 to be transmitted to the IPHC with the endorsement of the estimated total halibut mortality of 280,515 lbs. and the estimate of the total halibut bycatch in the fixed-gear fishery of about 46.3 mt. Mr. Myer seconded the motion.

Ms. Culver noted that the trawl and fixed-gear halibut bycatch mortality estimates were consistent with the approach used the previous year and endorsed by the SSC.

Mr. Moore asked if the GMT recommendations were included in the motion. Ms. Culver replied no, that they were more appropriate as guidance to the Science Center.

Motion 11 passed unanimously.

Mr. Moore recommended NMFS incorporate the GMT recommendations for looking at fixed-gear bycatch estimates in the future. The Council concurred.

Mr. Williams recommended the November Council meeting agenda item discussion include the topic of halibut retention in the fixed-gear fishery south of Point Chehalis.

### **I. Open Comment Period**

#### **I.1 Comments on Non-Agenda Items (09/16/09; 1:23 p.m.)**

##### **I.1.a Management Entity and Advisory Body Comments**

Mr. Tommy Ancona presented Agenda Item I.1.a, Supplemental GAP Report.

##### **I.1.b Public Comments**

Mr. Steve Bodnar, Coos Bay Trawlers Association, Coos Bay, OR. Spoke on the canary quota shares and the Rockfish Conservation Area (RCA) line.

Mr. Ralph Brown, trawler, Brookings, OR. Asked the Council to look at the allocation of canary in November. He also asked that the modelers redo the previous model alongside the new model for petrale sole to compare the two models and to see if the assumptions make any sense or not.

Mr. Richard Carol, Ocean Gold Seafoods, Westport, WA. Spoke about the license limitation program and how in the buyback there were mistakes made and didn't want the same mistakes and further harm done to the communities when the trawl individual quota program is installed. Endorsed having the opportunity at the November Council meeting to have a comprehensive review of the individual transferable quota (ITQ) program. He was in favor of having the entire program reviewed (at the November meeting).

Mr. Tommy Ancona, Tommy's Marine Service, Fort Bragg, CA. First testified on behalf of Barry Cohen in regards to the IQ program. Mr. Cohen had felt there was a disconnect with the allocations that were given to him. Mr. Ancona then spoke to his own statement. Mr. Ancona felt that mistakes were made right out of the gate with the IQ program (lack or total absence for bycatch species allocated when target species were allocated); in particular the area of Fort Bragg.

Mr. Larry Collins, San Francisco Crab Boat Owners Association, San Francisco, CA. Asked to open up the RCA for the small boat fleet—2 mt a month. On catch share management regimes, felt it was a fad, the fad will pass. He asked the Council to figure out some way to put small boat hook-and-line fleet back to fishing for the rock cod stocks.

Mr. Vincent Doyle, trawler, Fort Bragg, CA. Agreed with the comments from Mr. Ancona to review the IQ issues again in November.

Mr. Tom Estes, trawler, Fort Bragg, CA. Agreed with comments from Mr. Ancona, reiterated Mr. Doyle's comments too. Need canary bycatch allocation in order to prosecute chilipepper rockfish.

Ms. Erika Feller, The Nature Conservancy, San Francisco, CA. Spoke to the written testimony contained in Agenda Item I.1.b, Supplemental Open Public Comment Period 3; which was regarding Amendment 20 Trailing Action on Community Fishing Associations.

Mr. David Jincks, Midwater Trawlers Cooperative, Newport, OR. Spoke about the initial trawl allocation issue.

Mr. Brian Jourdain, Fort Bragg, CA. Same comments as Mr. Ancona and Mr. Doyle. Asked that the Council reconsider canary allocations.

Mr. Brent Paine, United Catcher Boats, Seattle, WA. Asked that the Council reconsider allocations.

Mr. Mike Story, F/V Pegasus, Warrenton, OR. Asked that the Council reconsider canary allocations.

Mr. Craig Urness, Pacific Seafood Group, Clackamas, OR. Comment on trawl IQ allocations (groundfish only).

Ms. Donna Parker, Arctic Storm, Inc., Seattle, WA. Reconsider allocation of overfished species (IQ). Spoke about the adaptive management program and how it should be used to fix the "unintended consequences"; which were described as the reallocation of overfished species. She agrees with the GAP statement of trying to solve one problem and creating another problem.

Mr. Nick Edwards, Newport Shrimp Producers, Newport, OR. Mr. Edwards read his testimony as provided in <http://www.pcouncil.org/bb/2009/0909/11b OPC2 0909.pdf>. He asked the Council to go on

public record to acknowledge the severe economic impacts that trawl rationalization will have on the West Coast Shrimp Industry.

Mr. Steve Hughes, Natural Resources Consultants, Inc., Seattle, WA. Spoke to his written public testimony, handed out.

Mr. Shems Judd, EDF, Portland, OR. Spoke about IQ allocations.

### **I.1.c Council Discussion of Comments as Appropriate**

Dr. McIsaac said that any action to consider addressing the bycatch allocation problem would occur under Agenda Item J.4, Future Meeting Planning. No action can be taken at this meeting to change the allocation issue except for a decision of whether or not to address it at the November Council meeting.

## **J. Administrative Matters**

### **J.1 Fiscal Matters**

#### **J.1.a Agenda Item Overview**

Dr. John Coon provided the agenda item overview.

#### **J.1.b Budget Committee Report**

Mr. Jerry Mallet presented Agenda Item J.1.b, Supplemental Budget Committee Report.

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

None.

#### **J.1.d Public Comment**

None.

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

Mr. Cedergreen asked about stipends. Mr. Mallet said if we don't use the money we either keep it for the next year or return it to NMFS.

Mr. Anderson asked Mr. Mallet about the issue associated with Council member compensation. Mr. Mallet said the budget impact for this year for Option III is \$5,400; and next year about \$10,000. Mr. Anderson noted the example of when a Council member travels on a particular day, arrives and attends a committee meeting, is that considered a travel only day? Mr. Mallet said if they attend a meeting it is a work day and they will be compensated for that; travel only days are days on which no meeting was attended, but they had to travel to get to the hotel for an early meeting the next day. Mr. Mallet provided another example if the meeting ran very late and you couldn't get a flight out.

Mr. Anderson said he wasn't aware they were compensating Council members on travel only days and does not support paying Council members for travel only days in this budget climate. We are stretched about as thin as we can be stretched from a state perspective trying to meet the needs and the obligations for this process. He has people serving on multiple management teams. After a 33 year practice of not paying compensation on travel days he cannot support changing that, even as it is \$10,000; he will be opposing the motion if it is made.

Mr. Moore moved to approve the report of the Budget Committee (BC) as shown in Agenda Item J.1.b, Supplemental Budget Committee Report and the recommendations contained within. Mr. Steve Williams seconded the motion (Motion 13).

Mr. Wolford clarified, on BC recommendation #3 relating to the payment of stipends, that applies for CY 2009 only, is that correct? Yes, said Mr. Moore.

Mr. Myer stated he shares quite a few of the concerns Mr. Anderson has, given the economic climate we have as a whole nation.

Dr. Coon clarified that the current practice is to pay Council members on days for which there is a meeting requiring their attendance. The MSA allows pay for travel only days (no meeting) if it disrupts the member's schedule along with other stipulations.

For clarification, Mr. Moore asked that if a Council meeting starts on Friday, and a member travels on Thursday to reach the meeting site, is not a member of the BC or LC but attends those meetings to get themselves informed or attends an advisory body meeting, under current policy they are not compensated—is that correct? Dr. Coon answered in the affirmative.

Motion 13 passed (7 yes, 4 no, 1 abstained). Voting no on the Roll Call Vote: Mr. Anderson, Mr. Myer, Mr. Cedergreen, and Ms. Vojkovich. Mr. Lockhart abstained.

## **J.2 Approval of Council Meeting Minutes**

This agenda item was cancelled as the April 2009 minutes were not available for approval.

## **J.3 Membership Appointments and Council Operating Procedures (09/17/09; 10:21 a.m.)**

### **J.3a Agenda Item Overview**

Dr. John Coon provided the agenda item overview. Dr. Coon outlined the appointments that needed to be made for this agenda item.

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

Dr. Coon read Agenda Item J.3.b, Supplemental HC Report and Agenda Item J.3.b, Supplemental SSC Report.

### **J.3.c Public Comment**

None.

**J.3.d Council Action: Appoint New Advisory Body Members, Approve Solicitation for 2010-2012 Advisory Body Appointments, and Consider Changes to Council Operating Procedures as Needed**

Chairman Ortmann stated that after consultation with Council members and within his prerogative as Council Chair, he announces the following committee and interim advisory body appointments:

***Budget Committee:*** Mr. Rod Moore, Myself (Mr. Dave Ortmann), and Mr. Dan Wolford.

***Legislative Committee:*** Mr. Dan Wolford, Mr. Gordy Williams, and Ms. Dorothy Lowman.

***Groundfish Allocation Committee:*** Myself (Mr. Dave Ortmann) as a replacement to the former Council Chair.

***Highly Migratory Species Advisory Subpanel:*** An interim appointment of Mr. Mike Thompson to the southern charter boat position and Dr. William Fox to the conservation position.

***Ad hoc Highly Migratory Species Management Committee:*** Mr. Buzz Brizendine.

***Ad hoc Vessel Monitoring System Committee (VMSC):***

Mr. Robert Alverson (fixed-gear)

Ms. Kathy Fosmark (incidental open access)

Mr. Tony Warrington (California enforcement)

Mr. John Mellor (black cod, open access, central California)

In addition, he proposed the Council pay expenses for Mr. Josh Churchman to attend the October 6 meeting.

In addition to the 4 new members, the existing 10 members on the VMSC are:

Mr. Mark Cedergreen

Mr. Albert Joseph and Mr. Dayna Matthews, NMFS, OLE

Deputy Chief Mike Cenci, WDFW

Mr. Brian Corrigan and LTJG Brittany Steward, USCG

Ms. Becky Renko, NWR

Mr. Marion Larkin (alt. Gary Wintersteen)

Mr. Tom Ghio

Mr. Kenyon Hensel (alt. Mike Zamboni)

Lt. Jeff Samuels, ODFW

Mr. Williams asked that Mr. Mike Banks be added to the VMSC to represent Oregon.

Other Council members expressed concern about the proposed make-up of the committee and what the purpose of the October meeting would be. Dr. McIsaac said the Council's direction in April set why they are meeting in October and the purpose is to deal with the small boat issue.

Mr. Moore suggested that we have the proposed make-up for the October meeting and establish the formal committee later. Mr. Anderson agreed. In summary, the Council Chairman and Dr. McIsaac will

take the input provided by the Council members and consult with Council staff to adjust the membership for the future.

Mr. Williams moved and Mr. Moore seconded a motion (Motion 14) to appoint Mr. Tom Jagielo to the ODFW position on the SSC. Motion 14 passed unanimously.

Mr. Williams moved and Mr. Moore seconded a motion (Motion 15) to appoint LT Jeff Samuels to the Oregon position on the Enforcement Consultants. Motion 15 passed unanimously.

Mr. Anderson moved and Mr. Cedergreen seconded a motion (Motion 16) to appoint Ms. Lorna Wargo to the WDFW position on the Coastal Pelagic Species Management Team (CPSMT). Motion 16 passed unanimously.

Mr. Lockhart moved and Ms. Vojkovich seconded a motion (Motion 17) to appoint Mr. Larrie LaVoy to the Northwest Region (NWR) positions on the STT and Model Evaluation Workgroup. Motion 17 passed unanimously.

Mr. Mallet moved and Mr. Myer seconded a motion (Motion 18) to appoint Mr. Eric Leitzinger to the IDFG position on the Habitat Committee. Motion 18 passed unanimously.

Mr. Rod Moore moved and Mr. Mallet seconded a motion (Motion 19) to amend COP 3 to establish an Ecosystem Plan Development Team (EPDT) of 11 members with the following composition and direct the staff to solicit nominees for consideration at the November Council meeting:

- 4 members drawn from the NW and SW Fishery Science Centers, at least one of which must have socio-economic expertise
- 1 NWR member
- 1 SWR member
- 4 members, one to represent each state
- 1 tribal government member
- 1 National Ocean Service member

Motion 19 passed unanimously.

Mr. Rod Moore moved and Ms. Lowman seconded a motion (Motion 20) to amend COP 2 to establish an Ecosystem Advisory Subpanel (EAS) of 11 members with the following composition and direct the staff to solicit nominees for consideration at the November Council meeting:

- 10 members—composed of 3 at-large members from each coastal state and 1 at-large member from Idaho. These members should be selected to the extent practicable to represent a broad spectrum of the views of the commercial and recreational fishing industry, conservation organizations, and coastal community needs
- 1 tribal fishery member

Mr. Anderson asked about the term “tribal fishery member”; is it specific to a fisherman? Mr. Moore said the tribes would be consulted and appoint tribal interests. He agreed to eliminate the word “fishery” from the member designation in the motion which was agreed to by Ms. Lowman.

Motion 20 passed unanimously with the friendly amendment.

Mr. Rod Moore moved and Mr. Dan Wolford seconded a motion (Motion 21) to direct Council staff to solicit nominations for the 2010-2012 advisory body term using the existing advisory body composition for consideration at the November Council meeting.

Motion 21 passed unanimously.

#### **J.4 Future Council Meeting Agenda and Workload Planning (09/17/09; 11:16 a.m.)**

##### **J.4.a Agenda Item Overview**

Dr. McIsaac provided the agenda item overview. He noted there were three parts to this agenda item: 1) consideration of issues regarding Amendment 20 which might affect the November Council meeting agenda (the low and zero allocation of canary rockfish bycatch to some fishermen); 2) specific planning of the November Council meeting agenda; and 3) some longer term planning.

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

Dr. McIsaac referenced Agenda Item J.4.b, Supplemental NMFS Report which requests Council agenda time for Ms. Monica Medina which has been incorporated into the November Council meeting worksheet.

##### **J.4.c Public Comment**

Mr. Tommy Ancona, Tommy's Marine Service, Fort Bragg, CA—re. canary rockfish bycatch allocation  
Mr. Ralph Brown, trawler, Brookings, OR-- re. canary rockfish bycatch allocation  
Ms. Erika Feller, The Nature Conservancy, San Francisco, CA—re. request for community fishing association amendment to Amendment 20 consideration on the March agenda

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

Dr. McIsaac summarized Agenda Item J.4.a, Supplemental Attachment 3 (November Agenda Worksheet). Following that, the Council returned to the issues involved with Groundfish Amendment 20 that might affect the November Council agenda.

Mr. Anderson stated that he believes they have uncovered an unintended consequence as a result of our action in June relating to the distribution of canary rockfish between individuals and the initial allocation.

Mr. Anderson moved and Mr. Moore seconded the following motion (Motion 22) as contained in Agenda Item J.4.d, Supplemental WDFW Motion:

I move that the Council announce its' intent to consider an amendment to the Amendment 20 motion previously adopted at the June Council meeting relative to the Adaptive Management Program (AMP) at the November Council meeting. The motion to amend would be limited to considering the following:

Starting in year 1 of the trawl rationalization program (TRP), implement a non-pass through Adaptive Management Program (AMP) option for canary rockfish as follows: for the first two years of the TRP, distribute the AMP quota pounds of canary rockfish in a manner that ensures that each initial recipient of shoreside non-whiting quota share receives a minimum of 50 pounds of canary rockfish. (Note: Only AMP quota pounds would be deposited into vessel accounts; AMP quota shares would remain held in reserve by the National Marine Fisheries Service.) The remaining AMP quota pounds for canary, if any, would be distributed to the rest of the fleet, pro rata to the amount of canary they receive through the initial allocation. After the first two years of the TRP, the distribution of canary rockfish AMP quota pounds would be reevaluated by the Council and considered along with the other proposals for usage of the AMP quota pounds.

Implementation criteria would include:

- Initial recipients of non-whiting quota share that receive less than 50 pounds of canary rockfish through the Council-adopted initial allocation methodology for overfished species would receive only the additional quota pounds needed to meet the 50 pound minimum.
- If there are insufficient AMP quota pounds of canary rockfish to bring each recipient of non-whiting initial quota share up to 50 pounds, the minimum poundage will be reduced to an amount that correlates with the AMP poundage available.
- Quota share holders should not assume that the distribution of AMP canary pounds will continue in this manner beyond the first two years of the TRP.

There was discussion to make sure this motion, if passed, was not deviating from the June Council action, but rather establishing an exception in the two pools described above.

Mr. Anderson stated it was clear from the public comment we have received that this issue needs to be on the Council agenda in November. He was specific in his motion to set sideboards so that it was clear what was being reconsidered and not to expand to other issues. He noted there would be two pools of AMP canary—one to bring those with quotas less than 50 pounds up to 50 pounds and a separate pool for those who already had at least 50 pounds initially. You would have to be in one pool or the other, not in both pools. Conceivably, all of the AMP pounds could be used to achieve the 50 pound minimum.

Several Council members spoke in favor of the motion and none spoke against it.

Dr. Dave Hansen clarified that this is a motion to consider something previously adopted (not a reconsideration).

Council members expressed concern that if a different number other than 50 pounds was desired in November, would that delay the program? Staff felt it could. It would also be difficult to try to analyze more than one number in time for the November meeting.

Motion 22 passed unanimously.

Dr. McIsaac proceeded to discuss the planning for the November Council meeting agenda. He noted the items shown in Supplemental Attachment 3 totaled 55 hours compared to 48 hours in 6, 8 hour days.

Council members made several suggestions for reducing agenda items which included delaying the halibut bycatch allocation issues, sardine allocation, and Amendment 20 trailing amendment consideration.

From the Council input Dr. McIsaac summarized that he would combine two of the HMS agenda items (NMFS Report and the albacore paper) and postpone the swordfish item; postpone the report of the Olympic Coast National Marine Sanctuary and Council input on the Marine Sanctuary Registry; postpone two of the salmon agenda items (Mitchell Act and tule Chinook analysis); postpone the halibut bycatch allocation consideration; eliminate sardine allocation consideration; postpone the community fishing association consideration; and eliminate the Legislative Committee meeting and report.

Finally, Dr. McIsaac presented some proposals and asked for input on structuring Council meetings, including which days of the week the Council would prefer to meet. As a principle, he indicated his meeting planning would try to impact only one weekend (including travel days); end by mid-day on the last day; have advisory body meetings in advance of the Council meeting; start travel days for the main Council session on Monday; avoid evening sessions; and for shorter meetings, move back toward the Monday through Friday schedule. These changes could not be implemented until June 2011, since up to that point contracts have already been signed.

Mr. Lockhart indicated that he would like to move toward a Monday through Friday schedule. Mr. Steve Williams agreed, but noted that longer meetings seem to be necessary and he is comfortable with what we are currently doing. Mr. Anderson noted his preference is to travel on Sunday and complete business by Friday and that we need to be able to say “no” to filling more days of work. Ms. Vojkovich agreed about saying “no” and expressed concern with the longer meeting times required of the teams. Other Council members provided various ideas.

Dr. McIsaac noted that he heard loud and clear that the Council would like to go back to a shorter working week (4 day meeting) and that breaking things in the middle of the week is not desirable. He noted there were several competing desires expressed by Council Members.

Mr. Anderson asked if anyone had a problem with the old model of traveling on Sunday and meeting Monday through Friday. There was some agreement to this type of scheduling.

Mr. Lockhart suggested that if we continue to start on Friday that we have the Budget Committee and Chairman’s briefings later in the day so that travel could start at a more reasonable hour.

ADJOURN

The Pacific Fishery Management Council meeting adjourned at 12:49 p.m., on Thursday, September 17, 2009.



---

Council Chairman

September 16, 2010

---

Date